Appointment

From: Schwab, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]
Sent: 11/2/2017 4:09:35 PM
To: Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Richards, Jeff [Robert.Richards@pacificorp.com]; Allen, Melanie [Melanie.Allen@pacificorp.com]; BRawson@rqn.com; Greenglass, Nora [Greenglass.Nora@epa.gov]
CC: Dominguez, Alexander [dominguez.alexander@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; McKay, Megan [Megan.McKay@pacificorp.com]; Woollums, Cathy S [CSWoollums@berkshirehathawayenergyco.com]; Lawson, Bill [Bill.Lawson@pacificorp.com]

Subject: Utah Regional Haze
Location: 4020 WJC

Start: 11/3/2017 9:00:00 PM
End: 11/3/2017 9:30:00 PM
Show Time As: Busy

To: Schwab, Justin; Gunasekara, Mandy; Richards, Jeff; Allen, Melanie; BRawson@rqn.com; Greenglass, Nora
Cc: Dominguez, Alexander; Patrick, Monique; McKay, Megan; Woollums, Cathy S; Lawson, Bill
Subject: Utah Regional Haze

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/9/2017 4:00:16 PM
To: Berry Steve [steve.berry@volvo.com]; Motley, Judy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Motley, Judy]
CC: Miller Jonathan [jonathan.miller@volvo.com]
Subject: RE: Meeting with Volvo Group, Cummins and Navistar

Steve,

We are confirmed for Monday, October 16th at 11:00AM.

Location: 1200 Pennsylvania Avenue, NW.

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station.
https://www.epa.gov/sites/production/files/2013-08/federaltrianglemap5.jpg

EPA Contact: For an escort from Security to the meeting call 202-578-5985 or 202-564-3164.

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Berry Steve [mailto:steve.berry@volvo.com]
Sent: Saturday, October 7, 2017 10:49 AM
To: Motley, Judy ; Dominguez, Alexander
Cc: Miller Jonathan
Subject: RE: Meeting with Volvo Group, Cummins and Navistar

Hello Judy and Alex
Please let us confirm for October 16th, at 11:00am at EPA offices in DC.
I'll see that you send the list of attendees later this week.
Thank you for these arrangements,
Steve Berry

Steve Berry
Volvo Group Trucks Product Planning
2900 K St NW
House of Sweden, Suite 401
Washington, DC 20007
Office 202-536-1557
Cell: 301-660-0037
steve.berry@volvo.com

From: Berry Steve
Sent: Friday, October 06, 2017 3:37 PM
To: 'Motley, Judy'; Dominguez, Alexander
Subject: RE: Meeting with Volvo Group, Cummins and Navistar

We're looking pretty firm on the 16th at 11:00. I leave it up to you and Alex to set the meeting room.
I'll see that you get the list of attendees.
Thank you for these arrangements,
Steve B

From: Motley, Judy [mailto:motley.judy@epa.gov]
Sent: Friday, October 06, 2017 3:33 PM
To: Berry Steve; Dominguez, Alexander
Subject: RE: Meeting with Volvo Group, Cummins and Navistar

Thank you. Please let me know which date and time and I will schedule on Erik's calendar. Also will you be meeting here at OGC? Also, I will need to give a list of all non-government ID'd. guests attending to the guards.

Judy Motley
Program Assistant
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Ave., NW, Washington, DC 20004
202-564-2917

From: Berry Steve [mailto:steve.berry@volvo.com]
Sent: Friday, October 6, 2017 3:04 PM
To: Motley, Judy <motley.judy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Meeting with Volvo Group, Cummins and Navistar

Thank you. We're confirming on our side.
Steve Berry

From: Motley, Judy [mailto:motley.judy@epa.gov]
Sent: Friday, October 06, 2017 3:02 PM
To: Dominguez, Alexander; Berry Steve
Subject: RE: Meeting with Volvo Group, Cummins and Navistar

Both dates and times are currently open for Erik.

Judy Motley
Program Assistant
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Ave., NW, Washington, DC 20004
202-564-2917

From: Dominguez, Alexander
Sent: Friday, October 6, 2017 1:04 PM
To: Berry Steve <steve.berry@volvo.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Motley, Judy <motley.judy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: RE: Meeting with Volvo Group, Cummins and Navistar

Steve,

Would you be able to do Friday, October 13th at 4:30 or Monday, October 16th at 11:00?

Best,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Baptist, Erik
Sent: Friday, October 6, 2017 12:11 PM
To: Berry Steve <steve.berry@volvo.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Motley, Judy <motley.judy@epa.gov>
Subject: Re: Meeting with Volvo Group, Cummins and Navistar

Hi Steve,

I just received your voicemail. Please coordinate with Judy Motley and Alex Dominguez (both copied) to see if our schedules can accommodate the proposed dates below.

Best,
Erik

Sent from my iPhone

On Oct 3, 2017, at 1:45 PM, Berry Steve <steve.berry@volvo.com> wrote:

> Hello Erik and Mandy,
>
> It was good to meet with both of you last week during our meeting with Administrator Pruitt.
>
> As I discussed with you post-meeting, Erik, the Volvo Group, Cummins and Navistar legal representatives would like to have an opportunity to meet with you to discuss what we believe to be strong legal arguments that EPA has not only the authority, but the *obligation* to regulate **glider vehicles**.
>
> We can also discuss business impacts and emissions impacts with respect to gliders, so it would be great if you could be available for the meeting as well, Mandy.
>
> If you agree, we'd like to inquire as to you availability for a meeting in EPA Washington offices on either Oct 12, 13, 15, or 16. Please send us some date/time proposals to consider.
>
> Thanks very much, and we look forward to a productive discussion.
> Steve Berry
>
> ---
>
> **Steve Berry**
> Volvo Group Trucks Product Planning
>
> 2900 K St NW
> House of Sweden, Suite 401
> Washington, DC 20007
> Office 202-536-1557

Cell. 301-660-0037
steve.berry@volvo.com

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Appointment

From: Eileen McDonough [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=USER1E2E2748]
Sent: 8/31/2017 9:31:01 PM
To: Eileen McDonough [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user1e2e2748]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Minoli, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9c0070d651a4625ac20258369f9b050-KMINOLI]; Michael Soules [msoules@earthjustice.org]; Khushi Desai [kdesai@earthjustice.org]; David Baron [dbaron@earthjustice.org]; skodish@npca.org; elena.saxonhouse@sierraclub.org; joshua.smith@sierraclub.org; Srinivasan, Gautam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d69332838210416ba51779b19025f832-GSRINIVA]; Anderson, Lea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8317edf62f74e67bcf42adbdf7785e9-LANDER03]; Marks, Matthew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=66cf58c470d84403af7d7dfd7efc8016-Marks, Matthew]
CC: Purdy, Angeline (ENRD) [Angeline.Purdy@usdoj.gov]; Talbert, Stephanie (ENRD) [Stephanie.Talbert@usdoj.gov]; MG (megerhart@gmail.com) [megerhart@gmail.com]

Subject: FW: Regional haze deadline and Hurricane Harvey
Location: call in Personal Phone / Ex. 6 code Personal Phone / Ex. 6

Start: 9/1/2017 2:00:00 PM
End: 9/1/2017 3:00:00 PM
Show Time As: Busy

To: Eileen McDonough; Gunasekara, Mandy; Schwab, Justin; Minoli, Kevin; Michael Soules; Khushi Desai; David Baron; skodish@npca.org; elena.saxonhouse@sierraclub.org; joshua.smith@sierraclub.org; Srinivasan, Gautam; Anderson, Lea; Marks, Matthew
Cc: Purdy, Angeline (ENRD); Talbert, Stephanie (ENRD); MG (megerhart@gmail.com)

Subject: extension of EPA's Sept. 9, 2017 deadlines in Sierra Club v. Pruitt and NPCA v. Pruitt

Appointment

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 7/31/2017 5:16:56 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [bolen.brittany@epa.gov]; Dravis, Samantha [dravis.samantha@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Campbell, Abigail [abigail.campbell@siemens.com]; Reicherts, Elizabeth [elizabeth.reicherts@siemens.com]
CC: mark.kuzdzal@siemens.com; Veiga, Candido [candido.veiga@siemens.com]; ROSKILLY Jr, Paul [paul.roskilly@siemens.com]

Subject: Meeting Siemens/EPA (re: expansion of advance technology)
Location: Location: 1200 Pennsylvania Avenue, NW (North) - Room 3528 WJCN Confrence Line: Personal Phone / Ex. 6 Code: Personal Phone / Ex. 6 Personal Phone / Ex. 6

Start: 8/2/2017 6:00:00 PM
End: 8/2/2017 7:00:00 PM
Show Time As: Busy

Location: 1200 Pennsylvania Avenue, NW (North) - Room 3528 WJCN

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station.

EPA Contact: For an escort from Security to the meeting call 202-578-5985

Appointment

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 7/6/2017 4:45:52 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]; Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; McGrath, William J. [wmcgrath@bhfs.com]
CC: Johnson, Luke D. [LDJohnson@BHFS.com]

Subject: Meeting - WPX Energy
Location: 1200 Pennsylvania Avenue, NW (North) - Room 3528 WJCN

Start: 7/26/2017 4:00:00 PM
End: 7/26/2017 4:30:00 PM
Show Time As: Busy

Location: 1200 Pennsylvania Avenue, NW (North) - Room 3528 WJCN

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station.

EPA Contact: For an escort from Security to the meeting call 202-564-1016 or 202-578-5985

Appointment

From: Dravis, Samantha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECE53F0610054E669D9DFFE0B3A842DF-DRAVIS, SAM]
Sent: 7/12/2017 7:53:54 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Bolen, Brittany [bolen.brittany@epa.gov]; Audrey.F.Stutchman@conocophillips.com; Inge, Carolyn [Inge.Carolyn@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Kevin.J.Avery@conocophillips.com; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander [dominguez.alexander@epa.gov]
CC: Thomas, Brad C [Brad.C.Thomas@conocophillips.com]; Wulf, David T [David.T.Wulf@conocophillips.com]

Subject: Scott Jepsen Vice President of External Affairs for ConocoPhillips Alaska - Call: Personal Phone / Ex. 6 Extension: Personal Phone / Ex. 6 Participant Code: Personal Phone / Ex. 6
Location: DCRoomARN3500/GFET

Start: 7/19/2017 6:00:00 PM
End: 7/19/2017 6:30:00 PM
Show Time As: Busy

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station. Please arrive 10 minutes prior to the meeting with photo IDs to clear Security.

EPA Contact: For an escort from Security to the meeting call (202) 564-4332; for all other matters call Robin Kime (202)564-6587.

Request: Scott Jepsen will be in town to testify before the House Energy and Minerals Subcommittee on Tuesday and I wanted to bring him in to discuss the Small Remote Incinerators issue. We have talked a little about this previously and we wanted to follow up. Scott is Vice President of External Affairs for ConocoPhillips Alaska and has been with the company for a very long time. We would welcome the opportunity to meeting with you.

Attendees:

In the room:
Kevin Avery, Federal Government Affairs
Kjersten Drager, Federal Government Affairs
Scott Jepsen, V.P. External Affairs, Alaska

On phone (Alaska):
David Wulf, Manager, Health, Safety and Environment
Brad Thomas, New Development Coordinator
Jon Goltz, Counsel, Alaska (tentative)

Contact: Kevin J. Avery

Manager, Federal Government Affairs

ConocoPhillips

325 7th Street, N.W., 12th Floor

Washington, D.C. 20004

202-833-0914 (Direct)

202-304-0467 (Mobile)

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 9/18/2017 5:20:58 PM
To: 'Fitzmaurice, Sarah (CWDC)' [Sarah.Fitzmaurice@smiths.com]
CC: 'Ceglia, Lisa (CWDC)' [Lisa.Ceglia@smiths.com]; 'Swonger, Chris (CWDC)' [chris.swonger@smiths.com]
Subject: RE: Meeting request

Thank you Sarah. I believe that covers everything. If you need anything from me, don't hesitate to reach out. Looking forward to seeing you all.

Alex

From: Fitzmaurice, Sarah (CWDC) [mailto:Sarah.Fitzmaurice@smiths.com]
Sent: Monday, September 18, 2017 1:14 PM
To: Dominguez, Alexander
Cc: Ceglia, Lisa (CWDC) ; Swonger, Chris (CWDC)
Subject: FW: Meeting request

Hi Alexander,

The following will be in attendance at the meeting on September 27th at 12noon. Let us know if you need anything else. Thank you!

John Donatiello, VP, Global End Users, John Crane
Chris Swonger, SVP Global Government Relations, Smiths Group
Lisa Ceglia, VP Government Relations, Smiths Group

Sarah Fitzmaurice
Manager Services and Programs
Government Relations
Smiths Group
425 Third Street, SW, Ste. 875
Washington, DC 20024
Phone: 202-777-8448
Cell: 571-225-1907

From: Ceglia, Lisa (CWDC)
Sent: Monday, September 18, 2017 12:40 PM
To: Swonger, Chris (CWDC) <chris.swonger@smiths.com>; Fitzmaurice, Sarah (CWDC) <Sarah.Fitzmaurice@smiths.com>
Subject: Fwd: Meeting request

Sarah, could you send alexander our attendee info? Thank you!!

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Dominguez, Alexander" <dominguez.alexander@epa.gov>
Date: 9/18/17 12:28 PM (GMT-05:00)
To: "Ceglia, Lisa (CWDC)" <Lisa.Ceglia@smiths.com>
Cc: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Subject: RE: Meeting request

Lisa - Would 12:00PM on Wednesday the 27th work for you all? Additionally, if I can just get the list of attendees for security that would be great.

Best,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Gunasekara, Mandy
Sent: Monday, September 18, 2017 10:18 AM
To: Ceglia, Lisa (CWDC) <Lisa.Ceglia@smiths.com>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Meeting request

Alex, can you help organize the logistics for this meeting please?

From: Ceglia, Lisa (CWDC) [mailto:Lisa.Ceglia@smiths.com]
Sent: Monday, September 18, 2017 9:38 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Meeting request

Good morning, greetings from Myrtle Beach. I had to come recover after witnessing yet another awful Bills game. Hope y'all had a great weekend. Just wanted to check in if you had a time that would work on the 27th? We currently have a few requests pending, but wanted to work around you. Our only conflict as of now is at 2:00.

Thanks again for agreeing to do this. See you next week.

Lisa

PS- Troy, Baltimore D got me 20 fantasy points- wahoo!

Sent from my iPad

On Sep 11, 2017, at 4:28 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> Troy - you are still very special.

Lisa! I can't wait to catch up and look forward to the discussion with John.

From: Lyons, Troy
Sent: Monday, September 11, 2017 4:20 PM
To: Ceglia, Lisa (CWDC) <Lisa.Ceglia@smiths.com>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Meeting request

Here I thought I was special..

From: Ceglia, Lisa (CWDC) [mailto:Lisa.Ceglia@smiths.com]
Sent: Monday, September 11, 2017 3:27 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Meeting request

Hi Mandy-Ryan speaks the truth ☺. Hope you are well. Let me know the best times for you all and we'll get it on the schedule.

Thanks so much!

Lisa

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Monday, September 11, 2017 3:24 PM
To: Ceglia, Lisa (CWDC) <Lisa.Ceglia@smiths.com>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Meeting request

We would be happy to. I'll include Mandy your other actual favorite person to contribute too. We'll figure out the best time.

From: Ceglia, Lisa (CWDC) [mailto:Lisa.Ceglia@smiths.com]
Sent: Monday, September 11, 2017 3:07 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Meeting request

Hello!!! If it isn't two of my favorite people, EVER. Now that I've adequately flattered you..

John Crane, our oil and gas supplier division, is bring John Donatiello, VP of Global products to town September 27th. John has never really done the DC meeting tour with us and we would like to take him to all the places of interest. Of course, I thought of you both. Would you have time on the 27th to discuss the Methane re-proposal and the future of other rules and regulations you see coming? Really, just any issues you think he may find fascinating.

I included the link to John Crane below. We are the manufacturer of mechanical seals, suppling sealing device technology to oil and gas, chemical, water and other facilities.

https://www.johncrane.com/

Happy to discuss in further detail prior to the meeting. Please let me know a time that will work for you and we will do our best to accommodate.

Thank you, thank you!

Lisa

Lisa M. Ceglia
Vice President
Government Relations
Smiths Group
425 Third Street, SW, Ste. 875
Washington, DC 20024
Phone: 202-777-8453
Cell: 716-863-7996

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Appointment

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 7/21/2017 2:20:00 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Kime, Robin [Kime.Robin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Dravis, Samantha [dravis.samantha@epa.gov]; Susan Butler [sbutler@capitolresourcesllc.com]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]
CC: Johnson Koch, LeAnn M. (Perkins Coie) [LeAnnJohnson@perkinscoie.com]; Hughes, Krista (Perkins Coie) [KHughes@perkinscoie.com]

Subject: Small Refineries
Attachments: houseFY18e&wreportlanguage.pdf
Location: 1200 Pennsylvania Avenue, NW (North) - Room 1332 WJCN

Start: 8/15/2017 2:00:00 PM
End: 8/15/2017 3:00:00 PM
Show Time As: Busy

Location: 1200 Pennsylvania Avenue, NW (North) - Room 1332 WJCN

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station.

EPA Contact: For an escort from Security to the meeting call 202-564-1016 or 202-578-5985

Attendees:
To follow

Contact:
Susan Butler
Capitol Resources LLC
915 Prince Street
Alexandria, VA 22314
(703)739-5860 (office)
(703)298-2826 (cell)

Message

From: David Jory [djory@capitolhillcg.com]
Sent: 9/27/2017 1:39:35 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Ryan Cunius [rcunius@capitolhillcg.com]; Patterson, Ashley [apatterson@ameresco.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Ameresco Meeting Request

Thank you very much. Looking forward to seeing Mandy and you next week. Best, David Jory

David C. Jory
Capitol Hill Consulting
202 236 5731

On Sep 27, 2017, at 8:21 AM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

> Apologies – resending as we apparently had an issue with our server this morning.
>
> **From:** Dominguez, Alexander
> **Sent:** Wednesday, September 27, 2017 8:02 AM
> **To:** 'Ryan Cunius' <rcunius@capitolhillcg.com>
> **Cc:** David Jory <djory@capitolhillcg.com>; Patterson, Ashley <apatterson@ameresco.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> **Subject:** RE: Ameresco Meeting Request
> Thank you for the quick response and the information.
> We are confirmed for Thursday, October 5th at 3:00PM.
> Location: 1200 Pennsylvania Avenue, NW.
> Directions: Please use the William Jefferson Clinton **North Entrance** located on your right as you exit the Federal Triangle Metro Station.
> https://www.epa.gov/sites/production/files/2013-08/federaltrianglemap5.jpg
> EPA Contact: For an escort from Security to the meeting call me at 202-578-5985 or 202-564-3164
> Looking forward to it and please let me know if you need anything in the meantime.
> Best,
> Alex
> **Alex Dominguez**
> *Policy Analyst to the Senior Advisors to*
> *the Administrator for Air and Water*
> U.S. Environmental Protection Agency
>
> **From:** Ryan Cunius [mailto:rcunius@capitolhillcg.com]
> **Sent:** Tuesday, September 26, 2017 6:01 PM
> **To:** Dominguez, Alexander <dominguez.alexander@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> **Cc:** David Jory <djory@capitolhillcg.com>; Patterson, Ashley <apatterson@ameresco.com>
> **Subject:** RE: Ameresco Meeting Request
> Alex,
> 3:00 pm works for us.
> Attendees will be:
> - <!--[if !supportLists]--><!--[endif]-->Ashley Patterson, Vice President, Government Relations & Public Policy, Ameresco

- <!--[if !supportLists]--><!--[endif]-->David A. Cox, Director of Operations & General Counsel, Renewable Natural Gas Coalition
- <!--[if !supportLists]--><!--[endif]-->David Jory, President, Capitol Hill Consulting Group.

Topics to be discussed:

- <!--[if !supportLists]--><!--[endif]-->On July 5, EPA issued its 2018 draft rule Renewable Volume Obligation (RVO) for the Renewable Fuel Standard (RFS). The draft rule includes a 2018 RVO of 238 million gallons for Cellulosic Biofuel (D3 & D7 RINS).
- <!--[if !supportLists]--><!--[endif]-->The Coalition for Renewable Natural Gas (RNG Coalition) is a non-profit association of companies and organizations dedicated to the advancement of renewable natural gas. Ameresco is a member of the RNG Coalition and is a leading producer of cellulosic biofuel under the RFS generating D3 RINs.
- <!--[if !supportLists]--><!--[endif]-->Renewable Natural Gas has supplied 98% of the RFS's Cellulosic Biofuel market since it received the D3 RIN designation in July 2014.

Materials are attached to the email.
Let me know if you need anything else.
Best,
Ryan

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Tuesday, September 26, 2017 5:24 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Ryan Cunius <rcunius@capitolhillcg.com>
Cc: David Jory <djory@capitolhillcg.com>; Patterson, Ashley <apatterson@ameresco.com>
Subject: RE: Ameresco Meeting Request
Hey Ryan,
Happy to set something up. Could you do 3:00 or 3:30 on Thursday, October 5th?
Additionally, I need a few pieces of information from you:
- List of attendees
- Description of topics to be discussed.
- Any relevant materials.

Best,
Alex
Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Gunasekara, Mandy
Sent: Tuesday, September 26, 2017 7:55 AM
To: Ryan Cunius <rcunius@capitolhillcg.com>
Cc: David Jory <djory@capitolhillcg.com>; Patterson, Ashley <apatterson@ameresco.com>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Ameresco Meeting Request

Hi Ryan,
I'd be happy to meet. I've CC'd Alex who can help figure out the logistics on my end.
Best,
Mandy

Sent from my iPhone

On Sep 25, 2017, at 5:22 PM, Ryan Cunius <rcunius@capitolhillcg.com> wrote:

> Mandy,
> My boss, David Jory, President of Capitol Hill Consulting Group, would like to request a meeting with you on behalf of Ameresco. They would like to discuss the 2018 RVO with

you and will have the chief counsel of the Renewable Natural Gas Coalition in town to join the discussion as well. We are looking to meet on October 4th or 5th. Hope to hear back from you soon!

Best,

Ryan Cunius
Legislative Assistant
Capitol Hill Consulting Group
Government Relations Professionals
499 S. Capitol Street, SW
Suite 608
Washington, DC 20003
Cell: (813) 713-5062
Office: (202) 488-0101
Web: capitolhillcg.com

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 9/27/2017 12:48:39 PM
To: 'Stephen Fotis' [scf@vnf.com]
CC: 'Janet Anderson' [jma@vnf.com]
Subject: RE: LPPC Follow-up on Addressing LPPC Envrionmental Task Force on Tuesday October 24

10AM call on October 16th and the 10AM time slot on the 24th both work great.

Please use the below conference line for the call:

Conference Line: Personal Phone / Ex. 6
Passcode: Personal Phone / Ex. 6

Anything else in the meantime don't hesitate to reach out.

Best,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Stephen Fotis [mailto:scf@vnf.com]
Sent: Tuesday, September 26, 2017 3:25 PM
To: Dominguez, Alexander
Cc: Gunasekara, Mandy ; Janet Anderson
Subject: RE: LPPC Follow-up on Addressing LPPC Envrionmental Task Force on Tuesday October 24

Alex - I would propose a 10 AM time slot for Mandy on October 24th. We can flexible on the timing if Mandy needs to adjust now or in the future. Talking in advance prior to the meeting is a great idea. I would propose anytime on Monday, October 16 at or after 10 AM.
Janet Anderson of our firm, who is copied on this email, would be joining me on this call.
Many thanks for your assistance! It is incredibly helpful and very much appreciated.
Stephen

Stephen Fotis
Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

This communication may contain information and/or metadata that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please do not read or review the content and/or metadata and do not disseminate, distribute or copy this communication. Anyone who receives this message in error should notify the sender immediately by telephone (202-298-1800) or by return e-mail and delete it from his or her computer.

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Tuesday, September 26, 2017 12:41 PM
To: Stephen Fotis
Cc: Gunasekara, Mandy
Subject: RE: LPPC Follow-up on Addressing LPPC Envrionmental Task Force on Tuesday October 24

Stephen,

Likewise, appreciate the call today and thank you for being flexible with the subject matter. I confirmed with Mandy and she is happy to speak on Tuesday, October 24th and a morning time would work as well - I've put a hold on her calendar so all set there. Aside from the agenda, if you could please let me know when you get a time pinned down. Lastly, if we could set up a brief call with Mandy and anyone else you think necessary from your end either the week of October 9th or the 16th we can go over any final details as she prepares. Looping in Mandy just so she is aware of our discussion.

Looking forward to it and anything else just let me know.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Stephen Fotis [mailto:scf@vnf.com]
Sent: Tuesday, September 26, 2017 12:04 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: FW: LPPC Follow-up on Addressing LPPC Envrionmental Task Force on Tuesday October 24

Alex - Thanks for following up on the LPPC meeting on Tuesday, October 24. I have revised Mandy's agenda topic from focusing only on the CPP, to something more general. Right now the title of the topic is the "Pruitt EPA's Priorities and Activities on Key Air and Climate Regulatory Issues." We can further refine the topic title to accommodate Mandy. I will send a draft agenda of our meeting once it is ready for distribution.

Please let me know if you have questions.

Stephen

Stephen Fotis
Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Stephen Fotis
Sent: Friday, September 22, 2017 10:50 AM
To: 'Gunasekara, Mandy (Gunasekara.Mandy@epa.gov)'; 'bolen.brittany@epa.gov'

Cc: 'John Di Stasio (john@lppc.org)'; Janet Anderson; 'Dominguez, Alexander'
Subject: RE: LPPC Follow-up on Addressing LPPC Envrionmental Task Force on Tuesday October 24

Mandy and Brittany - I'm following up on our request for you to address the LPPC Environmental Task Force at our upcoming meeting in WDC on Tuesday, October 24. As we discussed during our meeting in late August, LPPC can be a valuable resource for you and the Agency in providing useful policy and technical guidance on key environmental regulatory issues. One area where we'd like to work collaboratively with the Agency is in the development of a possible replacement rule to the Clean Power Plan. To that end, we would like to have one of you, or your staff, to address the members of the LPPC Environmental Task Force on the possibility of the Agency adopting a CPP replacement rule. We would propose to keep the format very informal, whereby you would make a few brief opening remarks and then answer questions that task force members may have. We also would propose to schedule something in the morning of October 24, but can be very flexible on the time in order to accommodate your schedules.
Many thanks,
Stephen

Stephen Fotis
Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

This communication may contain information and/or metadata that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please do not read or review the content and/or metadata and do not disseminate, distribute or copy this communication. Anyone who receives this message in error should notify the sender immediately by telephone (202-298-1800) or by return e-mail and delete it from his or her computer.

From: Stephen Fotis
Sent: Wednesday, August 23, 2017 10:11 AM
To: Gunasekara, Mandy (Gunasekara.Mandy@epa.gov); bolen.brittany@epa.gov
Cc: John Di Stasio (john@lppc.org); Janet Anderson; Citta, Joe
Subject: LPPC Follow-up

Mandy and Brittany,
I want to thank both of you for making time on Monday to meet with John Di Stasio, Janet Anderson, and me regarding the Large Public Power Counsel (LPPC). We believe that LPPC can be a valuable resource for you and EPA in providing useful policy and technical guidance on key environmental regulatory issues. As discussed during our meeting, our mission is not to rehash past legal or policy issues, but rather to work collaboratively with you and your staff to ensure the effectiveness and workability of the regulatory proposals that the agency is advancing. To that end, I will be sending shortly to you by a separate email a short briefing paper on some of the air regulatory barriers to the electrification of the transportation sector under the Clean Air Act. We hope that this may be one area where we might be able to work together with you and your staff. In addition, we would like to get Tuesday, October 24 on your calendar. As we discussed during our meeting, the LPPC Environmental Task Force is meeting in WDC on this day and we would love for you (or other appropriate EPA person) to address the task force. We can be very flexible on timing as well as what you'd like to discuss - although I suspect a discussion on the CPP replacement rule may turn out to be very timely.
Best regards,
Stephen

Stephen Fotis
Partner
Van Ness Feldman LLP

scf@vnf.com
(202) 298-1908

This communication may contain information and/or metadata that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please do not read or review the content and/or metadata and do not disseminate, distribute or copy this communication. Anyone who receives this message in error should notify the sender immediately by telephone (202-298-1800) or by return e-mail and delete it from his or her computer.

Appointment

From: Washington, Valerie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9D031C02CE3A416DAD0D421EE998D5A3-VWASHING]
Sent: 5/11/2017 4:31:20 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; 'dmarston@totalspectrumsga.com' [dmarston@totalspectrumsga.com]
CC: Andy Ehrlich [aehrlich@totalspectrumsga.com]

Subject: RFS w/Andy Ehrlich
Location: 1200 Pennsylvania Avenue, NW (North) Please call Personal Phone / Ex. 6 for escort 3500

Start: 5/15/2017 3:30:00 PM
End: 5/15/2017 4:30:00 PM
Show Time As: Busy

Appointment

From: Dravis, Samantha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECE53F0610054E669D9DFFE0B3A842DF-DRAVIS, SAM]
Sent: 4/6/2017 12:28:56 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [bolen.brittany@epa.gov]; mferaci@playmakerstrategies.com; lschafer@playmakerstrategies.com
CC: Irving, Verna [Irving.Verna@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]; Larry Schafer [lschafer@dcdiamondgroup.com]

Subject: Meeting with Larry Schafer - Biodiesel CEOs to Discuss RFS
Location: DCRoomARN3500/OPEI

Start: 4/13/2017 5:00:00 PM
End: 4/13/2017 5:30:00 PM
Show Time As: Busy

Topic: Meeting with Larry Schafer - Biodiesel CEOs to Discuss RFS
Date: 4/13
Time: 1:00 – 1:30
Location: 3500 WJCN (4 attendees)

Attendees:

1. Gene Gebolys, CEO World Energy - 230 million gallons of biodiesel production
2. Jonathan Phillips, COO and General Counsel at Renewable Biofuels, Inc. – 175 million gallons of biodiesel production
3. Scott Lewis, Executive Vice President, Commercial Operations + Strategy - 110 million gallons of biodiesel production
4. Manning Feraci, President Playmaker Strategies
5. Anne Steckel, Vice President of Federal Affairs, National Biodiesel Board
6. Larry Schafer, CEO Playmaker Strategies

Contact:
Larry Schafer
Principal
Playmaker Strategies, LLC
750 Ninth St., NW, Suite 650
Washington, DC 20001
Phone: (202)997-8072
Email: Lschafer@PlaymakerStrategies.com
Www: www.playmakerstrategies.com

From: Larry Schafer [mailto:lschafer@playmakerstrategies.com]
Sent: Wednesday, April 5, 2017 5:22 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Manning Feraci <mferaci@playmakerstrategies.com>
Subject: Follow up -- Request for Meeting - Biodiesel

Brittany,

Hope you are well.

Trying to set up a meeting with your team for next week on biodiesel issues related to the RFS.

Any chance we can catch up with your team for a few minutes on Thursday the 13th or Friday the 14th?

I will have at least three biodiesel CEO's in town at that time and would like to stop by for a short introduction.

Very much appreciated.

Thank you.

==========

<< OLE Object: Picture (Device Independent Bitmap) >>

Larry Schafer
Principal
Playmaker Strategies, LLC
750 Ninth St., NW, Suite 650
Washington, DC 20001
Phone: (202)997-8072
Email: Lschafer@PlaymakerStrategies.com
Www: www.playmakerstrategies.com

==========

From: Larry Schafer [mailto:lschafer@playmakerstrategies.com]
Sent: Tuesday, April 04, 2017 2:39 PM
To: 'jackson.ryan@epa.gov'
Cc: 'Manning Feraci - Playmaker Strategies (mferaci@playmakerstrategies.com)'
Subject: Follow up -- Request for Meeting - Biodiesel

Ryan,

This is a follow up from last week and clearly you are extremely busy.

Is there any chance we could meet with you or someone on your team to discuss biodiesel issues and the renewable fuels program.

We will be brief and precise -- we would like an opportunity to visit about the upcoming rulemaking process.

Thank you.

==========

<< OLE Object: Picture (Device Independent Bitmap) >>
Larry Schafer
Principal
Playmaker Strategies, LLC
750 Ninth St., NW, Suite 650
Washington, DC 20001
Phone: (202)997-8072
Email: Lschafer@PlaymakerStrategies.com
Www: www.playmakerstrategies.com

==========

From: Larry Schafer [mailto:lschafer@playmakerstrategies.com]
Sent: Wednesday, March 29, 2017 5:15 PM
To: 'jackson.ryan@epa.gov'
Cc: Manning Feraci - Playmaker Strategies (mferaci@playmakerstrategies.com)
Subject: Request for Meeting - Biodiesel

Ryan,

Larry Schafer here with Playmaker Strategies, we represent a handful of companies that produce over 300 million gallons of biodiesel.

Our clients, Gene Gebolys from World Energy and Scott Lewis from Biox will be in Washington DC on Thursday, April 13 and Friday, April 14.

Mr. Gebolys and Mr. Lewis run well-established biodiesel companies -- combined these two companies have plants in five states and Canada (Texas, Mississippi, Georgia, Pennsylvania, Massachusetts and Ontario)

We would like to bring them by for a short meeting to discuss the 2018 Renewable Fuels Standards (RFS) and specifically the Advanced Biofuels part of that program.

Might you have a few minutes to meet on either of those days?

Please let us know. Thank you.

We can be reached by email at Lschafer@playmakerstrategies.com or telephone at 202.997.8072.

==========

Larry Schafer
Principal

Playmaker Strategies, LLC
750 Ninth St., NW, Suite 650
Washington, DC 20001
Phone: (202)997-8072
Email: Lschafer@PlaymakerStrategies.com
Www: www.playmakerstrategies.com

==========

Message

From: Parinello, Chris [Chris.Parinello@valero.com]
Sent: 9/12/2017 8:13:30 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Zelermyer, Salo [Salo.Zelermyer@valero.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Valero Meeting Request

Ok no worries we'll make that work. Thanks!—Chris

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Tuesday, September 12, 2017 4:12 PM
To: Parinello, Chris
Cc: Zelermyer, Salo ; Gunasekara, Mandy
Subject: RE: Valero Meeting Request

Mandy is back-to-back Wednesday and traveling Thursday and Friday so it unfortunately needs to be Monday at 10:30 or looking at the week of 25th

Alex

From: Parinello, Chris [mailto:Chris.Parinello@valero.com]
Sent: Tuesday, September 12, 2017 3:45 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Zelermyer, Salo <Salo.Zelermyer@valero.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Valero Meeting Request

Alex--Salo is now out Monday so sorry! Would one of those other days work?--Chris

Sent from my iPhone

On Sep 12, 2017, at 3:40 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

> Hey Chris – Let's do 10:30AM on Monday, September 18th.
>
> Location: 1200 Pennsylvania Avenue, NW.
>
> Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station.
> https://www.epa.gov/sites/production/files/2013-08/federaltrianglemap5.jpg
>
> EPA Contact: For an escort from Security to the meeting call me at 202-578-5985 or 202-564-3164
>
> **Alex Dominguez**
> *Policy Analyst to the Senior Advisors to*
> *the Administrator for Air and Water*
> U.S. Environmental Protection Agency

From: Parinello, Chris [mailto:Chris.Parinello@valero.com]
Sent: Tuesday, September 12, 2017 3:04 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; Zelermyer, Salo <Salo.Zelermyer@valero.com>
Subject: Valero Meeting Request
Importance: High

Hi Mandy—Wanted to see if you had time to meet with us next week to follow up on our discussions related to RINs. Salo and I would like to bring in Jeff Holmstead and Lisa Jaeger from Bracewell as well. Would any of the below days/times work? Thank you!—Chris

Monday, September 18th—Any time
Wednesday, September 20th—Afternoon
Thursday, September 21st—Any time
Friday, September 22nd—Any time after 10am.

Chris Parinello
Senior Manager, Federal Government Affairs
Valero Energy Corporation
Phone: (202) 560-5451
Email: chris.parinello@valero.com

Appointment

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 6/23/2017 2:02:49 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bravo, Summer B [Summer.B.Bravo@xcelenergy.com]
CC: Prager, Frank P [Frank.Prager@XCELENERGY.COM]

Subject: Meeting - Xcel Energy/EPA
Location: 1200 Pennsylvania Avenue, NW (North) - Room 3315

Start: 6/27/2017 6:15:00 PM
End: 6/27/2017 6:45:00 PM
Show Time As: Busy

Appointment

From: Kime, Robin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7EF7B76087A6475B80FC984AC2DD4497-RKIME]
Sent: 5/8/2017 8:09:01 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Natalie.Maciolek@kohler.com; Kristine Heine [kheine@globalcommunicators.com]; Bolen, Brittany [bolen.brittany@epa.gov]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Kime, Robin [Kime.Robin@epa.gov]; Inge, Carolyn [Inge.Carolyn@epa.gov]; Irving, Verna [Irving.Verna@epa.gov]; Robinson Buddy [Buddy.Robinson@kohler.com]

Subject: Meeting with Kohler on EPA's Clay MACT Rule
Attachments: Comment.pdf
Location: DCRoomARN3500/OPEI

Start: 5/16/2017 6:30:00 PM
End: 5/16/2017 7:00:00 PM
Show Time As: Busy

Directions: Please use the **William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station**. Please arrive 20 minutes prior to the meeting with photo IDs to clear Security.

EPA Contact: For an escort from Security to the meeting call Personal Phone / Ex. 6 for all other matters call Robin Kime Personal Phone / Ex. 6

Attendees:
James (Buddy) Robinson – Senior Vice President, General Counsel & Corporate Secretary, Kohler Co.
Natalie Maciolek – Lead Attorney, Kohler Co.
Kristine Heine – Executive Vice President, Global Communicators

We will bring a copy of the comment we will submit to the docket on Monday, and leave you with a couple short documents that we will discuss with you during our meeting

Contact:
Natalie Maciolek
Lead Attorney

Office: (920) 459-1685
Mobile: (920) 917-8948
Email: Natalie.Maciolek@kohler.com
444 Highland Drive | Kohler | WI | 53044

KOHLER.

Message

From: Kelly, Kerry [KKelly5@wm.com]
Sent: 9/5/2017 3:38:56 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Kelly, Kerry [KKelly5@wm.com]
Subject: FW: Confirming

Hi Alex,

Just confirming our 4pm meeting with Mandy today. Below is the list of participants. If you know who might be attending from EPA, we'd love to know. I will ask the security guard to call your cell phone unless you direct me otherwise. We will plan to arrive by 3:45pm to go through security.

Looking forward to meeting you,
Kerry

Carter Lee "Kerry" Kelly
Senior Director, Federal Affairs
Kkelly5@wm.com
WM Waste Management
701 Pennsylvania Ave., NW, Ste 590
Washington, DC 20004
202.639.1218 office
571.377.9202 cell

From: Kelly, Kerry
Sent: Thursday, August 31, 2017 4:47 PM
To: Dominguez, Alexander
Subject: RE: Meeting Participants and Agenda for September 5

Alex,

I just realized that I forgot to ask you who will likely attend from EPA. When you are able to give me your list of attendees, that would be much appreciated.

All the best,
Kerry

Carter Lee "Kerry" Kelly
Senior Director, Federal Affairs
Kkelly5@wm.com
WM Waste Management
701 Pennsylvania Ave., NW, Ste 590
Washington, DC 20004
202.639.1218 office
571.377.9202 cell

From: Kelly, Kerry
Sent: Thursday, August 31, 2017 4:19 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>

Cc: Kelly, Kerry <KKelly5@wm.com>
Subject: Meeting Participants and Agenda for September 5

Hi Alex,

All the meeting participants listed below will be attending in-person, so we will not need a conference line.

Chris Ball, Senior Counsel, Waste Management (WM)
Amy Banister, Sr. Director of Air Programs, WM
Kerry Kelly, Sr. Director Federal Affairs, WM
Carol McCabe, Manko Gold LLC, outside counsel for WM
Niki Wuestenberg, Manager of Air Programs, Republic Services

Landfill NSPS and EG Rules Proposed Meeting Agenda

1. Introductions
2. Rule Status and Need for Agency Direction
3. Rulemaking Pending at OMB – Potential Options
4. Reconsideration Timeline and Process
5. Litigation Deadline for EPA and Petitioners

Let me know if you need any additional information. We will plan to arrive early to go through security so we can start on time at 4pm. Should we ask the guard to call you, or is there another contact we should use?

Thanks for all your help in setting up the meeting. We all look forward to meeting you.

Warmly,
Kerry

Carter Lee "Kerry" Kelly
Senior Director, Federal Affairs
Kkelly5@wm.com
WM Waste Management
701 Pennsylvania Ave., NW, Ste 590
Washington, DC 20004
202.639.1218 office
571.377.9202 cell

Recycling is a good thing. Please recycle any printed emails.

Appointment

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 5/12/2017 3:54:35 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Kathy Bergren [Bergren@ncga.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Jessica Bennett [bennett@ncga.com]

Subject: NCGA
Location: DCRoomARN3528/OCIR

Start: 5/18/2017 7:00:00 PM
End: 5/18/2017 8:00:00 PM
Show Time As: Busy

Meeting Location North Building at 1200 PA Ave

Message

From: Lentz, Connor [Connor.Lentz@mail.house.gov]
Sent: 11/9/2017 2:36:58 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: Request Regarding Sec. 114 CAA issue
Attachments: 04.28.17 - Hon. Scott Pruitt - Sec 114.pdf; 08.18.17 - Hon. Scott Pruitt - Sec 114 - Response.pdf; 06.14.17 - Rep Dent Letter to Admin. Pruitt re Sec 114 CAA.PDF; 07.05.17 - Letter_to_EPA_Administrator_Pruitt_re_CAA_Section_114_Violations.pdf

Flag: Follow up

Alex – Sorry I negated to attach it. I have both the letter as well as the response. I've additionally attached two similar letters following our example by other Members with impacted industries in their districts including Reps. Barr (KY), Jordan (OH), Guthrie (KY), Roe (PA), Griffith (VA), Yoder (KS), and Dent (PA).

Best,

Connor Lentz
Legislative Director
Representative Trey Hollingsworth (IN-09)
1641 Longworth HOB, Washington, D.C. 20515
Office: 202-225-5315 | Email: Connor.Lentz@mail.house.gov

Be sure to connect with Representative Hollingsworth online:

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Thursday, November 9, 2017 8:32 AM
To: Lentz, Connor <Connor.Lentz@mail.house.gov>
Subject: RE: Request Regarding Sec. 114 CAA issue

Great – I will give your office a call. Can you send me a copy of the letter you all sent?

From: Lentz, Connor [mailto:Connor.Lentz@mail.house.gov]
Sent: Thursday, November 9, 2017 7:54 AM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Request Regarding Sec. 114 CAA issue

Good Morning Alex,

Thank you for the prompt response. 4 p.m. works well for me. Do you have a call-in number or is it easier to call our office?

Connor Lentz
Legislative Director
U.S. Representative Trey Hollingsworth (IN09)
o: 202-225-5315
c: 812-240-1201

On Nov 9, 2017, at 7:37 AM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Hey Connor,

Happy to discuss. Could you do today at 4:00 or 4:30? If not, I'm wide open on Tuesday, Nov. 14th. Could you also send me a copy of the letter you sent to the Administrator? Just let me know what works and look forward to talking with you.

Alex Dominguez
Policy Analyst to the Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: Gunasekara, Mandy
Sent: Wednesday, November 8, 2017 11:03 PM
To: Lentz, Connor <Connor.Lentz@mail.house.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Request Regarding Sec. 114 CAA issue

Hey Connor,
Thank you for the information. I'll take you up on your offer for a call. I'm booked up tomorrow and traveling through next week, but I've cc'd Alex who will find a time to touch base with you and get a better sense of the on-the-ground situation.

Alex, we will need to loop in OCIR and eventually OECA, but I'll leave the 'when and how' to do that up to you.
Best,
Mandy

From: Lentz, Connor [mailto:Connor.Lentz@mail.house.gov]
Sent: Wednesday, November 8, 2017 4:54 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Request Regarding Sec. 114 CAA issue

Good Afternoon Mandy,

Mike Birsic with Marathon gave me your contact information as someone I might be able to make some inroads with regarding a matter impacting manufacturers in our district (though the issue is unrelated to anything Mike was concerned about). We recently wrote a letter to Administrator Pruitt regarding Sec. 114 "fishing expeditions" that have resulted in new extra-regulatory standards, and we received a response from the administrator, but I wanted to discuss the issue further as the problem seems to have actually been accelerating since the transition from the previous administration. We've been gathering information from numerous other congressional offices and industry stakeholders, and now we have a concern that this could be a matter of career regulatory bureaucrats running amuck right under the new leadership's noses. We believe these career regional and field EPA office bureaucrats have been pressuring our manufacturers to settle before the new and yet to be confirmed political appointees catch wind of the practice.

Would you be able to give me a call or possibly even set up a meeting to discuss this matter further?

Connor Lentz
Legislative Director
Representative Trey Hollingsworth (IN-09)
1641 Longworth HOB, Washington, D.C. 20515
Office: 202-225-5315 | Email: Connor.Lentz@mail.house.gov

Be sure to connect with Representative Hollingsworth online:
<image001.png> <image002.png> <image003.png> <image004.png>

TREY HOLLINGSWORTH
9TH DISTRICT, INDIANA

1641 LONGWORTH HOUSE OFFICE BUILDING
(202) 225-5315

Congress of the United States
House of Representatives
Washington, DC 20515–1409

April 28, 2017

Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, D.C. 20004

Dear Administrator Pruitt,

As you know, Section 114 of the Clean Air Act (CAA) gives the Environmental Protection Agency (EPA) the authority to collect information from any person or entity who owns an emission source if such information is reasonably necessary to develop regulations and implementation plans, or to determine "whether any person is in violation" of the CAA.

It has come to my attention that the EPA has been using Section 114 for broad and far-reaching information requests—essentially "fishing expeditions"—as part of the Agency's enforcement initiatives on various industries. Examples during the past several years include the cement, glass, and coal-fired utilities industries.

Particularly in the cement and glass manufacturing industries, the EPA has used Section 114 authority to issue broad and ambiguous information requests for production data, sometimes spanning back decades from the date of the information requests. These information requests expend hundreds of employee work hours, require thousands of dollars worth of external resources, and force impacted organizations to provide data far older than is legally required to store under regular regulatory standards.

Compounding the costly regulatory burden these Section 114 requests put on businesses in my district, I have learned that the EPA has used information gleaned from these ambiguous requests to target additional enforcement actions. Often times, the EPA initiates enforcement actions based on events that occurred years ago for which information may be limited, incomplete, or no longer accurate compared to modern emissions-measuring or record-keeping technology.

Finally, I am disheartened to learn that in addition to imposing fines or penalties for alleged violations found at one or a select few of many facilities operated by a company, the EPA will leverage those as part of a "global settlement" and demand more stringent emissions requirements for <u>all</u> of a company's facilities. Doing this bypasses normal

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rulemaking and permitting processes, and sets new industry-wide practices to reduce emissions without public comment, cost-benefit analysis, or scientific data.

I believe it is imperative for the EPA to develop new regulations implementing Section 114 of the CAA. Such regulations should limit the look-back period of emissions data information requests, should limit the scope of such information requests to specific activities for which the EPA has reason to believe a compliance issue exists, and should prohibit enforcement actions for activities that were authorized or approved at the time by the EPA or other state, local, or federal agency with appropriate jurisdiction.

With President Trump's January 24, 2017 memorandum to heads of executive offices and agencies, and the subsequent Request for Information from the US Department of Commerce regarding the "Impact of Federal Regulations on Domestic Manufacturing" (March 7, 2017), the time is right to review this issue. I would appreciate your expedient attention to this matter, as even today, hard-working Hoosiers in my district are being forced to expend time, effort, and money to comply with these regulatory fishing expeditions when they could instead be contributing to the economy by producing modern, efficient, and more affordable building materials. Should you have any further questions or concerns from my office as you investigate this issue, please feel free to reach out to my staff at 202-225-5315. I look forward to your response.

Sincerely,

Trey Hollingsworth
Member of Congress
Indiana's 9th Congressional District

CHARLES W. DENT
15TH DISTRICT, PENNSYLVANIA

2082 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6411
FAX: (202) 226-0778

www.dent.house.gov
twitter.com/repcharliedent
www.facebook.com/congressmandent

Congress of the United States
House of Representatives
Washington, DC 20515–3815

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES
CHAIRMAN

SUBCOMMITTEE ON STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

SUBCOMMITTEE ON TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES

June 14, 2017

Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20004

Dear Administrator Pruitt,

As you may know, Section 114 of the Clean Air Act (CAA) provides the EPA the authority to collect information from the owner of an emission source in order to develop regulations or implementation plans or to determine whether the operator is in violation of the CAA.

It has been brought to my attention that the EPA has exercised this authority broadly and required owners to collect and report on information spanning back decades about their operations. Collecting this information and properly responding to the EPA's inquiries requires that these facilities invest a great deal of employee hours and outside resources.

It is my understanding that the EPA has used the information gathered in this process to search for possible enforcement actions, as opposed to starting with a potential violation and only requesting information related to a specific potential violation. It is further my understanding that the EPA has threatened enforcement and sought settlement action against operations, thereby pushing the operation to accept new emission standards and guidelines without going through the standard regulatory process providing for public comment and other analyses.

I find any efforts to effectively conduct rulemaking through a backdoor process very concerning. I am also concerned by the wide net cast by the EPA in gathering information without a specific violation.

Accordingly, I request that you will give all due consideration to the recommendations and potential solutions provided in section II(F) of comments submitted by the Portland Cement Association in response to President Trump's request for feedback on existing regulations **(Portland Cement Association's ("PCA") Response to EPA's Request for Comments re *Evaluation of Existing Regulations*, 82 Fed. Reg. 17,793 (April 13, 2017), Dkt No. EPA –HQ-OA-2017-0190).** As you and the rest of the administration consider ways in which to relieve unnecessary regulatory burdens, I believe that these comments provide valuable insight into challenges being placed on American industry, and appreciate your review of that feedback.

Thank you for your attention to this request and for your leadership.

Sincerely,

Charles W. Dent
Member of Congress

DISTRICT OFFICES

LEHIGH VALLEY
3900 HAMILTON BOULEVARD, SUITE 207
ALLENTOWN, PA 18103
(610) 770-3499
FAX: (610) 770-3498

BERKS COUNTY
61 NORTH 3RD STREET
HAMBURG, PA 19526
(610) 562-4281
FAX: (610) 562-4352

LEBANON COUNTY
342 F WEST MAIN STREET
ANNVILLE, PA 17003
(717) 867-1026
FAX: (717) 867-1540

DAUPHIN COUNTY
250 WEST CHOCOLATE AVENUE, SUITE 2
HERSHEY, PA 17033
(717) 533-3958
FAX: (717) 533-3979

Congress of the United States
Washington, DC 20515

July 5, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Pruitt:

As you refocus the priorities of the Environmental Protection Agency (EPA), we would appreciate your attention to concerns we've heard from constituents regarding the agency's inappropriate application of Section 114 of the Clean Air Act to support the practice of using enforcement procedures as a means of creating industry-wide standards, in effect rulemaking by enforcement.

Using authority under Section 114 of the Clean Air Act, EPA may collect information from owners of emissions sources to determine "whether any person is in violation" of the Clean Air Act. However, our understanding is that the agency has abused this authority by issuing broad, wide-sweeping information requests from companies in various industries including glass, cement and coal-fired utilities.

In the case of glass and cement, for example, in addition to being broad and ambiguous, we have heard reports about these far reaching information requests often reaching back decades and requesting information that may be incomplete, or no longer accurate. Nevertheless, EPA uses the information to develop additional enforcement actions.

To further exacerbate this problem, EPA reportedly often refuses to discuss the basis for the alleged violation they are pursuing, treats the company as if guilty with no defense, and keeps the Notice of Violation open for years until the company acquiesces due to cost and threat of EPA litigation. In one case we've heard about, EPA has kept a Notice of Violation open for eight years–involving generic allegations reaching back twenty years–in what seems to be a blatant attempt to wear down the company so that they accede to EPA's unreasonable demands.

Using these coercive enforcement tactics, EPA has often sought a "global settlement" demanding more stringent emissions requirements for all of the company's facilities. In some cases, EPA has demanded that a company meet emissions levels far lower than it would have to meet for a new facility constructed in the same location. Once in place, EPA used the settlement as leverage against other companies in the same industry to coerce them to agree to new

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emissions levels. This abusive practice results in new industry-wide emissions standards being set for entire industry sectors, in effect rulemaking by enforcement (often involving the installation of control equipment costing many millions of dollars), but without a formal rulemaking, any cost-benefit analysis, or an opportunity for public comment.

We strongly urge you to review all open enforcement actions taken under Section 114 authority, and, based on this review, issue guidance and develop new regulations to limit EPA authority under Section 114. We recommend that these limitations apply to the age and scope of information requested and prohibit enforcement actions for activities that were authorized or approved at the time by EPA or other local, state or federal agencies who were delegated direct responsibility for those programs by EPA, including enforcement of violations.

We respectfully request that you make this review a top priority as today many companies are expending on such EPA requests time, money and effort which could be spent developing and producing modern, efficient and affordable building materials, creating jobs and improving the economy.

Thank you for your attention to this important matter. Please do not hesitate to contact our offices should you need additional information pertaining to this request.

Sincerely,

Andy Barr
MEMBER OF CONGRESS

Jim Jordan
MEMBER OF CONGRESS

Brett Guthrie
MEMBER OF CONGRESS

David P. Roe, M.D.
MEMBER OF CONGRESS

H. Morgan Griffith
MEMBER OF CONGRESS

Kevin Yoder
MEMBER OF CONGRESS

EPA
United States
Environmental Protection Agency
Washington, DC 20460

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The Honorable Trey Hollingsworth
U.S. House of Representatives
Washington, D.C. 20515

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

AUG 18 2017

OFFICE OF
POLICY

The Honorable Trey Hollingsworth
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Hollingsworth:

On behalf of Administrator Scott Pruitt, thank you for your letter of April 28, 2017, to the U.S. Environmental Protection Agency regarding Section 114 of the Clean Air Act (CAA). As the EPA implements President Trump's agenda for regulatory reform, we will keep your thoughts in mind as we evaluate regulations that may be appropriate for repeal, replacement, or modification.

EPA regulations should focus on real results without imposing requirements that are unduly burdensome. Furthermore, EPA should use transparent processes that rely on sound science and public input. On April 11, 2017, the EPA established a Regulatory Reform Task Force and launched a robust request for public feedback on its evaluation of existing regulations. Program offices held 11 public meetings to receive input that could inform the regulatory review. We invited more than 200,000 stakeholders to participate and received nearly half a million comments in the public comment docket, which we are currently reviewing.

When properly utilized, the EPA's information gathering authority can significantly reduce the burden on regulated stakeholders by allowing the Agency to more narrowly tailor onsite inspections and in some cases eliminate the need for inspections. To avoid unnecessary burdens on American business, this spring, the EPA's Office of Enforcement and Compliance Assurance began to review proposed information requests from regional enforcement staff to: (a) narrow requests that may be overly broad or unduly burdensome; (b) facilitate cooperation with the state(s) in which a proposed respondent is located; and (c) ensure that there is a basis to conclude that the respondent may be in non-compliance. In addition, EPA staff will participate in a new workgroup formed by the Environmental Council of the States to discuss concrete ways that the EPA and states can advance the principle of cooperative federalism more fully in the enforcement context.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Christina J. Moody in the EPA's Office of Congressional and Intergovernmental Relations at moody.christina@epa.gov, or (202) 564-0260.

Sincerely,

Samantha K Dravis

Samantha Dravis
Senior Counsel and Associate Administrator

Message

From: BARLOW, CHUCK D [cbarlow@entergy.com]
Sent: 11/9/2017 9:30:13 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: dates for a meeting

Sounds good – thanks Mandy

Chuck D. Barlow
Vice President, Environmental Strategy & Policy
308 E. Pearl St., Suite 700 (M-ELEC- 4F)
Jackson, MS 39201
(O) 601-969-2542 (C) 601-668-7383

cbarlow@entergy.com

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Thursday, November 09, 2017 3:29 PM
To: BARLOW, CHUCK D
Cc: Atkinson, Emily; Loving, Shanita; Cyran, Carissa
Subject: RE: dates for a meeting

EXTERNAL SENDER. DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password.

Hey Chuck,
Great to hear from you. I'd be happy to find a time to meet. I'm looping in the scheduling team to help with the logistics. I will also invite Justin Schwab from our team who has been the lead counsel from our Office of General Counsel working on issues we've discussed.

I look forward to seeing you then and thanks in advance for your help with the Nelson information.
Best,
Mandy

From: BARLOW, CHUCK D [mailto:cbarlow@entergy.com]
Sent: Thursday, November 9, 2017 3:31 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: dates for a meeting

Mandy, hope you are well. Would you be available for a catch-up meeting on the late afternoon of Tuesday, December 5 or on the afternoon of Wednesday, December 6? I'll be in town for other meetings. Thanks.

Entergy
WE POWER LIFE

Chuck D. Barlow
Vice President, Environmental Strategy & Policy
308 E. Pearl St., Suite 700 (M-ELEC- 4F)
Jackson, MS 39201
(O) 601-969-2542 (C) 601-668-7383

cbarlow@entergy.com

Message

From: Schwab, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]
Sent: 11/7/2017 10:38:04 PM
To: Goldsby, Sara [sgoldsby@daodas.sc.gov]; Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Patrick, Monique [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f271920363c4aecbff1e989a6dfde9b-MPATRICK]; Shenkar, Joseph [jshenkar@daodas.sc.gov]
Subject: RE: Memorandum from South Carolina on Incineration

Thank you. We will review in advance of the call Thursday afternoon. In the interim I have been discussing with our people, and I look forward to continuing to work on this with you.

From: Goldsby, Sara [mailto:sgoldsby@daodas.sc.gov]
Sent: Tuesday, November 7, 2017 5:13 PM
To: Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Patrick, Monique <Patrick.Monique@epa.gov>; Shenkar, Joseph <jshenkar@daodas.sc.gov>
Subject: Memorandum from South Carolina on Incineration

Good evening,
Please find attached a narrative of the issue we have identified pertaining to the rapid destruction of unused prescription drugs.
We hope this is helpful.

Sara Goldsby MSW, MPH
Interim Director
1801 Main Street, 4th Floor, Columbia, SC 29201
803-896-8371
South Carolina
DAODAS
Department of Alcohol and Other Drug Abuse Services

Message

From: Lentz, Connor [Connor.Lentz@mail.house.gov]
Sent: 11/9/2017 12:53:53 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Request Regarding Sec. 114 CAA issue

Good Morning Alex,

Thank you for the prompt response. 4 p.m. works well for me. Do you have a call-in number or is it easier to call our office?

Connor Lentz
Legislative Director
U.S. Representative Trey Hollingsworth (IN09)
o: 202-225-5315
c: 812-240-1201

On Nov 9, 2017, at 7:37 AM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

> Hey Connor,
>
> Happy to discuss. Could you do today at 4:00 or 4:30? If not, I'm wide open on Tuesday, Nov. 14th. Could you also send me a copy of the letter you sent to the Administrator? Just let me know what works and look forward to talking with you.
>
> **Alex Dominguez**
> Policy Analyst to the Principal Deputy Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
>
> **From:** Gunasekara, Mandy
> **Sent:** Wednesday, November 8, 2017 11:03 PM
> **To:** Lentz, Connor <Connor.Lentz@mail.house.gov>
> **Cc:** Dominguez, Alexander <dominguez.alexander@epa.gov>
> **Subject:** RE: Request Regarding Sec. 114 CAA issue
>
> Hey Connor,
> Thank you for the information. I'll take you up on your offer for a call. I'm booked up tomorrow and traveling through next week, but I've cc'd Alex who will find a time to touch base with you and get a better sense of the on-the-ground situation.
>
> Alex, we will need to loop in OCIR and eventually OECA, but I'll leave the 'when and how' to do that up to you.
> Best,
> Mandy
>
> **From:** Lentz, Connor [mailto:Connor.Lentz@mail.house.gov]
> **Sent:** Wednesday, November 8, 2017 4:54 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Request Regarding Sec. 114 CAA issue

Good Afternoon Mandy,

Mike Birsic with Marathon gave me your contact information as someone I might be able to make some inroads with regarding a matter impacting manufacturers in our district (though the issue is unrelated to anything Mike was concerned about). We recently wrote a letter to Administrator Pruitt regarding Sec. 114 "fishing expeditions" that have resulted in new extra-regulatory standards, and we received a response from the administrator, but I wanted to discuss the issue further as the problem seems to have actually been accelerating since the transition from the previous administration. We've been gathering information from numerous other congressional offices and industry stakeholders, and now we have a concern that this could be a matter of career regulatory bureaucrats running amuck right under the new leadership's noses. We believe these career regional and field EPA office bureaucrats have been pressuring our manufacturers to settle before the new and yet to be confirmed political appointees catch wind of the practice.

Would you be able to give me a call or possibly even set up a meeting to discuss this matter further?

Connor Lentz
Legislative Director
Representative Trey Hollingsworth (IN-09)
1641 Longworth HOB, Washington, D.C. 20515
Office: 202-225-5315 | Email: Connor.Lentz@mail.house.gov

Be sure to connect with Representative Hollingsworth online:
<image001.png> <image002.png> <image003.png> <image004.png>

Message

From: Doug Johnson [DJohnson@cta.tech]
Sent: 11/7/2017 10:13:34 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]
Subject: RE: Energy Star V8
Attachments: CTA written testimony before H. Subcommittee on Energy, 11-7-17.pdf

Agreed and thank you, Samantha. I'll start coordinating schedules at our end.

Also, on the topic of Energy Star, attached is a copy of our written testimony at today's House Energy Subcommittee hearing on the discussion draft Energy Star reform legislation. Happy to discuss this separately later if helpful as well.

Doug

-----Original Message-----
From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Tuesday, November 7, 2017 11:17 AM
To: Doug Johnson <DJohnson@cta.tech>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: Energy Star V8

Doug,

Following up on our conversation, I'm reaching out to get a meeting set up with Mandy, Brittany and me, as well as our career staff who work on Energy Star.

If you're able to get together folks from Vizio, LG and Samsung, I think we'd all benefit from working through the issue in the same room.

Copying in Robin who can help facilitate.

Best,
Samantha

Message

From: BENEFEDS [email@info.benefeds.com]
Sent: 11/8/2017 9:41:36 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: You may be eligible for FEDVIP coverage

To view this email as a web page, go here.

BENEFEDS

2017 Federal Benefits Open Season: November 13–midnight (ET) December 11

You may be eligible for FEDVIP coverage.

Offered by the U.S. Office of Personnel Management, the Federal Employees Dental and Vision Insurance Program (FEDVIP) provides dental and vision benefits to Federal and U.S. Postal Service employees and their family members. BENEFEDS is the secure enrollment website for FEDVIP.

Open season is almost here
Now that the 2017 Federal Benefits Open Season is approaching, it's the perfect time to consider enrolling in a FEDVIP dental and/or vision plan. There are 14 carriers available under FEDVIP, offering you a variety of choices and flexibility.

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Learn More

Virtual Benefits Fair

Visit the Virtual Benefits Fair to review plan information, visit carrier booths, and make decisions about your Federal benefits.

Register today

Need help? Contact us or visit the Education & Support section of our website for assistance.

BENEFEDS OPM.GOV

BENEFEDS.com
BENEFEDS is the secure enrollment website for FEDVIP and is offered by the U.S. Office of Personnel Management.

BEN10032

Do not reply to this email. Unsubscribe from nonadministrative BENEFEDS emails.

View the FEDVIP Enrollment Terms and Conditions.

BENEFEDS | P.O. Box 797 | Greenland, NH 03840-0797

Message

From: Ari Natter (BLOOMBERG/ NEWSROOM:) [anatter5@bloomberg.net]
Sent: 11/9/2017 3:56:02 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: E-intro

Excellent! Thanks, and hope the Germany trip is for pleasure.

Sent from Bloomberg Professional for iPhone

----- Original Message -----
From: Mandy Gunasekara <Gunasekara.Mandy@epa.gov>
To: ARI NATTER
At: 08-Nov-2017 22:53:06

No worries. I leave for Germany on Saturday so I'll be out of the country but not out of pocket. I'm back for a day on the 17th and have some time at 4:30. Want to hold that time for now and confirm closer to then?

From: Ari Natter (BLOOMBERG/ NEWSROOM:) [mailto:anatter5@bloomberg.net]
Sent: Wednesday, November 8, 2017 9:19 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: E-intro

Thanks for that tip and sorry I've been remiss in responding. How's your schedule for that coffee? Are you traveling next week?

Thanks!

Sent from Bloomberg Professional for iPhone

----- Original Message -----
From: Mandy Gunasekara <Gunasekara.Mandy@epa.gov>
To: ARI NATTER
At: 02-Nov-2017 10:20:59

FYI: https://www.epa.gov/stationary-sources-air-pollution/public-hearing-repealing-clean-power-plan

Sent from my iPhone

On Nov 1, 2017, at 2:56 PM, Ari Natter (BLOOMBERG/ NEWSROOM:) <anatter5@bloomberg.net> wrote:

Thanks for that introduction, Surya and for your time a few minutes ago on the phone.

Hi Mandy - Nice to e-meet you. I hope we can chat on background one of these days.

And coffee sounds awesome!

Cheers,

Ari Natter
Reporter
Bloomberg News
202-807-2243 office
202-445-5555 cell
@AriNatter
Stories: bloom.bg/2mBBE2I

From: surya@sectionvii.com

Subject: Re:E-intro

Hey Mandy,

I wanted to briefly introduce you to Ari (cc'ed) an energy and environment reporter with Bloomberg. I gave him some background on tax reform and energy credits.

At some point, you two or the three of us should all grab coffee.

See you later,

Surya

Surya G. Gunasekara

Principal

Section VII Strategies, LLC

202.288.8657

Message

From: Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]
Sent: 11/7/2017 3:27:06 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Clifford, Brian (EPW) [Brian_Clifford@epw.senate.gov]; Leggett, Matt (EPW) [Matt_Leggett@epw.senate.gov]; Cone, Travis (Capito) [Travis_Cone@capito.senate.gov]
Subject: Upcoming EPW hearings

Hi Christian, Troy, and Mandy,

I wanted to let you know of two EPW hearings that are happening next week.

(1) Hearing before EPW Clean Air and Nuclear Safety Subcommittee (Senator Capito's subcommittee) at 10 a.m. on Tuesday, 11/14 on four pending bills
   a. S. 203 – Recognizing the Protection of Motorsports (RPM) Act of 2017
   b. S. 1857 -- A bill to establish a compliance deadline of May 15, 2023, for Step 2 emissions standards for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces.
   c. S. 839 -- Blocking Regulatory Interference from Closing Kilns Act of 2017
   d. S. 1934 – Alaska Remote Generator Reliability and Protection Act

(2) Hearing before full EPW Committee at 10 a.m. on Wednesday, 11/15
   a. Title: "Promoting American Leadership in Reducing Air Emissions Through Innovation"
   b. Purpose: The purpose of this hearing is for Senators to receive testimony from the private sector, academics and other stakeholders on efforts to reduce air emissions through development of new technologies and efficient practices in manufacturing and energy production and use.
   c. Scope: The scope of this hearing covers efforts to develop innovative ways to promote American competitiveness while also reducing air emissions in manufacturing and energy production and use.

Thanks. Feel free to reach out with any questions.

Elizabeth

Elizabeth L. Horner
Majority Counsel
Senate Committee on Environment and Public Works
Elizabeth_Horner@epw.senate.gov
(202) 224-7841

Message

From: Manning Feraci [mferaci@playmakerstrategies.com]
Sent: 11/9/2017 5:45:56 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Thank You

Mandy:

I wanted to follow-up and thank you for taking the time to visit with Genscape yesterday. I know you are extremely busy, and sincerely appreciate your taking the time to hear the company's perspective and your willingness to be helpful.

As we discussed, we will keep you apprised of developments moving forward. Please do not hesitate to let me know if I can be of further assistance or if we can provide any additional information on this issue.

Again, sincere thanks for your assistance.

Best,

Manning

PLAYMAKER STRATEGIES, LLC

B. Manning Feraci
Principal
Playmaker Strategies, LLC
750 Ninth St., NW, Suite 650
Washington, DC 20001
Phone: (202)491-1184
Email: mferaci@playmakerstrategies.com
Www: www.playmakerstrategies.com

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 11/3/2017 5:35:03 PM
To: Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Dunham, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a9444681441e4521ad92ae7d42919223-SDUNHAM]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: FW: Following up re HFC 134a and Wabash/Structural Composites
Attachments: Following up re HFC 134a and Wabash/Structural Composites; Compsys Petition for Reconsideration of SNAP Rule 80Fed.Reg.42870 07202015.PDF; Wabash - MSC[1].DOCX; ATT00005.htm

Per below, can OAR set up a briefing on this and work with Robin Kime in OP to coordinate a time that also works for OP.

From: Dravis, Samantha
Sent: Friday, November 3, 2017 9:34 AM
To: Kime, Robin <Kime.Robin@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Fwd: Following up re HFC 134a and Wabash/Structural Composites

I would like to get an internal meeting scheduled on this - I found their points to be very compelling here and I'd like to see what we can try to do.

Sent from my iPad

Begin forwarded message:

> **From:** "Jeff Sadosky" <jsadosky@forbes-tate.com>
> **To:** "Dravis, Samantha" <dravis.samantha@epa.gov>, "Kime, Robin" <Kime.Robin@epa.gov>, "Lovell, Will (William)" <lovell.william@epa.gov>, "Feeley, Drew (Robert)" <Feeley.Drew@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
> **Subject: Following up re HFC 134a and Wabash/Structural Composites**
>
> Samantha et al.,
> Thank you again for the time recently discussing the challenges Wabash and Structural Composites/Compsys are facing re HFC 134a. Following up on that meeting, I wanted to circle with a document (attached, Wabash-MSC.docx) that highlights the investment made and the impact this will have on the deployment of this technology. Again, all of this is threatened by regulations prohibiting its usage despite the lack of an alternative and the long term environmental benefit, which is significant given the lower weight, improved fuel efficiency and resulting overall lower emissions.
>
> Also attached are the documents we sent over ahead of the meeting, just in case they were needed in any way.
> Please let me know when a good moment might be to talk through potential next steps or your thoughts following the meeting, and hope all is well.
> Please holler with any questions.
> Best,
> Jeff

From: Jeffrey Sadosky <jsadosky@forbes-tate.com>
Date: Friday, October 13, 2017 at 11:19 AM
To: "Lovell, Will (William)" <lovell.william@epa.gov>, "Kime, Robin" <Kime.Robin@epa.gov>
Cc: George Cooper <gcooper@forbes-tate.com>
Subject: Pre-read documents for Structural Composites/EPA Meeting

Will/Robin,
Attached you'll find the following:

- Overview of EPA SNAP Regulations Affecting U.S.-Based Small Business Foam-Blowing Application
- A January of '17 response from Compsys/Structural Composites to questions from the EPA dated January 9, 2017
- A 2015 petition for administrative reconsideration of the final rule
- June 2016 response to EPA proposed rule, published at 81 Fed Reg 22810 from April of '16.

Hope this is helpful context, know it is a lot of reading, but believe the first document summarizes things well.
Holler with any questions, and look forward to seeing everyone on Monday.
Thanks,
Jeff

Jeffrey C. Sadosky
Forbes Tate Partners
777 6th Street NW
8th Floor
Washington, DC 20001
(202) 340-8586 cell

Message

From: Jeff Sadosky [jsadosky@forbes-tate.com]
Sent: 11/1/2017 5:48:49 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]; Feeley, Drew (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abae82aa36da4d3383eae19a8efa683c-Feeley, Rob]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Following up re HFC 134a and Wabash/Structural Composites
Attachments: Final 10.16.17 EPA Meeting Overview of EPA SNAP Regulations Affecting US Small Business.PDF; Compsys Response to EPA Questions 1_9_17 (2).PDF; Compsys Petition for Reconsideration of SNAP Rule 80Fed.Reg.42870 07202015.PDF; Compsys SNAP Comments June 2 2016.PDF; Wabash - MSC[1].DOCX

Samantha et al.,
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Also attached are the documents we sent over ahead of the meeting, just in case they were needed in any way.
Please let me know when a good moment might be to talk through potential next steps or your thoughts following the meeting, and hope all is well.
Please holler with any questions.
Best,
Jeff

From: Jeffrey Sadosky <jsadosky@forbes-tate.com>
Date: Friday, October 13, 2017 at 11:19 AM
To: "Lovell, Will (William)" <lovell.william@epa.gov>, "Kime, Robin" <Kime.Robin@epa.gov>
Cc: George Cooper <gcooper@forbes-tate.com>
Subject: Pre-read documents for Structural Composites/EPA Meeting

Will/Robin,
Attached you'll find the following:

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- A 2015 petition for administrative reconsideration of the final rule
- June 2016 response to EPA proposed rule, published at 81 Fed Reg 22810 from April of '16.

Hope this is helpful context, know it is a lot of reading, but believe the first document summarizes things well.
Holler with any questions, and look forward to seeing everyone on Monday.
Thanks,
Jeff

Jeffrey C. Sadosky
Forbes Tate Partners

777 6th Street NW
8th Floor
Washington, DC 20001
(202) 340-8586 cell

October 16, 2017

OVERVIEW OF EPA SNAP REGULATIONS AFFECTING U.S.-BASED SMALL BUSINESS FOAM-BLOWING APPLICATION

- EPA's Significant New Alternatives Policy (SNAP) implements Clean Air Act (CAA) § 612, which requires the agency to evaluate ozone-depleting substances (ODS) and prohibit the continued use of an ODS where alternatives with lower overall risk to human health and the environment are available.
- In a 2015 final rule, issued at 80 Fed. Reg. 42,870 (July 20, 2015), entitled "*Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes Under the Significant New Alternatives Policy Program,*" EPA broadened its interpretation of CAA § 612. Under the new interpretation, EPA claimed the authority to require the substitution of non-ODS chemicals with substances with lower global warming potential (GWP). EPA issued a second, similar rule in September 2016, also requiring the replacement of non-ODS chemicals with lower-GWP alternatives.
- On August 8, 2017, the D.C. Circuit Court of Appeals issued a decision in *Mexichem Fluor v. EPA*, holding that EPA's 2015 rule exceeded the agency's statutory authority because the plain language of the CAA only permitted the agency to require the replacement of ODS. Under the Court's ruling, once an ODS has been replaced with a non-ODS substitute, EPA cannot require companies to replace the substitute with a lower-GWP alternative. The D.C. Circuit vacated the 2015 rule but did not address the 2016 rule, creating significant regulatory uncertainty.
- Compsys is a Florida-based small business pioneering a light-weight structural composite technology called Prisma for use in marine, transportation, and infrastructure applications. Compsys' process uses HFC-134a, a non-ODS, as the foam-blowing agent. Compsys' process has been improperly classified as "marine flotation foam" under both the 2015 and 2016 EPA rules and the company would be required to cease using HFC-134a and transition to a lower-GWP substance before January 1, 2020. Significant to the recent D.C. Circuit ruling, Compsys previously used R-22, an ODS, and made the switch to non-ODS HFC-134a under a prior SNAP rule. While the court's ruling would prohibit EPA from requiring Compsys to replace HFC-134a with a lower-GWP substitute, the 2016 rule remains in effect and would require just that.
- Compsys' product is currently used in marine vessels and on-road trailers produced by U.S.-based companies. In addition, Compsys has participated in DoD DARPA and SBIR projects and Prisma is being tested for bridge decking and other infrastructure uses at state DOT levels. The company continues to identify new opportunities and applications in which its products can be used.
- Compsys is now facing the prospect of being unable to continue production of Prisma due to the EPA SNAP rules unless EPA takes immediate action to implement the D.C. Circuit decision. Despite working diligently with BASF for nearly two years, Compsys has not yet been able to identify an alternative to HFC-134a for use in production of Prisma that meets the performance requirements of this innovative product. At this time, Compsys has no promising alternative foam-blowing agent to replace HFC-134a; without a replacement, the current EPA rules would force Compsys to shut down.
- To date, Compsys has unsuccessfully sought relief from EPA via administrative and judicial channels, notwithstanding the clear economic and environmental benefits of this product. A nominal amount of HFC-134a is released into the atmosphere during Compsys' production process, but the majority of HFC-134a is encapsulated within the cured foam product. However, the lightweight structural components, which replace heavier wood or metal components, decrease the weight of the marine vessel or on-road vehicle, significantly improving fuel efficiency and resulting in overall lower emissions from the boat or truck and a cost-savings for the operator. Prisma is also more durable than wood or metal structures, resulting in products that require less maintenance and have longer lifecycles.
- Compsys continues to seek relief from the regulatory obstacles that inhibit the continued viability of a cutting-edge small American business without achieving significant or long-term economic or environmental benefits.

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 11/6/2017 9:37:55 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Shea, Quin [QShea@eei.org]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Holdsworth, Eric [EHoldsworth@eei.org]; Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]
Subject: RE: COP-23 Preparations

I am looping in Emily Atkinson in OAR who is who is now assisting with Mandy's scheduling.

Alex

From: Bolen, Brittany
Sent: Monday, November 6, 2017 4:25 PM
To: Shea, Quin <QShea@eei.org>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Holdsworth, Eric <EHoldsworth@eei.org>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: COP-23 Preparations

Hi Quin -
Thanks for your email. Mandy and I will arrive in Bonn on the 12th. I'd welcome a call with Eric in advance. Please work with Robin and Alex to find a good time this week for us to connect.
Best,
Brittany

On Nov 3, 2017, at 8:09 AM, Shea, Quin <QShea@eei.org> wrote:

> Good morning Mandy and Brittany:
>
> It's my understanding that you will be joining the U.S. delegation for the upcoming COP-23 meetings in Bonn, Germany. EEI and many different member companies routinely have attended these international forums as credentialed participants going back to the 1992 UNCED session. In the course of monitoring these proceedings, we have developed a pretty robust sense of the ever-evolving international policy and political landscape, and that perspective may have some contextual value for you. Let me know if you would be interested in chatting, particularly with our primary point of contact in Bonn, Eric Holdsworth, who is EEI's Senior Director for Climate Programs and is copied on this note.
>
> The EEI delegation will be in Bonn from November 9-16. As part of our standard preparations, we routinely meet with key staff from the White House and various federal agencies that are attending the meetings, to discuss both major policy objectives for the United States and how the electric power sector can be helpful to the U.S. team during these sessions. We already have met with primary State

Department contacts, which resulted in a wide-ranging, mutually beneficial discussion that helped paint a better picture for everyone of potential opportunities and challenges on the ground in Bonn.

Once in Bonn, we are organizing a dinner to welcome the Administration team, most likely early during the second week. We hope both of you can attend and will send you a formal invitation once details are finalized.

Given your busy schedules, we would be happy to come to EPA or to convene via teleconference if you are interested in visiting about the Bonn meetings. Thanks in advance for your consideration, and I look forward to hearing from you.

Best, Quin

Quinlan J. Shea, III (Quin)
Vice President, Environment
Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004
202-508-5027
qshea@eei.org

Message

From: Maura Flynn [mflynn=niskanencenter.org@mail193.suw16.rsgsv.net]
on behalf of Maura Flynn [mflynn@niskanencenter.org]
Sent: 11/9/2017 5:36:49 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: INVITE: Niskanen Center's Pre-Holiday Bash, Nov 16th

View this email in your browser

Please join the Niskanen Center for Conversation & Cocktails!

Thursday, November 16th
6 p.m. – 9 p.m.

Stanton & Greene
319 Pennsylvania, Avenue S.E.
Washington, DC 20003

This event is invitation only.
RSVP soon! Space is limited:
Events@NiskanenCenter.org.

**This event is intended to be a reception under House and Senate gift rules. Administration officials will be required to check with their designated agency ethics officials regarding restrictions.*

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Our mailing address is:
Niskanen Center
820 1st Street NE, Suite 675
Washington, DC 20002

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Message

From: Wagner, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=048236AB99BC4D5EA16C139B1B67719C-WAGNER, KEN]
Sent: 11/7/2017 7:11:46 PM
To: Miles Keogh [mkeogh@4cleanair.org]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: A save the date for our DC meeting

Miles:

I will make a note of it until we get a formal invite. As we get towards the end of the year and travel slows a bit, I would like to get a lunch scheduled to visit. Hopefully, we can see if Mandy's schedule will accommodate such a meeting as well.

Thanks,

Ken

From: Miles Keogh [mailto:mkeogh@4cleanair.org]
Sent: Tuesday, November 7, 2017 2:02 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Subject: RE: A save the date for our DC meeting

Mandy, Ken,

I hope all's well at EPA.

I wanted to pin to your calendars that we'll be issuing an invite to you two for the NACAA Board & Committee Chairs meeting here at the Hall of the States, 444 North Capitol St in DC, on the afternoon of Wednesday, January 31, 2018.

Right now that afternoon has a number of other work areas we want to accomplish but nothing pinned to a time – so if there's a time window that works better for you, I'm happy to lock that down.

We'd like about 90 minutes of your time, with a focus on how implementing the EPA strategic plan will help advance cooperative federalism in the area of air quality. I know that sounds a little vague but I promise a structured conversation. Pending the confirmation timing I'll also be reaching out to Bill Wehrum with an invitation.

Thanks again and please look for a formal invitation from Wisconsin & Akron OH this week.

My best, Miles

Miles Keogh
NACAA
(202) 624-7864
@WeAre4CleanAir

From: Miles Keogh
Sent: Thursday, October 5, 2017 11:09 AM
To: 'Gunasekara, Mandy' <Gunasekara.Mandy@epa.gov>; 'wagner.kenneth@epa.gov' <wagner.kenneth@epa.gov>
Subject: A save the date for our DC meeting

Mandy (and Ken), what a marathon hearing yesterday at Dirksen, I thought Bill did quite well. Mandy, I was going to come over and shake your hand at the end but I got pulled out for a call about funding, sorry I missed the chance.

I wanted to flag something for your calendars – NACAA is going to have its board meeting here at the Hall of States on Jan 31 -Feb 1. We'd like to see if someone – I'm sure it's a longshot but I'd like to see if it can be Administrator Pruitt, or assuming he's confirmed, Bill Wehrum – can come talk about the 2018-2022 EPA strategic plan.

We haven't set the agenda yet so the timing would be really flexible. I've run this idea past my co-presidents in Ohio and Wisconsin and they like it. The audience would be about 30 people - the state and local agency heads on our board of directors - and the Hall of States is a building with good access control so, no media or outsiders. That might make a really productive conversation possible without a chance of distractions.

I'd also really welcome having you and Ken on our agenda, because we have a lot of other things to work on together – cooperative federalism, permit streamlining, organizational efficiency / lean management, training opportunities – and if you're open to participating I'd work those important areas into our agenda. If you could take a look at your calendar and let me know if the timing's already impossible/possible, that'd help me figure out a path forward. I'm happy to work out logistics on this that are easy for you guys, but I wanted to notify you about the dates ASAP.

Sorry again that I didn't get a chance to say hi in person yesterday and I'll look forward to another chance soon.

My best, Miles

Miles Keogh
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Message

From: Southern Company [rsvp@smartsource-reg.com]
Sent: 11/7/2017 2:21:50 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Southern Company Holiday Reception Invitation, RSVP Required

Dear Mandy Gunasekara,

This Notice Image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

Come toast the season at Southern Company's holiday reception on

Wednesday, December 6, 2017 from 6:30-8:30 PM in the East Hall at Union Station.

Please RSVP using the link below.

This is a widely attended event and this invitation is non-transferable.

DUE TO SPACE CONSTRAINTS FOR THIS EVENT, UNION STATION WILL ENFORCE THAT ONLY INDIVIDUALS ON THE OFFICAL GUEST LIST WILL BE GRANTED ENTRY.

From Your Friends at Southern Company,

Bryan Anderson I Anne Asher I Noel Black I Melissa Horton I Adam Lawrence I
Martha Lushington I Olivia Lute I Jim McCool I Dan Murray I
Maggie Newton I Leroy Nix I Mike Riith I Jeff Sharkey I Jeanne Wolak

Alabama Power I Georgia Power I Gulf Power I Mississippi Power
Southern LINC I Southern Nuclear I Southern Power
Southern Company Gas I PowerSecure

Please bring an early reader book and/or children's hat & gloves or gift card to benefit Horton's Kids.

CLICK TO RSVP

Unsubscribe

Message

From: Michael Whitney [Michael.Whitney@pilottravelcenters.com]
Sent: 11/9/2017 5:11:21 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Anne Steckel [asteckel@ardentstrategicconsulting.com]
Subject: Palm D6 Pathway
Attachments: Wilmar Don O'Connor Draft PME NODA Report[1].pdf

Mandy,
Thank you for taking the time to speak with us yesterday.
As we discussed, we are trying to be constructive regarding the RFS and RIN prices.

Allowing palm oil to be used for the RFS as a D6 RIN does a few things:

- Allows more biodiesel and/or feedstock to be available to US consumers and producers of biodiesel
- Increases the amount of D6 RINS therefore reducing RIN prices and compliance costs for merchant refiners.
- Preserves a premium for soybean based D4 biodiesel (differential between D4 and D6 RIN prices)
- Does not compete capacity in the gasoline pool therefore avoiding E10 blendwall concerns
- Creates more biodiesel supply for blenders in coastal areas constrained by the loss the biodiesel from Argentina due to CVD/AD
- Should serve to lower diesel prices as there is more supply of biodiesel to blend into the diesel supply

The link below is the NODA on Palm
https://www.gpo.gov/fdsys/pkg/FR-2012-01-27/pdf/2012-1784.pdf

It is our belief that palm oil does meet the 20% GHG reduction threshold – the attached study from Don O'Connor which was filed by Wilmar as comments to the 2012 NODA, details the GHG analysis.

Please feel free to follow up with us if you have any questions.

Thank you,

Michael Whitney
SD Sr Director, Renewables

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COMMENTS ON EPA PALM BIODIESEL LCA DETERMINATION

Prepared For:

Wilmar Oleo North America LLC

9307 Broadway, Suite 313

Pearland, TX 77584

Prepared By

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Date: February 15, 2012

Draft

EXECUTIVE SUMMARY

On March 26, 2010, the Environmental Protection Agency (EPA) published changes to the Renewable Fuel Standard program as required by the Energy Independence and Security Act (EISA) of 2007. This rulemaking is commonly referred to as the "RFS2" final rule. As part of the RFS2 final rule the EPA analyzed various categories of biofuels to determine if the complete lifecycle emissions associated with the production, distribution, and use of those fuels met minimum lifecycle greenhouse gas reduction thresholds as specified by EISA (i.e., 60% for cellulosic biofuel, 50% for biomass-based diesel and advanced biofuel, and 20% for other renewable fuels). The RFS2 final rule purported to focus the EPA lifecycle analyses on fuels that were anticipated to contribute relatively large volumes of renewable fuel by 2022, and thus did not cover all fuels that either are contributing smaller volumes, or could potentially contribute to the program. In the final RFS2 rule (FRM), the EPA indicated that they did not have enough time to complete a lifecycle analysis for several specific pathways but would do so later as a supplement to the final rule.

Palm oil biodiesel is one of the pathways that the EPA has continued to evaluate and they recently released their preliminary results for the palm oil biodiesel pathway. The modeling approach EPA used in this effort is the same general approach used in the final RFS2 rule for lifecycle analyses of other biofuels. The one exception is that since palm oil is not a significant crop in the US it is expected that all of the increased production required to meet the RFS2 demand will be outside of the United States and therefore no FASOM modelling was undertaken as part of this analysis.

The palm scenario modelled by the EPA included a 200 million gallon increase in palm oil biodiesel and a 200 million gallon increase in palm oil renewable diesel. The preliminary values for palm biodiesel do not meet the 50% reduction threshold established by the EPA for the biomass based diesel category of EISA. The total emissions would need to be less than 48,503 g/mm BTU to pass the 50% threshold.

This report provides comments on the modelling undertaken by the EPA including the inputs used and the results obtained.

The base case modelled by the EPA assumes that 1.46 million tonnes of crude palm oil will be required to produce the additional 400 million gallons of biofuel. However, due to the higher prices, 615,000 tonnes of the requirement (42.1%) is met be existing production that is freed from existing markets. This is a higher number than was derived from the canola modelling (31%).

The EPA also reports that of the 845,000 tonnes of new production, 66.5% is met by palm oil, 7.9% by soybean oil, 14.0% by rapeseed/canola oil, and the remaining 11.5% by other vegetable oils. However there appears to be a reporting error in the numbers for the other crops, as these are the values for the crop production and not the oil production on the FAPRI spreadsheet. Again, compared to the canola modelling a lower percentage of the new demand is met by the primary crop. In this case that would reduce the land use emissions.

The international land use change emissions are the single largest category of emissions in the EPA analysis of palm biodiesel. The magnitude of the emissions is driven by a number of factors including:

1. The degree of market mediation of the increased demand for palm oil forecast by the FAPRI model.

2. The substitution of other oil products for palm oil, also forecast by the FAPRI model.
3. The location and type of land that is converted to palm oil plantations. The EPA have relied on the GEOMOD model for these estimates. The issue here is that the forecasts do not align with the types of land that have recently been used for new palm plantations. The EPA ignores "waste" lands and significantly downplays the role of disturbed forests in their analyses. An alternative analysis based on the recent conversion trends would reduce these emissions by almost 16,000 g CO2/MM BTU.
4. The final factor is the quantity of peat lands that would be converted in the future and the emission rate of GHG emissions from drained peatlands. The quantity of peat land is also based on the GEOMOD model and it does not consider the mounting political pressure to preserve these lands nor the potential for the extension of the current Indonesian moratorium on the use of the peatlands. There is a great deal of uncertainty with respect to the emission rate from drained peatlands.

This work has involved a comprehensive review of the EPA proposed lifecycle analysis of palm oil biodiesel. It has involved a review of the methodology, the data used, and a comparison to the other biodiesel pathways that the EPA has analyzed. The review has identified issues with all three aspects, comparability, methodology, and data quality. These are summarized below.

Methodology

With two exceptions, the EPA has applied the same general methodology to the analysis of the palm oil pathway as they did to the canola and soybean biodiesel pathways. The two exceptions are that the FASOM model was not used in this analysis, and the method used to project what kind of land would be converted to palm oil plantations was revised.

The justification for not running FASOM was that no palm oil is produced in the United States and so the model used to determine domestic emissions is not needed. This would be an acceptable approach if the FAPRI and FASOM models produced identical results for the United States.

The second change in methodology was a more detailed and site specific look at what kind of new land would be brought into production. This, in concept, is an improvement over the previous methodology of just using satellite images to determine land use change patterns, as that approach is unable to differentiate the drivers of land use change. The problem is that the model results are not at all aligned with the patterns of land use change that have occurred in Malaysia and Indonesia over the period of 2005 to 2010. The model does not include land that has previously been logged and left abandoned and thus over estimates the GHG emissions from land use change in those two countries by approximately 16,000 g CO_2/MM BTU.

The EPA co-product treatment of the palm kernel oil and palm kernel meal is not correct. The EPA includes the emissions from the transport and milling of palm kernels and attributes those emissions to the crude palm oil. Their justification for doing this is that two products are accounted for in the FAPRI model and that is where the co-product credit is accounted for. It is true that FAPRI includes PKO and PKM in their model but FAPRI does not model emissions. In reality PKO and PKM will substitute for vegetable oils and meals within FAPRI but since FAPRI doesn't model the emissions to crush soybeans or rapeseed or any of the oilseeds one can't include those emissions in the palm oil analysis. To do so is comparing

two systems with different system boundaries. Correcting this issue has a small impact o the results of 824 g CO_2/MM BTU.

The EPA has improved their estimates of carbon stocks of natural ecosystems and palm plantations and made a small step forward in their treatment of harvested wood products, but the HWP benefit is still understated, as it is not a lifecycle comparison.

Comparability

There is evidence that The FASOM and FAPRI models may not produce the same results when dealing with the same issue. This is the case for at least rice, livestock, and perhaps agricultural energy. The magnitude of the differences is not possible to determine precisely without running the FASOM model with a production shock occurring outside of the US (which would be different than what has been done with the model previously) but the difference could amount to a few percentage points in the GHG reductions offered by palm oil biodiesel.

Data

Much of the data that is used by the EPA is sound and is drawn from some of the best papers in the literature. It doesn't differ significantly from the data used by the Malaysian Palm Oil Board in their commissioned work on Lifecycle Analysis. However, there are a number of areas where the EPA has made assumptions that do not appear to be well supported by facts. This is particularly the case with the assumed transportation distances of fresh fruit bunches, crude palm oil, and palm oil biodiesel. Correcting these factors reduces the emissions by 1,885 g CO_2/MM BTU.

The energy requirements for producing biodiesel used by the EPA are the same as those that have been used in other analyses but they are too high. Reducing the energy use to that of the average value from the 2008 NBB production survey reduces the emissions by 896 g CO_2/MM BTU.

The issue of the methane emissions from the oil mills make the assumption that nothing will change in the future. For a technology that has just been introduced into the industry, this is an unreasonable assumption to make about the future 10 years from now. Either the EPA needs to undertake more work to determine the implementation rates in the past, or consider looking at multiple technology pathways as it has done with corn ethanol in the RFS2 final rule.

Finally the EPA has assumed that 7.6 pounds of palm oil are required to produce a gallon of biodiesel when they use 7.4 pounds for soybean biodiesel (1 kg oil/kg biodiesel). This has an impact on all of the upstream emissions.

In the following table the adjusted emissions for two scenarios are shown, one with no methane capture and one with the methane capture using the best scenario modelled by the EPA. Some of the values are the result of two changes, the change identified in the report and the change in conversion rate (from 7.6 to 7.4 lbs. oil/gal biodiesel). The palm oil mills with methane capture would easily surpass the 50% GHG emission threshold, whereas the mills that don't employ this technology would not meet the minimum GHG emission reduction.

Table ES- 1 Adjusted Palm Biodiesel Emissions

	Diesel Fuel	Palm Biodiesel		
		EPA NODA	Adjusted	
		Base	W/o methane capture	With methane capture
	g CO_2eq/MM BTU			
Land Use Change		46,110	29,395	29,395
Farm Inputs & Rice Methane		5,121	4,986	4,986
Livestock Changes		(359)	(350)	(350)
Palm Fruit Transport		866	334	334
Palm Oil Mill		25,246	27,072	1,094
Crude Palm Oil Transport		320	140	140
Palm Kernel Transport		122	0	0
Palm Kernel Mill		824	0	0
Fuel Production	17,998	(969)	(1,865)	(1,865)
Yield Adjustment			0	0
Fuel Transport		2,696	1,509	1,509
Fuel Combustion	79,008	700	700	700
Total	97,006	80,677	61,921	35,943
% reduction		17%	36.2%	62.9%

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1. INTRODUCTION

On March 26, 2010, the Environmental Protection Agency (EPA) published changes to the Renewable Fuel Standard program as required by the Energy Independence and Security Act (EISA) of 2007. This rulemaking is commonly referred to as the "RFS2" final rule. As part of the RFS2 final rule the EPA analyzed various categories of biofuels to determine if the complete lifecycle emissions associated with the production, distribution, and use of those fuels met minimum lifecycle greenhouse gas reduction thresholds as specified by EISA (i.e., 60% for cellulosic biofuel, 50% for biomass-based diesel and advanced biofuel, and 20% for other renewable fuels). The RFS2 final rule purported to focus the EPA lifecycle analyses on fuels that were anticipated to contribute relatively large volumes of renewable fuel by 2022, and thus did not cover all fuels that either are contributing smaller volumes, or could potentially contribute to the program. In the final RFS2 rule (FRM), the EPA indicated that they did not have enough time to complete a lifecycle analysis for several specific pathways but would do so later as a supplement to the final rule.

Palm oil biodiesel is one of the pathways that the EPA has continued to evaluate and they recently released their preliminary results for the palm oil biodiesel pathway. The modeling approach EPA used in this effort is the same general approach used in the final RFS2 rule for lifecycle analyses of other biofuels. The one exception is that since palm oil is not a significant crop in the US it is expected that all of the increased production required to meet the RFS2 demand will be outside of the United States and therefore no FASOM modelling was undertaken as part of this analysis.

The palm scenario modelled by the EPA included a 200 million gallon increase in palm oil biodiesel and a 200 million gallon increase in palm oil renewable diesel.

This report provides comments on the modelling undertaken by the EPA including the inputs used and the results obtained. It is organized according to the spreadsheets that the EPA released with the Notice of Data Availability.

The emission results are summarized in the following table.

Table 1-1 Palm Biodiesel Emissions

	Diesel Fuel	Palm Biodiesel
	g CO_2eq/MM BTU	
Land Use Change		46,110
Farm Inputs & Rice Methane		5,121
Livestock Changes		(359)
Palm Fruit Transport		866
Palm Oil Mill		25,246
Crude Palm Oil Transport		320
Palm Kernel Transport		122
Palm Kernel Mill		824
Biodiesel Production	17,998	(969)
Fuel Transport		2,696
Fuel Combustion	79,008	700
Total	97,006	80,677
"High" Land use		110,765
"Low" Land use		62,388

The preliminary values for palm biodiesel do not meet the 50% reduction threshold established by the EPA for the biomass based diesel category of EISA. The total emissions would need to be less than 48,503 g/mm BTU to pass the 50% threshold.

The largest sources of emissions are the indirect land use change and the emissions from the palm oil mills.

There is a significant amount of uncertainty in the estimation of indirect land use emissions and the EPA has presented a low and high case as well as the expected case. Even the low land use case does not meet the 50% threshold, although it would meet the 20% threshold for renewable fuel.

2. FAPRI MODELLING

Increased demand for palm oil to meet the new biofuel demand comes from not only additional palm oil production but also from other vegetable oils that substitute for existing palm oil uses, freeing existing palm oil production for biofuels. In addition, reduced demand for all vegetable oils in the non-fuel markets results from the assumed higher price of vegetable oils. In the EPA modelling framework, these complex market interactions are determined through the running of the FAPRI model.

The Food and Agricultural Policy Research Institute (FAPRI) is a unique, dual-university research program established in 1984 by a grant from the U.S. Congress to prepare baseline projections for the U.S. agricultural sector and international commodity markets and to develop capability for policy analysis using comprehensive data and computer modeling systems of the world agricultural market.

The Center for Agricultural and Rural Development (CARD) at Iowa State University develops the international side of the models, and the Center for National Food and Agricultural Policy (CNFAP) at the University of Missouri-Columbia develops the U.S. domestic component. Both centres conduct independent as well as joint policy analyses. It was the CARD group that did the modelling for the EPA.

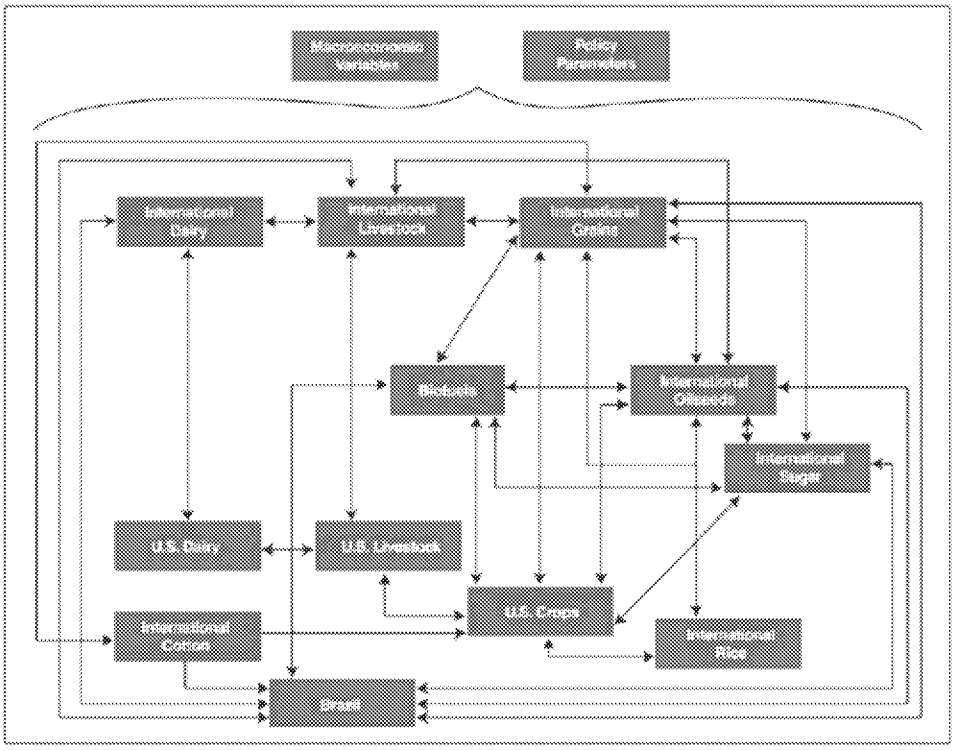
The FAPRI-CARD agricultural modeling system is a set of multi-market, partial-equilibrium, and non-spatial econometric models. The models cover all major temperate crops, sugar, biofuels, dairy, and livestock and meat products for all major producing and consuming countries and are calibrated on the most recently available data. They have been used extensively for generating 10- to 15-year baseline projections for agricultural markets and for policy analysis based on the baseline projections. Data on supply and utilization for the commodities are obtained primarily from the United States Department of Agriculture (USDA) PSD Online and the Food and Agriculture Organization of the United Nations (FAO) FAOSTAT, and macroeconomic historical data and projections are obtained from the International Financial Statistics (IFS) of the International Monetary Fund and IHS Global Insight, respectively.

The commodity models capture the biological, technical, and economic relationships among key variables within a particular commodity and across commodities. They are based on historical data analysis, current academic research, and a reliance on accepted economic, agronomic, and biological relationships in agricultural production and markets. Agricultural and trade policies in each country are included in the model to the extent that they affect the supply and demand decisions of the economic agents. Examples of these include taxes on exports and imports, tariffs, tariff rate quotas, export subsidies, intervention prices, set-aside rates, and biofuel mandates. Macroeconomic variables, such as GDP, population, and exchange rates, are exogenous variables that drive the projections of the model.

The models specify behavioural equations for production, use, stocks, and trade between countries/regions. The crop supply side is the product of area harvested and yields, wherein the former is determined by a system of land allocation based on the relative expected profitability of competing enterprises (e.g., corn and soybeans) and the latter is driven by an exogenous trend yield as well as intensification and extensification effects. In general, the demand side of the model is categorized into food, feed, and industrial demand, whereby one aspect of industrial demand is the demand from the biofuel sector for feedstocks. Food demand is primarily driven by macroeconomic assumptions such as income and population, while feed demand is driven by the livestock, poultry, and dairy sectors. Industrial demand is determined by the crude oil price assumption as well as by existing government policies such as the U.S. Energy Independence and Security Act (EISA) of 2007 and the Renewable

Energy Directive of the European Union. The meat supply side is a combination of investment decisions on the breeding herd and output decisions on slaughter. The animal inventory is the main driver of the feed grain and oilseed meals demand.

Figure 2-1 FAPRI Model Interactions



* The arrows represent trade, prices and physical flows.

The base case modelled by the EPA assumes that 1.46 million tonnes of crude palm oil will be required to produce the additional 400 million gallons of biofuel. However, due to the higher prices, 615,000 tonnes of the requirement (42.1%) is met by existing production that is freed from existing markets. This is a higher number than was derived from the canola modelling (31%).

The EPA also reports that of the 845,000 tonnes of new production, 66.5% is met by palm oil, 7.9% by soybean oil, 14.0% by rapeseed/canola oil, and the remaining 11.5% by other vegetable oils. However, there appears to be a reporting error in the numbers for the other crops, as these are the values for the crop production and not the oil production on the FAPRI spreadsheet. Again, compared to the canola modelling a lower percentage of the new demand is met by the primary crop. In this case, that would reduce the land use emissions.

3. LAND USE CHANGE

The largest sources of emissions are those in the land use change category. These emissions total almost 50% of the emissions of diesel fuel and thus almost single-handedly mean that palm oil biodiesel will not be able to meet the requirements of the biomass based diesel category.

The FAPRI model does not determine what kind of land is converted. FAPRI's strength is in the level of disaggregation of the agricultural sector and the changes in the sector due to policy changes. To determine the future incremental land use change, the EPA relied on data on the location of existing palm oil plantations, assumptions about the geographic factors that influenced the decisions to build the existing plantations where they are, a GEOMOD model developed from this information was used to project where new plantations would be built, and finally a revised set of emission factors to estimate the future GHG emissions from the land that GEOMOD predicts will be converted into palm oil plantations.

Compared to the analysis that the EPA did for other biofuels the projected land use patterns in Malaysia and Indonesia are modelled in much more detail and with revised land cover data, but there are still issues with the modelling.

The land use emission factors for Indonesia and Malaysia are taken from a Winrock (Harris, 2011) report published in December 2011. This report documents changes that have been made in four areas since the original Winrock work was done for the RFS2 Rule in 2009. The reported changes are:

1. **Harvested Wood Products**. We tested an alternate method for estimating carbon stored in harvested wood products after 30 years for the countries of Indonesia and Malaysia, and concluded that the impact on emission factors continues to be very small.
2. **Revised carbon stock estimates on oil palm plantations in Indonesia and Malaysia.** The approach for estimating carbon stocks on oil palm plantations was changed from assuming one year of growth to using a time-averaged approach.
3. **Revised estimates of GHG emissions on peat soils**. We updated our estimates of emissions from peat drainage based on new literature.
4. **Revised carbon stock estimates for forests throughout the tropics.** Forest carbon stocks for Latin America and Africa were estimated in the final RFS2 rule using draft values from Saatchi et al. (2011). This work has now been published and covers three continental regions: Latin America, Africa and South and Southeast Asia. Final published carbon stock values were included in our revisions. Forest carbon stocks for the EU were also updated based on EU-wide maps of above-ground biomass in forests developed by Gallaun et al. (2010).

Points 1 and 2 above decrease the land use emissions in Indonesia and Malaysia, point 3 increases the emissions and point 4 increases or decreases depending on the specific region.

3.1 LAND CHANGES

The GEOMOD modelling that was done to predict where future palm oil plantations would be located was calibrated using the location of existing plantations and mills. It considered a number of slightly different factors for Malaysia and Indonesia. These are summarized in the

following table. In addition to these factors the model was constrained to exclude the location of existing plantations.

Table 3-1 GEOMOD Factors Considered

Malaysia	Indonesia
Elevation	Elevation
Precipitation	Precipitation
Temperature	Temperature
Slope	Slope
Soil Type	Soil Type
Land Cover in 2001	Land Cover in 2001
Roads	Roads
Rivers	Rivers
Railroads	Railroads
Settlements	Settlements
	Palm Mills
	Peat Land
	Land Allocation
Existing Plantations in 2003	Existing Plantations in 2001
Protected Areas	Protected Areas
Water Boundaries	Water Boundaries
Country Boundary	Country Boundary

There were more factors considered for Indonesia than there were for Malaysia. In both cases it was reported that the best model was the one that weighted all factors equally. This is somewhat surprising since factors such as Precipitation, Temperature, and Slope would be prerequisites for economic plantations, whereas other factors might influence the degree of profitability.

The projected land use change from the palm oil biofuel shock in 2022 from the EPA modelling is summarized in the following table. The largest category of land use change is the forest land, followed by mixed land cover, and then peat lands. The surprising category is that of barren land, which contributes only 0.06% of the new land. Since it is known that deforestation from logging is a major concern in this region, either the carbon loss due to logging is being charged against the oil palm plantations that try and put this de-forested land into a useful service, or the EPA doesn't think that any deforested area will be available in 2022.

Table 3-2 Land Use Changes Malaysia and Indonesia

	Malaysia	Indonesia	Total	Percentage
	hectares			
Barren	0	64	64	0.06%
Crop	2,232	4,379	6,611	6.34%
Forest	22,196	27,068	49,264	47.27%
Grass	408	623	1,030	0.99%
Mixed	14,404	23,956	38,360	36.81%
Savanna	408	6,633	7,041	6.76%
Shrub	64	43	107	0.10%
Wetland	1,052	687	1,739	1.67%
Peat	3,477	8,479	11,956	11.47%
Total (excl peat)	40,764	63,453	104,217	100%

3.2 Carbon Change Emissions

The new changes to the EPA emission model result in lower emissions for all land conversion except from forest and mixed land cover, where the results are mixed (some regions up and some down). In Malaysia, the average is an increase in emissions when forest land is converted and a decrease when mixed cover is converted. In Indonesia, on average, all land cover types see a reduction in the emissions, but there are a few specific regions where the forest emissions increase.

The emissions calculated by the EPA are summarized in the following table. All of the land cover types with a negative sign are regions where the land use changes are beneficial, that is there is more carbon stored after conversion to oil palm than there was prior to conversion.

Table 3-3 Land Use Emissions Malaysia and Indonesia

	Malaysia	Indonesia	Total	Percentage
	MT CO_2eq			
Barren	-8,243	0	-8,243	-0.01%
Crop	-481,694	-245,570	-727,264	-1.25%
Forest	9,854,286	13,912,521	23,766,808	40.81%
Grass	-61,138	-40,056	-101,194	-0.17%
Mixed	522,795	1,350,840	1,873,635	3.22%
Savanna	-498,552	-30,655	-529,208	-0.91%
Shrub	-1,129	-1,693	-2,822	0.00%
Wetland	-42,896	-65,684	-108,580	-0.19%
Peat	24,165,200	9,910,791	34,075,991	58.51%
Total	33,448,630	24,790,494	58,239,124	100.00%

Fifty eight percent of the emissions are due to expansion of palm plantations onto peat soils, even though these lands only account for 9% of the new land in Malaysia and 13% in Indonesia. Forty-one percent of the emissions are from the conversion of forest land to palm oil. There are small emissions from mixed cover land converted to palm and the other land conversion types see an increase in carbon stocks.

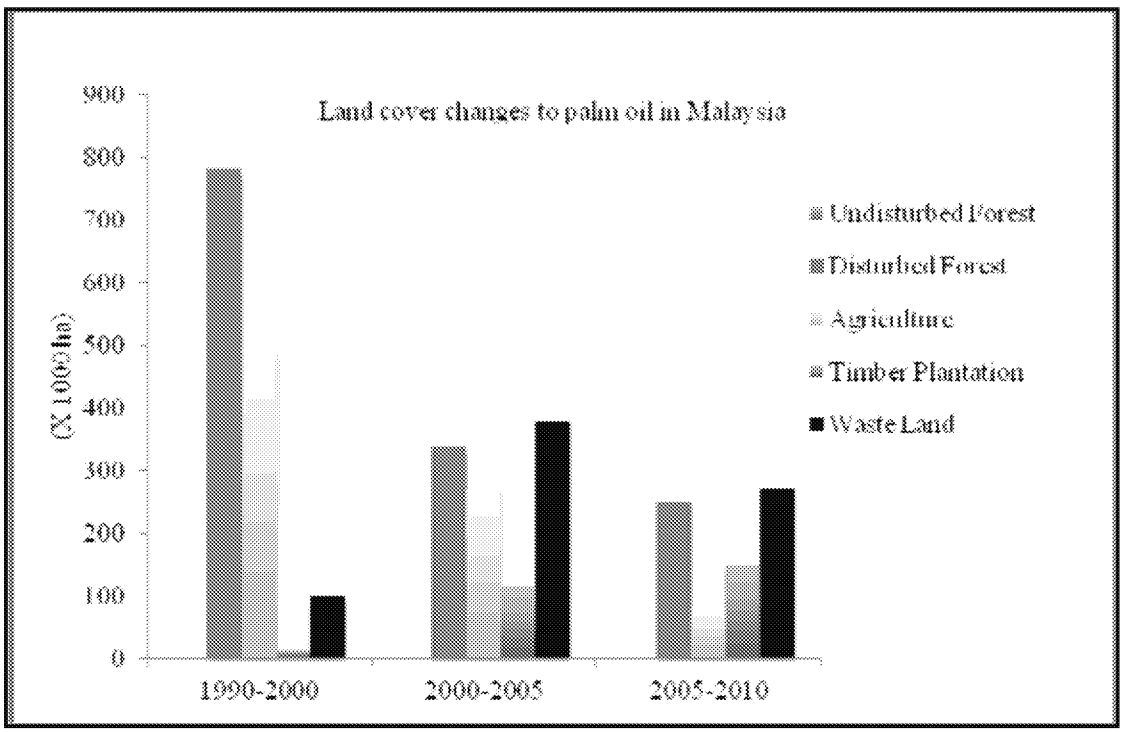
3.3 Alternative Approaches to Land Use Change Estimates

An alternative approach would have been to study the historical land use change patterns for palm oil plantations. This would require the use of a series of satellite images to identify the land use before a new plantation was established. It produces the same end product as the EPA model systems, but with less reliance on the various location factors that may or may not be important to commercial operations. Fortunately, such an assessment of historical land use change patterns has been undertaken by the Roundtable on Sustainable Palm Oil (Gunarso et al, 2012). The results of this work are summarized below.

3.3.1 Malaysia

The Gunarso report provides results for the periods 1990-2000, 2001-2005, 2005-2010, and for Peninsula Malaysia, Sabah, and Sarawak separately and combined. The results of this work are shown in the following figure.

Figure 3-1 Land Use Change Malaysian Palm Oil



There are several important facts that are apparent from this figure:

1. Land use change patterns have been changing over time.
2. No significant quantities of undisturbed forest land have been converted to palm oil plantations in the past 20 years.
3. Disturbed forests have been the dominant source of land for new plam plantations in Malaysia.

The regional land use change figures are shown below.

Figure 3-2 Land Use Change Malaysian Peninsula

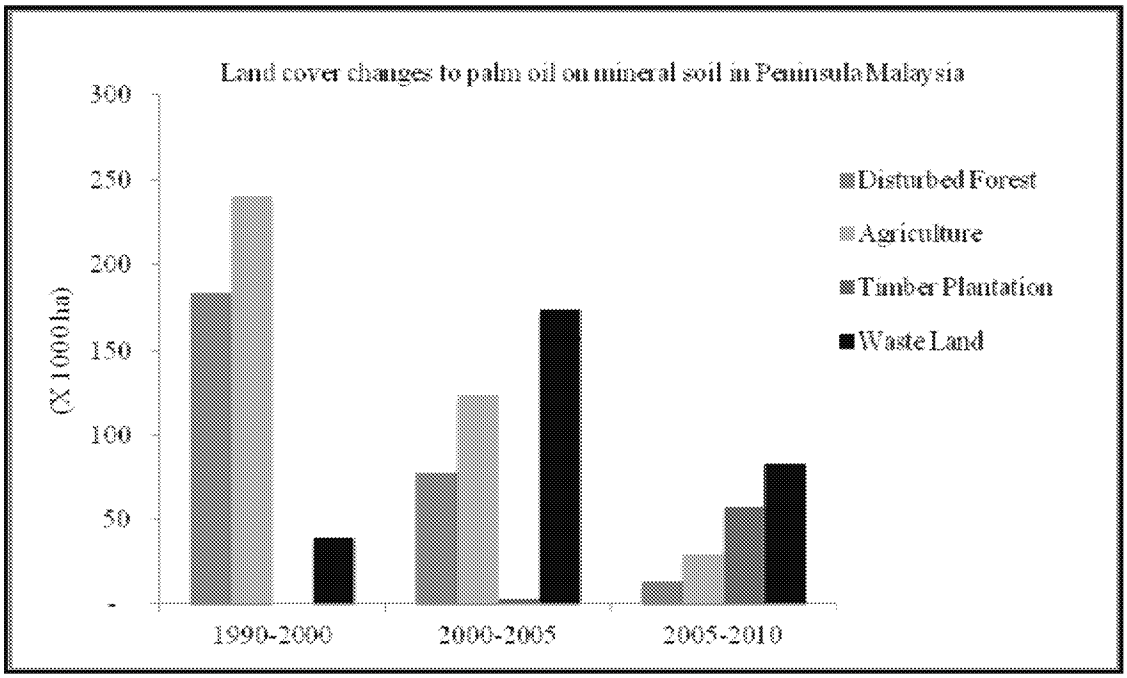


Figure 3-3 Land Use Change Sabah

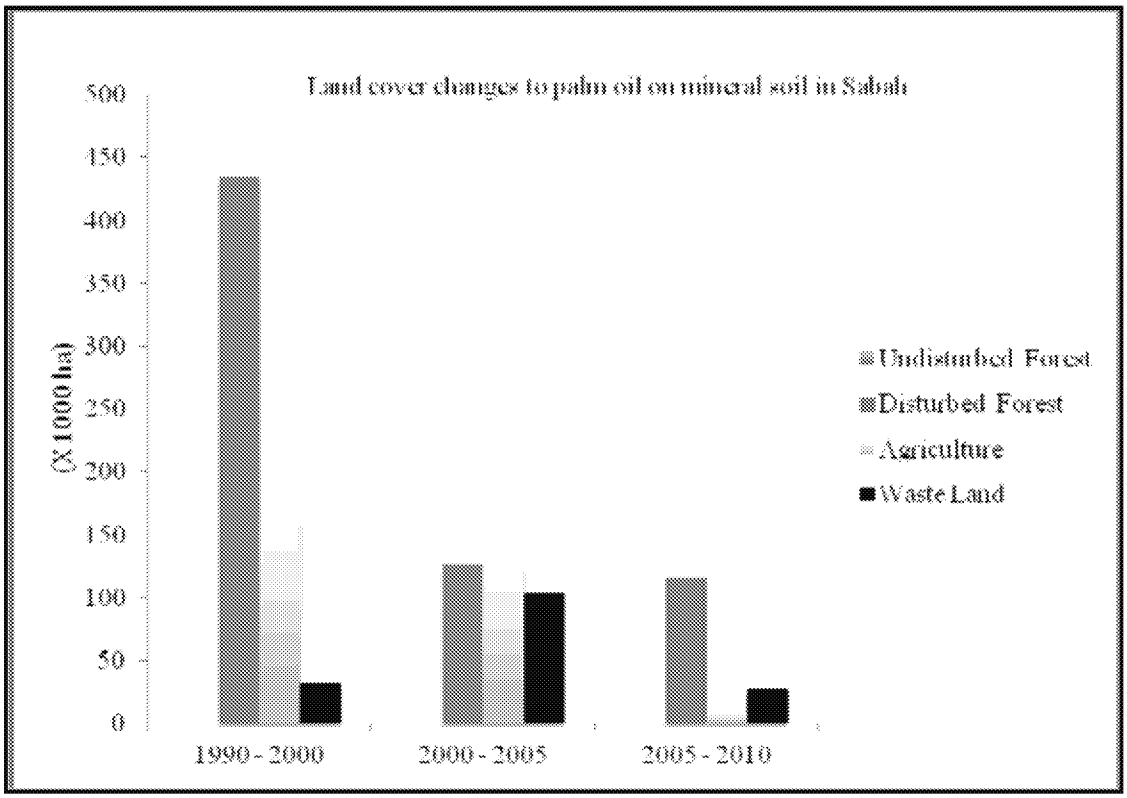
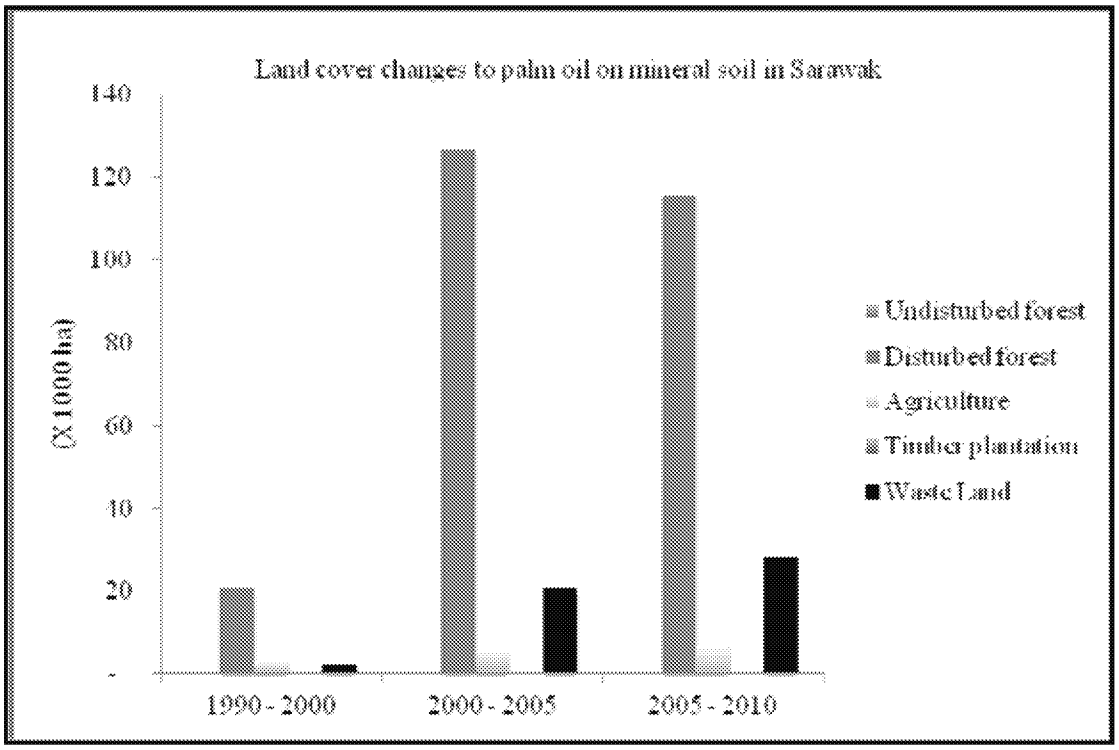


Figure 3-4 Land Use Change Sarawak



The EPA analysis provided a more detailed distribution of the new palm oil areas in the Malaysian Peninsula that is available from this latest work. It also had more land use categories as shown in the following table.

Table 3-4 EPA Malaysian Land Use Assumptions

From	Barren	Crop	Forest	Grass	Mixed	Savanna	Shrub	Wetland	Peat
To	Palm Oil	Palm Oil	Palm Oil	Palm Oil	Palm Oil	Palm Oil	Palm Oil	Palm Oil	Palm Oil
State	hectares								
Johor	-	880	5,238	150	2,748	129	21	150	1,631
Kedah	-	21	236	-	902	-	-	-	-
Kelantan	-	-	86	-	258			43	-
Melaka	-	-	451	-	236	-	-	-	-
Negeri Sembilan	-	343	1,030	43	1,567	64	21	-	-
Pahang	-	107	5,646	-	2,190	-	-	258	279
Perak	-	193	2,297	86	2,168	21	21	64	472
Perlis	-	-	-	-	43	-	-	-	-
Pulau Pinang	-	150	64	-	215	21	-	-	-
Selangor	-	236	730	43	193	64	-	86	343
Trengganu	-	-	1,288	-	601	-	-	64	-
Total Peninsula		2,168	17,065	322	11,119	301	64	665	2,726
Sabah	-	64	3,435	21	2,490	64	-	258	21
Sarawak	-	-	1,696	64	794	43	-	129	730
Total	-	2,232	22,196	408	14,404	408	64	1,052	3,477
%	0	5.5	54.4	1.0	35.3	1.0	0.2	2.6	8.5

The information from the analyses by Gunarso for the period 2005-2010 is summarized in the following table.

Table 3-5 Gunarso Summary 2005-2010

	Undisturbed Forest	Disturbed Forest	Agriculture	Timber Plantation	Waste land	Peat	Total
	1000 ha						
Peninsula	0	12	22	60	88	32	182
Sabah	0	118	5	0	29	2	152
Sarawak	0	222	57	11	85	212	375
Total	0	352	84	71	202	246	709
%	0	49.6	11.8	10.0	28.5	34.7	

To match the two datasets assumptions need to be made about equivalent land categories. These are shown in the following table.

Table 3-6 Equivalent Land Classifications

EPA	Gunarso
Barren	Waste land
Mixed	Disturbed Forest
Crop	Agriculture
Forest	Timber Plantation

If we use the land use change information from Gunarso and apply it to the total land use requirements for each State calculated by the EPA then we will get different land use change emissions. No changes are made to the total land converted, the percentage of land that is peat, nor to any of the emission factors. The land that is used for this modelling is summarized in the following table.

Table 3-7 Revised Malaysian Land Conversion

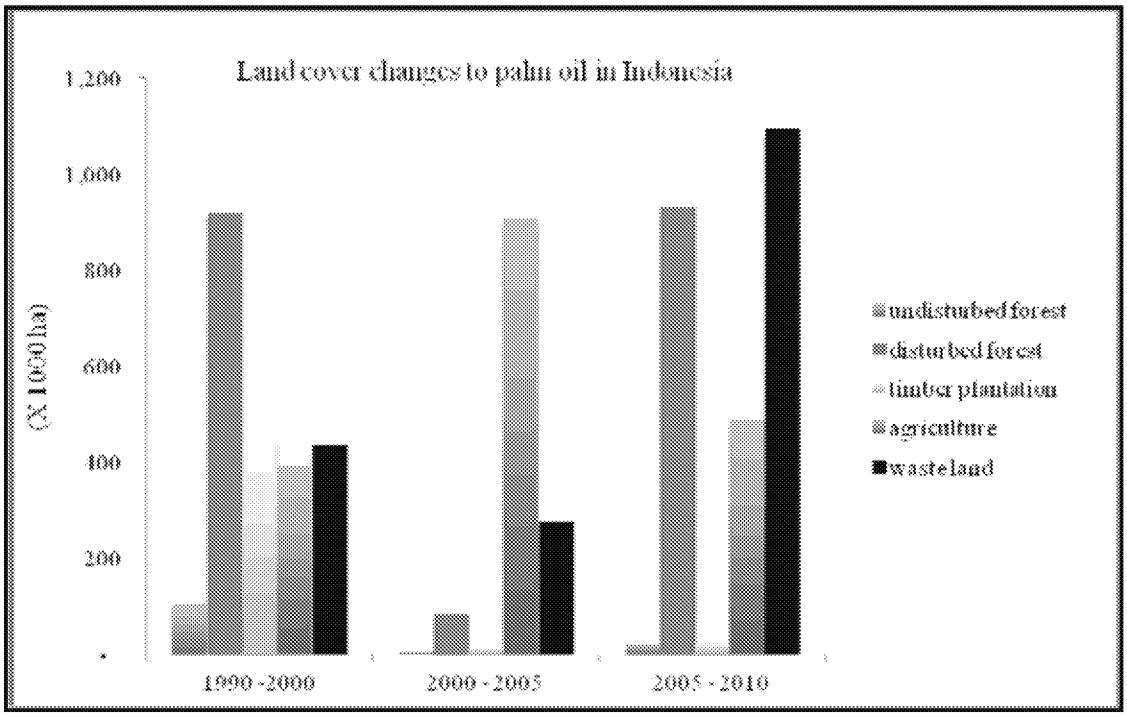
From	Barren	Crop	Forest	Grass	Mixed	Peat
To	Palm Oil	Palm Oil	Palm Oil	Palm Oil	Palm Oil	Palm Oil
	hectares					
Johor	2,655	1,099	932	0	4,621	1,631
Kedah	330	137	116	0	575	0
Kelantan	110	46	39	0	192	0
Melaka	263	109	92	0	458	0
Negeri Sembilan	875	362	307	0	1,523	0
Pahang	2,337	968	820	0	4,067	279
Perak	1,383	572	485	0	2,406	472
Perlis	12	5	4	0	21	0
Pulau Pinang	128	53	45	0	224	0
Sabah	1,805	747	633	0	3,141	21
Sarawak	777	322	273	0	1,352	730
Selangor	385	160	135	0	671	343
Trengganu	557	231	195	0	969	0
Total	11,618	4,810	4,076	0	20,219	3,477
%		11.8%	10.0%	0.0%	49.6%	8.5%

The land use emissions for Malaysia decrease by 8,372 g CO_2/MM BTU using the land cover changes in the above table.

3.3.2 Indonesia

The Gunarso report provides results for the periods 1990-2000, 2001-2005, 2005-2010, and for Sumatera, Kalimantan, and Papau, and for the total of Indonesia. The results of this work are shown in the following figure.

Figure 3-5 Land Use Change Indonesian Palm Oil



There are also results for the changes in the regions and on mineral and peat soils. Some of these are shown in the following figures.

Figure 3-6 Land Use Change Sumatera

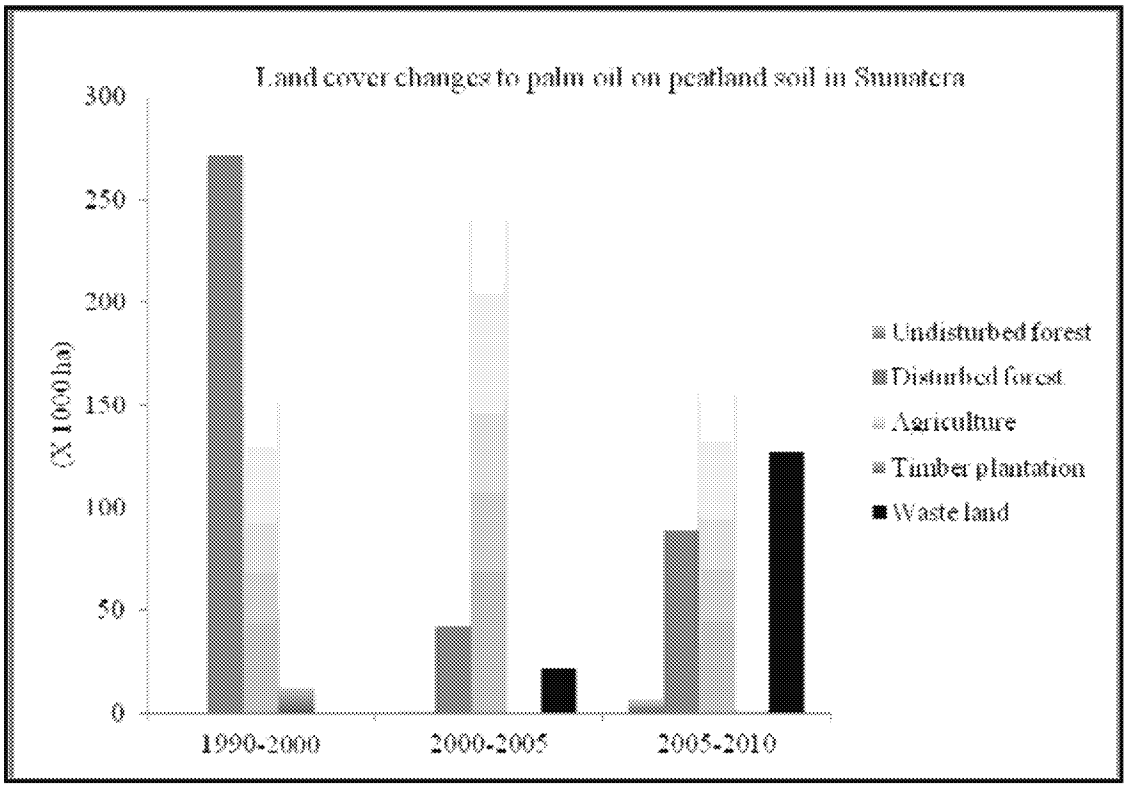


Figure 3-7 Land Use Change Kalimantan

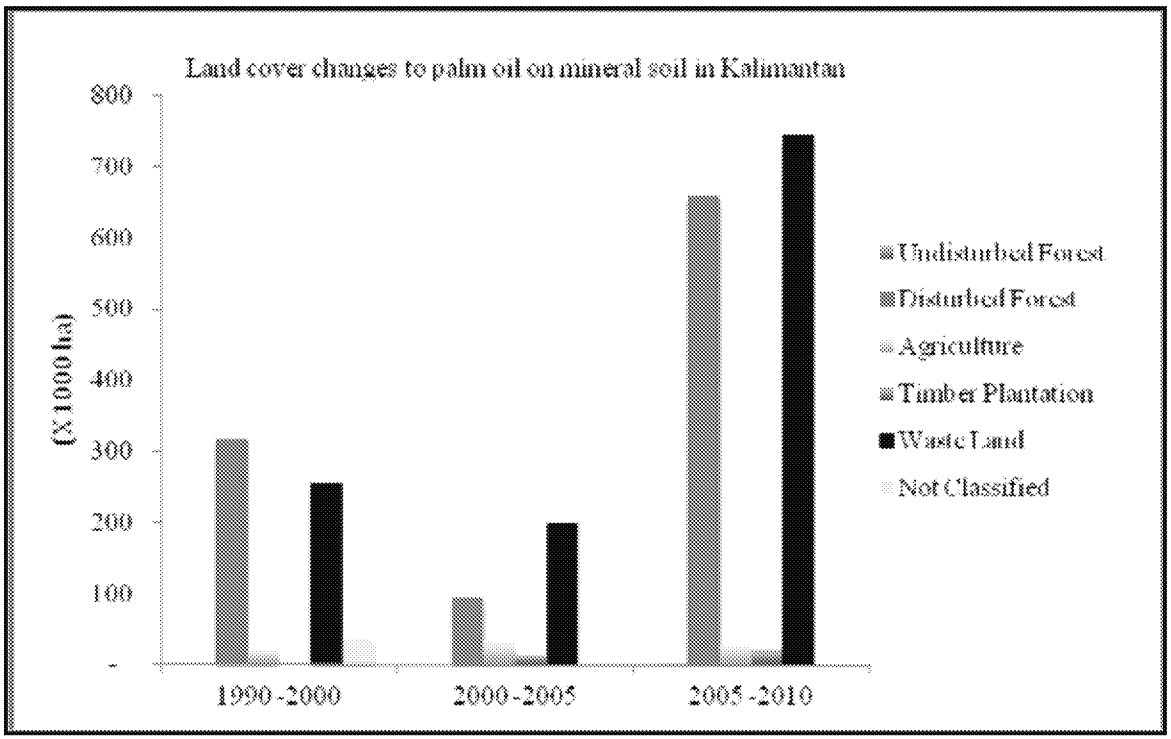
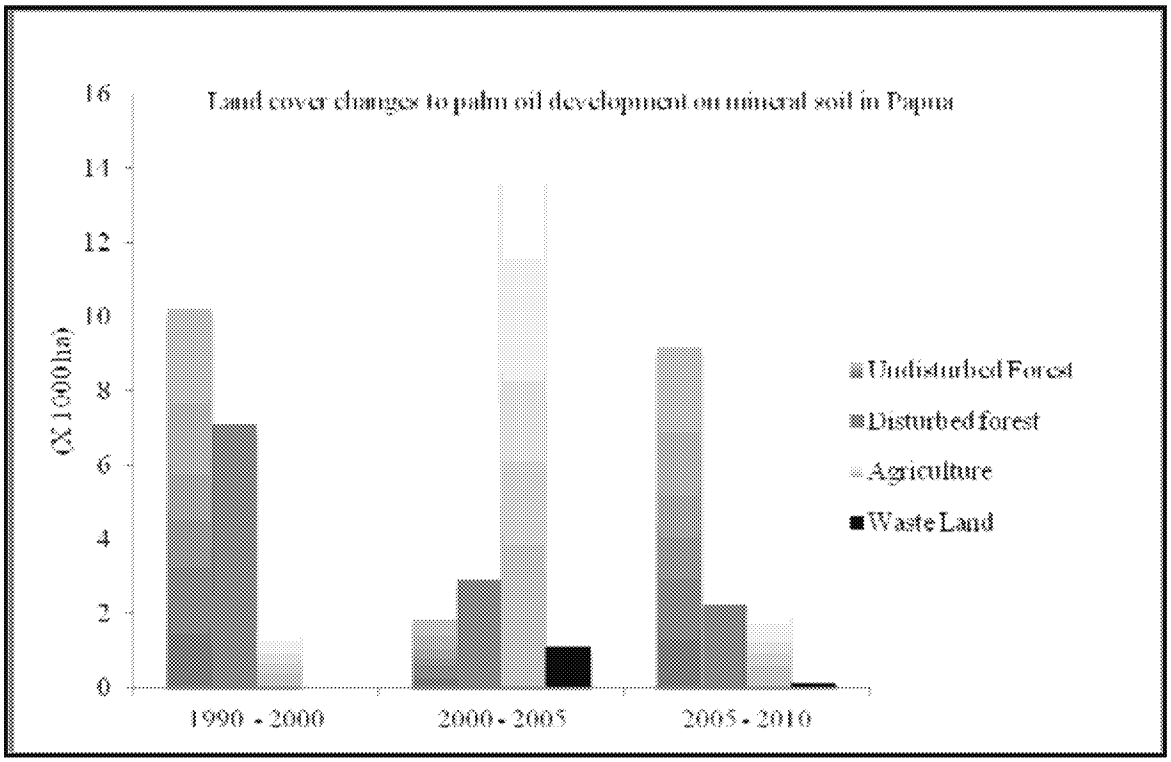


Figure 3-8 Land Use Change Papau



The following table summarizes the information from the Gunarso paper.

Table 3-8 Gunarso Summary 2005-2010

	Undisturbed Forest	Disturbed Forest	Agriculture	Timber Plantation	Waste land	Peat	Total
	1000 ha						
Sumatera	105	150	300	20	180	384	753
Kalimantan	2	880	50	30	840	269	1,801
Papua	10	2	2	0	1	0	15
Total	0	1,032	352	50	1,021	653	2,569
%	4.6	40.2	13.7	1.9	39.7	25.4	

Using this revised land use change pattern and applying it to the land in each State that the EPA has modelled then the following land use change data is developed.

Table 3-9 Revised Indonesian Land Use Change

From	Barren	Crop	Forest	Mixed	Peat
To	Palm Oil	Palm Oil	Palm Oil	Palm Oil	Palm Oil
	hectares				
Aceh	1,122	388	184	1,139	0
Bengkulu	689	238	113	699	43
Jambi	2,584	894	424	2,623	944
Kalimantan Barat	638	221	105	647	193
Kalimantan Selatan	544	188	89	552	515
Kalimantan Tengah	1,233	426	202	1,251	0
Kalimantan Timur	570	197	93	578	301
Lampung	978	338	160	992	0
Riau	7,395	2,559	1,214	7,507	5,195
Sumatera Barat	918	318	151	932	215
Sumatera Selatan	4,480	1,550	735	4,548	923
Sumatera Utara	3,978	1,376	653	4,039	150
Total	25,127	8,693	4,124	25,508	8,479
%	39.6%	13.7%	6.5%	40.2%	13.4%

Using this data in the EPA model reduces the land use change emissions by a further 7,585 g CO_2/MM BTU. The total land use change from these changes is 30,153 g CO_2/MM BTU, down from 46,110 g CO_2/MM BTU. The almost 16,000 g CO_2/MM BTU difference is almost 17 percentage points.

3.4 Peat Emissions

The GHG emissions from drained peatland are calculated from the GEOMOD results and estimates of the carbon released from drained peatlands. In the Malaysian GEOMOD model there were no attributes attributed to peat soils but there was in the Indonesian model. However, it appears that the attribute was basically whether the land was peat or not and thus it is perhaps not unexpected that the model projection for the future was that the portion of palm plantations on peatland was very close to the proportion of peatland in Indonesia.

Winrock International, the author of the reports of future land projections noted that there is a great deal of uncertainty with respect to the models that they developed. They noted that the land cover between 2003 and 2009 appeared to be very dynamic. Their interpretation of satellite images suggested that only 49% of the palm oil plantations in existence in Malaysia in 2003 were still plantations in 2009. This is an incredibly high turnover rate, especially for crops that have a 30-year cycle, and would suggest that the quality of the information obtained from the satellite images was not very good.

The real issue is what will happen in the future and it is not reasonable to assume that it will be business as usual. Growing palm trees on peatlands faces a number of issues:

- The EU Renewable Energy Directive and the RFS2 both have restrictions on newly planted areas. While this doesn't ban expansion onto peat land, it does restrict the market for products grown on peat lands.
- A number of food companies also place buying restrictions on palm oil produced from peatlands. For example the Unilever position is:

  - With regard to existing plantations, only those located on mineral soils should be considered for RSPO certification. This means RSPO certification should not cover palm oil plantations on peatland.
  - Only new plantations established on land with a carbon (C) stock smaller than 35 t C /ha should be considered for RSPO certification.

- The Government of Indonesia has banned the development of new palm plantations on peat lands. In May 2011, a two year moratorium agreement signed between Norway and Indonesia that freezes Indonesia's forest and peatland clearing was agreed upon. The moratorium blocks new concessions in Indonesia's peatlands and remaining forests.
- Palm oil production on peat soils usually results in lower yield and the management of the plantation is more difficult.

Given the mounting pressure to preserve peatland in south-east Asia it is likely that by 2022, peat land conversion to palm oil plantations will be very close to zero. The contribution of peatland emissions to the land use change emissions is 26,978 g CO_2/MM BTU. Eliminating peat conversion and using the alternative land use changes identified above would lower the GHG emissions to 3,174 g CO_2/MM BTU and the pathway would meet the 50% threshold.

3.5 Harvested Wood Products

The improvements that the EPA has made to the determination of the benefit of harvested wood products are an improvement over the original RFS2 rulemaking but it still is not the proper approach to take.

While this is a step in the proper direction, it would appear to be focussed on a very small portion of the issue, the carbon that is "locked up" in harvested wood products and not on the true lifecycle impacts of the wood harvested from the forests. There are at least two other important aspects that should be considered.

The first is that a portion of the wood that is harvested is used for energy and that displaces fossil fuels that would otherwise be used. Heath et al (2011) suggest that 35% of the carbon is combusted for energy that would otherwise be generated from fossil fuels. This should be accounted for in the modelling of harvested wood products.

The second aspect is what do the harvested wood products displace? What would be produced if there were no wood products. CORRIM, The Consortium for Research on Renewable Industrial Materials, have developed methodologies and reports on the lifecycle impacts of wood products. CORRIM were originally organized to update and expand a 1976 report by the National Academy of Science regarding the impacts of producing and using renewable materials. They have produced a number of reports on the lifecycle analysis of forests and of harvester wood products. They have found that wood replaces other emission intensive products such as concrete, steel, gypsum wall board and other products. Oneil et al (2009) produced the emission savings of using wood instead of concrete or steel and the results are shown in the following figures.

Figure 3-9 GHG Emissions Wood vs. Concrete

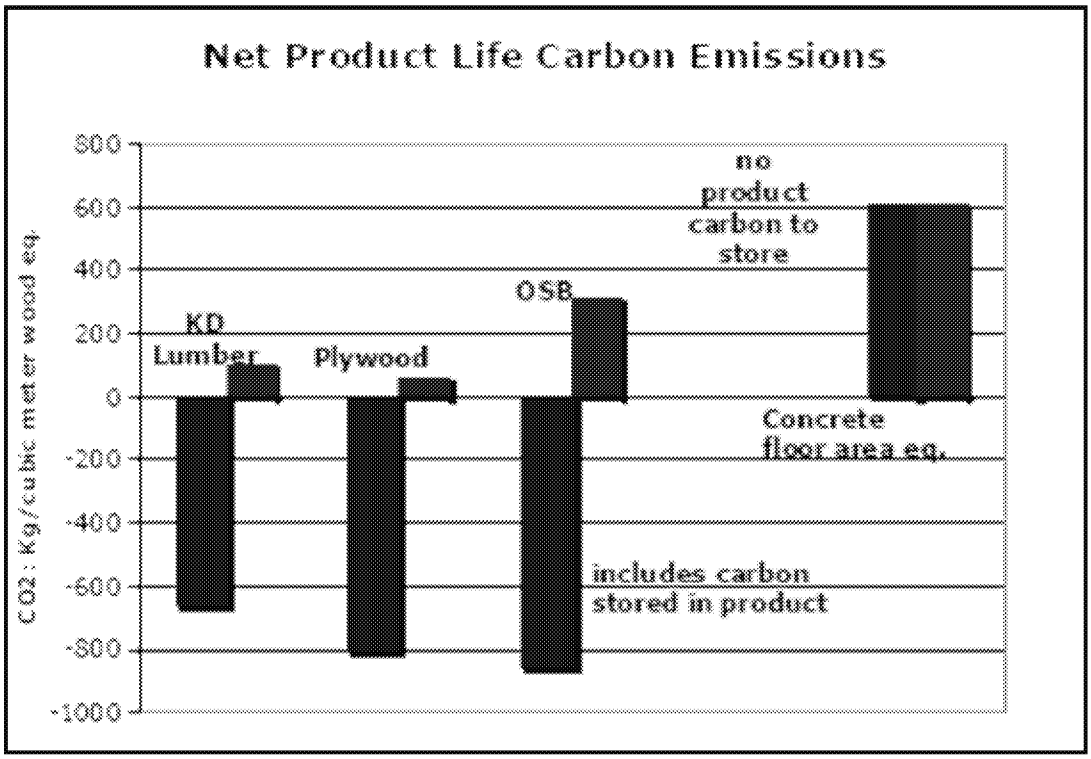
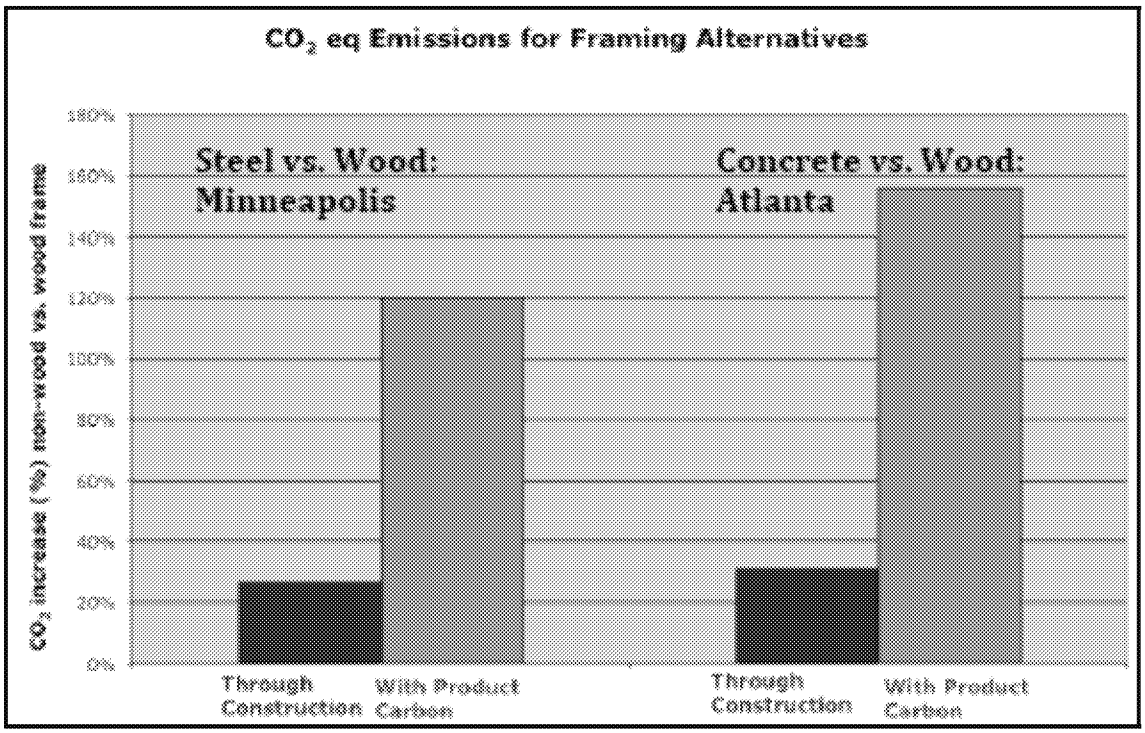


Figure 3-10 GHG Emissions Construction Framing Alternative



Harvested wood products deserves a much more thorough accounting of the GHG emissions avoided that is currently in the EPA model. At a minimum, the accounting needs to account for the emission offset from the use of wood residues for energy and the emissions avoided from alternative construction materials.

3.6 SUMMARY

The international land use change emissions are the single largest category of emissions in the EPA analysis of palm biodiesel. The magnitude of the emissions is driven by a number of factors including:

1. The degree of market mediation of the increased demand for palm oil forecast by the FAPRI model.
2. The substitution of other oil products for palm oil, also forecast by the FAPRI model.
3. The location and type of land that is converted to palm oil plantations. The EPA have relied on the GEOMOD model for these estimates. The issue here is that the forecasts do not align with the types of land that have recently been used for new palm plantations. The EPA ignores "waste" lands and significantly downplays the role of disturbed forests in their analyses. An alternative analysis based on the recent conversion trends would reduce these emissions by almost 16,000 g CO2/MM BTU.
4. The final factor is the quantity of peat lands that would be converted in the future and the emission rate of GHG emissions from drained peatlands. The quantity of peat land is also based on the GEOMOD model and it does not consider the mounting political pressure to preserve these lands nor the potential for the extension of the current Indonesian moratorium on the use of the peatlands. There is a great deal of uncertainty with respect to the emission rate from drained peatlands.

4. Farm Inputs & Rice Methane

A number of emission sources are derived from the FAPRI modelling runs. They include the emissions from increased fertilizer production, from fertilizer use, increased farming energy, and from changes in rice production.

The FAPRI output is the result of a shock to the world agriculture sector to an increase in demand for palm oil. The agriculture sector responds with some decreased final demand due to higher prices, some substitution of other vegetable oils for palm oil in existing markets, and some increase in palm oil production.

There are four components to the 5,121 g CO2/MM BTU that the EPA have reported. These are shown in the following table and are discussed individually below.

Table 4-1 Farm Inputs and Rice Methane

	Value, g CO_2/MM BTU
Agricultural Inputs	1,466
N_2O Emissions	2,076
Agricultural Energy	1,479
Rice Methane Emissions	99
Total	5,121

4.1 Ag Inputs

The emissions from the manufacture of the fertilizer, herbicides and pesticides amount to 1,466 g CO_2/MM BTU according to the EPA calculations. The breakdown of these emissions is shown in the following table.

Table 4-2 Ag Input Composition

	Value, g CO_2/MM BTU
N Manufacture	815
P Manufacture	200
K Manufacture	376
Herbicide Manufacture	36
Pesticide Manufacture	38
Total	1,465

Sixty percent of those emissions are from the manufacture of nitrogen fertilizer. There are two components to the calculation, the quantity of fertilizer applied and the emissions per unit of fertilizer. The EPA uses the fertilizer emission factors from GREET and they are representative of US production rates. The fertilizer application rates are derived from data published by the International Fertilizer Association and the FAO (2009). The fertilizer rates are shown in the following table for Indonesia and Malaysia.

Table 4-3 Fertilizer Application Rates

	Indonesia	Malaysia
Nitrogen, kg/ha	74	100
Phosphorus, kg/ha	29	36
Potassium, kg/ha	92	235

The Malaysian nitrogen value is higher than used by Lifecycle Associates in their report for the MPOB, but it is not out of line with other estimates. There are a few values for fertilizer that are very high, N for Mexico of 436 kg/ha, but the area from FAPRI is very small at 85 ha.

One of the more difficult to explain results from the FAPRI modelling is an increase in cotton acres due to the increased production of biodiesel. The model projects an additional 39,000 ha of cotton production. While cotton produces a small amount of oil, the value of the oil is very low compared to the value of the fibre and it is difficult to see how an increase in oil price would drive cotton production. Cotton has high fertilizer and chemical inputs and the cotton nitrogen fertilizer accounts for 25% of the total increase in nitrogen fertilizer. The nitrogen fertilizer for palm accounts for 75% of the total and all other crops show an increase or decrease but have no net impact. There were similar increases in cotton in both the canola and soybean modelling runs. The cotton nitrogen accounts for 219 g CO_2/MM BTU.

The phosphorus and potassium fertilizer consumption is essentially totally accounted for by the oilseed crops, palm, rapeseed, soybeans, and sunflowers.

4.2 N_2O Emissions

The N_2O emissions are the largest source in this group. They arise from the application of nitrogen fertilizer and from the decomposition of residues containing nitrogen. The emissions are dominated by palm, rapeseed, and sunflower. The EPA follows the IPCC methodology for these calculations.

4.3 Ag Energy

The emissions from the fuel required for producing the crops amounts to 1,479 g CO_2/MM BTU. Thirty-nine percent of the emissions are from increased palm oil production and the remainder are from changes in the production of other crops.

The fuel usage for palm oil production is 18.5 gal of diesel per hectare of palm production. The EPA chose the value in the Lifecycle Associates LCA study. They noted that values of 14-32 gal/ha could be found in the literature. The GHG emissions from this quantity of diesel fuel are 233,300 g CO_2/ha.

The emissions for crop production (other than palm) in other countries are the same as used by the EPA in the rest of their analyses. It relies on IEA data on total CO_2 emissions from agricultural fuel combustion by country. The EPA also collected IEA data on agricultural electricity and fuel use by country, which was combined with emissions factors to estimate country-level GHG emissions from agricultural electricity and fuel use. The IEA uses data supplied to it by member countries so there can be some inconsistency in this information. There is also a very wide range of results that are applied, the CO_2 emissions range from a low of 10,034 to a high of 4,491,072 g CO_2/ha. While some variation could be expected depending on crops produced and production practices, the overall data quality for these calculations are very low but better quality global information does not currently exist.

While the methodology is the same for all of the feedstocks that the EPA has considered, the results can be different, depending on the distribution of countries that experience changes in crop production from the FAPRI model. The average emissions for palm are about 294,000 g CO_2/ha whereas the average for canola was higher at 327,0000 g CO_2/ha. Note that the value used for palm production is lower than the average for all crops. Even if the palm oil number were used for all crops the emissions would only drop by 309 g CO_2/MM BTU.

4.4 Rice Methane

The production of rice causes emissions of methane during the time that the fields are flooded. Changes in rice area will therefore lead to changes in methane emissions. The FAPRI palm oil run results in an additional 840 hectares of rice production world wide. Using emission factors ranging from 37 to 137 kg methane/acre/year, the EPA calculates that the increased palm oil production creates an increase in rice methane emissions of 99 g CO_2eq/MM BTU of biodiesel.

The EPA soybean and canola FAPRI analysis produced generally similar results, increased biodiesel demand caused an increase in oil production from palm, rapeseed, and soybeans; an increased in protein from dry beans, rapeseed, and soybeans, and a decrease in starch crops, but with an increase in rice production. However, soybeans and canola also had a FASOM run to determine changes in GHG emissions in the United States. These runs show some differences between the FASOM and FAPRI results for rice. These are summarized in the following table.

Table 4-4 FAPRI and FASOM Rice GHG Emissions

	Soybean Biodiesel	Canola Biodiesel	Palm Biodiesel
US			
FAPRI Rice, 1000 t	5.1	-0.2	-1.3
FASOM Rice, GHG g CO_2eq/MM BTU	-7,350	-469	Not run
ROW			
FAPRI Rice, 1000 t	152	26	7
FAPRI Rice, GHG g CO_2eq/MM BTU	2,180	310	99

With the EPA soybean analysis, the FAPRI model projected an increase in rice production in both the United States and the rest of the world, but the FASOM model must have projected a decrease in US rice production which resulted in a large GHG credit. Similarly with the EPA canola analysis, there was an increase in rice production but FASOM generated a larger credit than the calculated FAPRI emissions, so there was a small decrease in GHG emissions due to changes in the world rice production. In both cases FASOM generated a credit whereas FAPRI generated increased GHG emissions. It would appear that the two models do not treat rice emissions the same way.

There was no FASOM run for palm oil, so while there is not any palm production in the US, there will still be changes in agricultural production that could generate either GHG emission credits or additional GHG emissions. A reduction in US rice production would be expected to generate a large credit in FASOM, perhaps as much as 3,000 g CO_2eq/MM BTU based on a simple scaling (1.3/0.2*469=3,048).

These changes in rice area should also be kept in perspective. The total area of rice harvested in the world is 153 million hectares. The change predicted by the FAPRI model, 10

years into the future is 0.00055% (5 ha for every one million ha). There is no way that the model has this degree of accuracy. Some level of materiality should be applied to the model results.

4.5 SUMMARY

The EPA analyses of these emissions are generally similar to the approach used for the other fuel pathways that the EPA has studied. The one significant difference is that the EPA has not run the FASOM model for palm oil biodiesel, as palm oil is not produced in the United States. The problem is that there are changes to US agriculture as a result of the increased demand for palm oil. The FAPRI model documents these changes. The issue is that it appears that for some emission sources, like rice methane, the FASOM model results for the US are quite different than the results that are calculated from the FAPRI model using the EPA emission factors. For palm oil the difference could be as large as a 3,000 g CO_2/MM BTU positive impact on the lifecycle emissions.

These emissions result from very small changes to the overall agricultural production in the world. The rice changes are on the order of 5 parts per million and the FAPRI forecasting model does not have that degree of precision. The changes in world GHG emissions with and without the level of palm oil biodiesel that the EPA has modelled are not significantly different.

There is significant uncertainty in the GHG emission estimates for fertilizer production, agricultural energy use and emissions, and the N_2O emissions but the overall impact on the results is expected to be relatively small. The same degree of uncertainty with respect to these emission categories exists in the EPA analyses of the other biodiesel pathways.

5. LIVESTOCK CHANGES

The emission credit for livestock is also derived from the FAPRI model. The model predicts a decline in the population of beef and swine animals and an increase in dairy, sheep, and poultry. The largest changes occur in the United States, Asia, and Brazil. The decline reduces methane emissions from the livestock population.

The US sees gains in poultry and swine, with losses in beef. Asia sees gains in sheep, and Brazil sees reductions in their beef herd.

Like the methane emissions from increased rice production, one must question the capability of the model to determine these very small changes with any precision. The total changes projected by the model are compared to the total livestock populations (FAO) in the following table.

Table 5-1 Livestock Changes

	Model Changes	World Population	% Population
	1,000 head		
Beef and dairy	-35	1,428,701	0.0025
Swine	51	965,885	0.0053
Sheep	-29	1,084,577	0.0027
Poultry	430	19,907,370	0.0022

While these percentage changes are larger than the changes in the rice area, they are still miniscule and the accuracy of the model to solve for changes this small should be questioned.

There is also the issue that some of these emissions occur in the United States and in other pathways the US emissions are modelled using FASOM. Different results could arise for the palm oil pathways from using the FAPRI model and associated emission factors for changes in US emissions rather than using FASOM. There is not enough detail in the information supplied by the EPA to determine if there are any differences but a comparison with the canola results does raise some concerns. That comparison is shown below.

Table 5-2 Comparison to Canola Biodiesel

	Canola	Palm
Emissions, g CO2/MM BTU		
US Livestock	-1,501	-
International Livestock	-6,657	-399
Total Livestock	-8,158	-399
Total gallons, million	200	400
Change in livestock population/100 million gal		
Beef (1,000 head)	-43	-7
Dairy (1,000 head)	7	2
Sheep (1,000 head)	64	13
Swine (1,000 head)	-40	-0.3
Poultry (100,000 head)	38	12

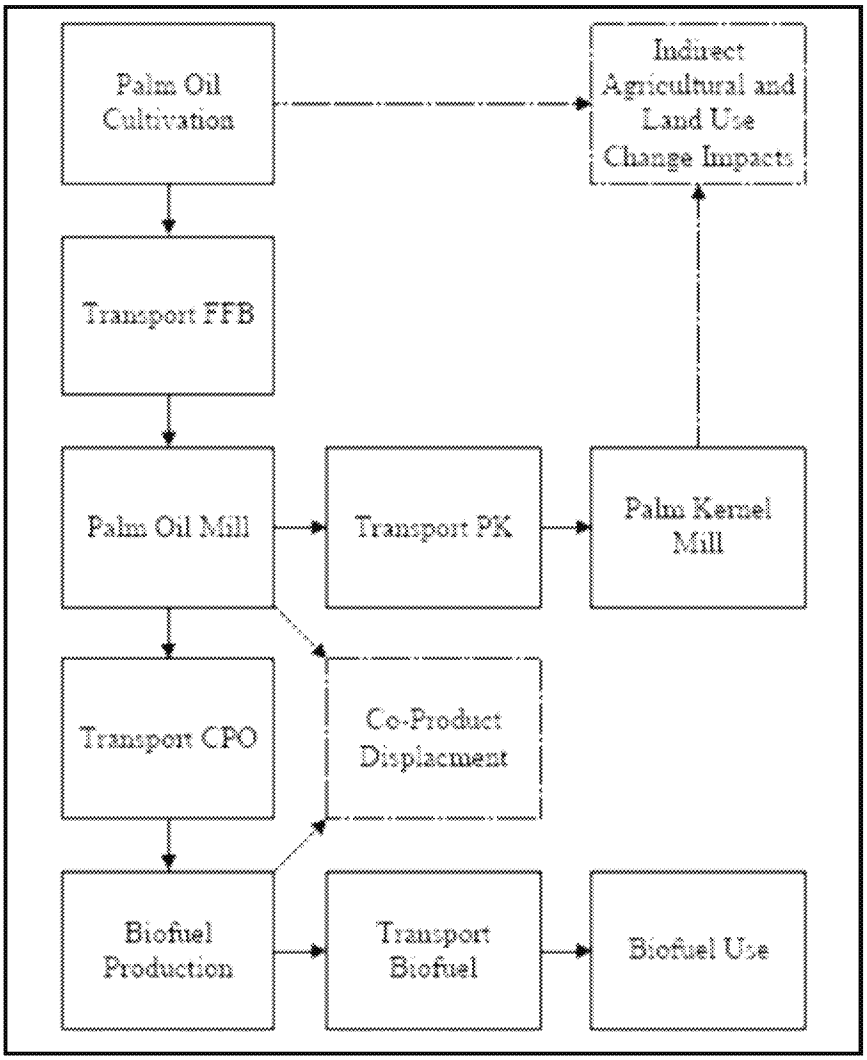
The palm oil impact should be lower than the canola since there is less protein generated from palm oil than from canola/rapeseed. The question is should it be 20 times lower? Or are

the results impacted by different methodologies between the FASOM and FAPRI models? The differences in the changes in livestock populations do not appear to be large enough to support the 20 times factor in the results.

6. PALM OIL

The system boundaries that the EPA have established for the palm oil biodiesel system were identified in the document "Summary of Modeling Inputs and Assumptions". The simplified system boundaries used for this work is shown in the following diagram.

Figure 6-1 Palm Oil System Boundaries



The system boundaries are critical in determining what is to be included in the analysis and what must be excluded. The EPA calculated the emissions for each of the boxes separately.

6.1 PALM FRUIT TRANSPORT

The transport of fresh fruit bunches and empty fruit bunches is modelled using medium duty trucks and an assumed two way distance of 34 miles. In both cases the trucks operate with empty back haul. Only 50% of the empty fruit bunches are returned to the field. 90% of the emissions are accounted for the transport of the fresh fruit bunches to the mill. All of these

assumptions appear to come from the Life Cycle Associates, LLC report prepared for the Malaysian Palm Oil Council (2011).

Harris et al (2011b) analyzed the distance from existing oil palm plantations to oil mills and found that the median distance in Indonesia was between 8 and 9 km. The average truck haul based on that analysis would be 12 km (7.5 miles). This is calculated by taking the median distance and multiplying by the square root of two. The round trip would be 15 miles.

It is also not clear why the empty fruit bunches would not be used as a back haul. Finally there is a recurring issue in the analysis that the energy intensity of the backhaul is assumed to be the same as the loaded trip. This is just not possible.

Changing the distance to 15 miles from the 34 used by the EPA and eliminating the empty back haul reduces these emissions from 866 g CO_2eq/MM BTU to 343 g CO_2eq/MM BTU.

6.2 Palm Oil Mill

The palm oil mill accounts for about 25% of the lifecycle emissions in the EPA analysis. There are two primary components, emissions arising from energy use, and fugitive methane emissions from the effluent systems. The emissions from the two sources are shown in the following table. These are discussed separately below.

Table 6-1 Palm Oil Mill Emissions

	GHG Emissions, g CO_2/MM BTU
Oil Mill energy	1,768
Oil Mill methane	23,478
Total	25,246

6.2.1 Energy Use

The energy use at the oil mills is a relatively small portion of the total emissions. The mills use diesel fuel and biomass to supply their energy needs. They are independent of the power grid. The diesel fuel use is 1.18 gal/tonne of CPO and is based on the paper by Subramaniam (2008). This value was also used in the Lifecycle Associates work. The biomass use is based on the paper by Schmidt (2007). The biomass quantities that are in the Subramaniam paper are similar to those in the Schmidt paper.

6.2.2 Methane Emissions

More than 90% of the palm oil mill emissions result from methane emissions from the effluent systems. The EPA had done a thorough job of analyzing these emissions. They considered 10 different configurations of mills and calculated different methane emission rates for each system. Some systems have no capture and others capture the methane and use it to produce steam and electricity. The following table summarizes the systems and their emission rate.

Table 6-2 Summary of Methane Emissions

Digester	Biogas Utilization	Flare Type	% mills	Emissions, g CO_2/MM BTU
Open lagoon			90	26,031
Covered lagoon	Flaring	Enclosed	2	5,180
Covered lagoon	Steam		0.2	2,882
Covered lagoon	Electricity		3	-664
Covered lagoon	CHP		1	-645
Closed Tank	Flaring	Enclosed	1	5,180
Closed Tank	Steam		0	2,882
Closed Tank	Electricity		2	-664
Closed Tank	CHP		1	-645
POME CH_4 avoidance	NA	NA	0	0

It is apparent from the table that the issue is primarily whether or not the mill has any system and not the overall performance of the system. It needs to be noted that some systems will produce a credit for avoided grid power production. Mills that produce electricity would have an emissions reduction of 44.4% even without addressing any of the other issues that have been identified in this report.

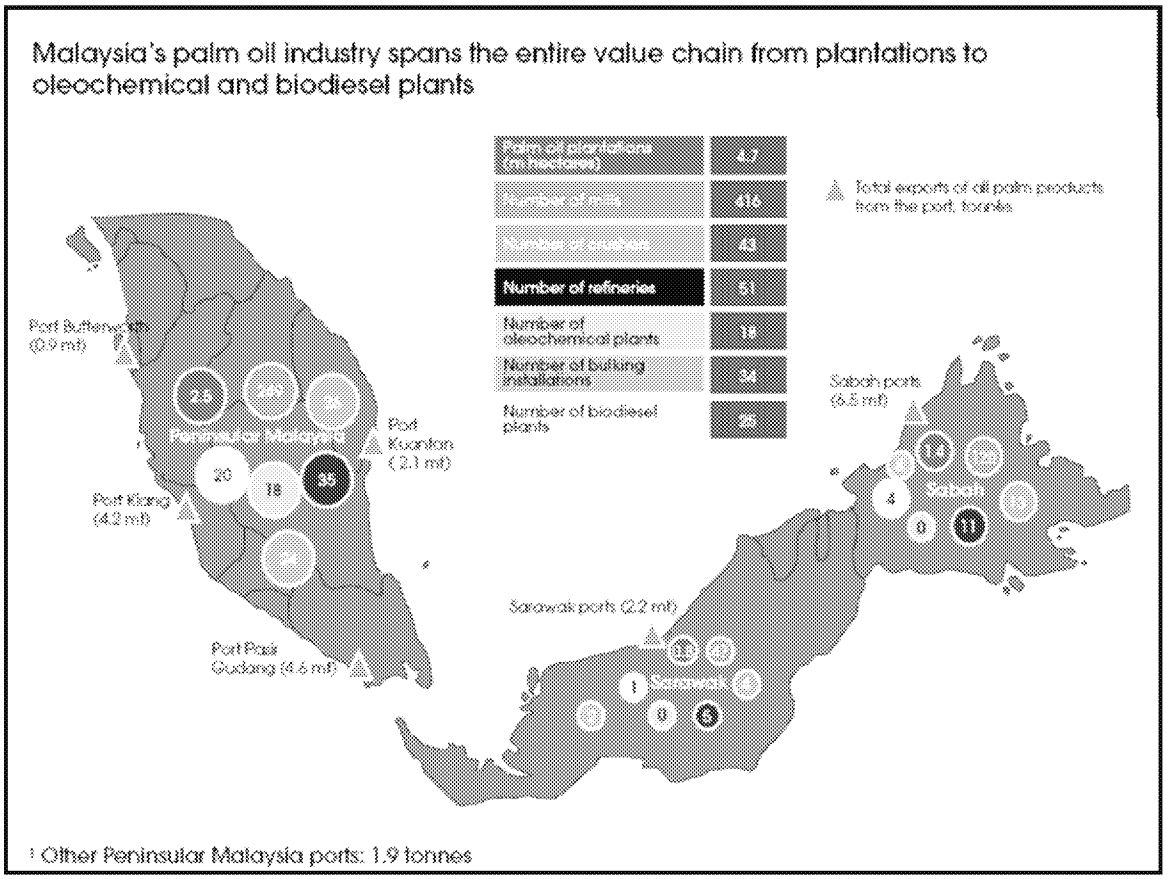
The EPA has assumed that there is no progress made between now and 2022 in terms of addressing these emissions. They justify this assumption based on the fact that they have a single data point for methane capture at mills and therefore can't make a reasonable projection of what the future may look like. While there are not any laws on methane capture at the present time there are incentives to install the systems both from governments and through market mechanisms such as the EU RED and the various sustainability schemes. Based on this one could state, with almost 100% certainty, that the 10% of mills with methane capture that the EPA has assumed in 2022 will be incorrect.

The EPA has faced similar issues in the past with corn ethanol pathways and have responded with multiple pathways based on the technology employed at the ethanol plants. A similar approach could be used here, with 5 bins that covered the technologies that the EPA has studied. Alternatively, the dates that the existing mills installed methane capture could be determined through a survey to establish an implementation curve.

6.3 Palm Kernel Transport

The emissions for the transport of the palm kernels from the crude palm oil mill to the palm kernel mill are relatively small at 122 g CO_2eq/MM BTU of biodiesel and are based on a transportation distance of 100 miles. The 122 g is 0.13% of the lifecycle fossil diesel emissions. The distribution of the Malaysian palm oil industry is shown in the following figure.

Figure 6-2 Malaysian Palm Oil Industry



Source: Malaysian Ministry Of Information Communications And Culture

There is approximately one palm kernel mill for every 10 palm oil mills. In the state of Sabah, which accounts for 30% of the palm product shipments, the total land area is 28,429 miles. If this were a true circle, the radius would be 95 miles. A distance of 100 miles between the oil mill and the palm kernel mill is obviously too high in this region. A distance of 25 miles is much more appropriate given the area and the concentration of mills.

Peninsular Malaysia has about 50,000 sq. miles and twice as many oil mills and palm kernel mills, so the distances would be similar. Only in the state of Sarawak might the distances be larger as the density of oil mills is lower. Given the low production from this region it would be difficult to justify a distance of more than 30 miles for this stage of the lifecycle.

6.4 Palm Kernel Mill

The palm kernel mills consume electricity and diesel fuel to produce palm kernel oil (PKO) and palm kernel meal (PKM). The EPA includes the emissions from these mills in the calculation of the GHG emissions for crude palm oil. The two products are included in the FAPRI model runs where they would be used instead of other vegetable oils and sources of protein. They are essentially given a credit for land requirements avoided by the increased availability of these products.

The problem with this approach is that FAPRI doesn't include the emissions for crushing vegetable oils. Essentially what is being done in the analyses is that PKO and PKM are displacing oilseeds rather than the products of crushing the oilseeds.

In the following table, the energy and emissions associated with oilseed crushing for several oilseeds are compared.

Table 6-3 Energy and Emissions for Crushing Oilseeds

	Electricity	Diesel	Nat Gas	GHG Emissions
	BTU/tonne seed	BTU/tonne	BTU/tonne	g CO_2e/tonne
Palm Kernel	379,127	331,736	0	104,477
Soybeans[1]	208,315	0	788,130	90,749
Canola[2]	167,335	0	945,000	91,436

While less energy is used to crush the palm kernels, the energy has a higher carbon intensity than the energy used to crush soybeans and canola, so the GHG emissions are similar.

The appropriate approach for modelling would be to exclude the palm kernel crushing energy and emissions. That way the palm kernels are displacing an equivalent product in the FAPRI analysis of land use and land use change.

If the appropriate treatment of the emissions from the palm kernel mill is to exclude them because these emissions are not included in the analysis of the products that the PKO and PKM displace, then the transport emissions should also be excluded since the transport emissions of the displaced products are also not included in the FAPRI analyses. It is only when the system boundaries of the produced product are identical to the displaced product that the conditions of equivalent products required for LCA are met. The transportation distance issue identified above becomes irrelevant.

6.5 Crude Palm Oil Transport

From Figure 6-2 it would appear that there are about half as many biodiesel plants as there are palm kernel mills. The transportation distances should be larger than the distance from the oil mill to the kernel mill. Using the recommended 30 mile distance from the oil mill to the kernel mill, the distance from the oil mill to the biodiesel plant would be $30*2^{0.5}$ or no more than 45 miles. This would lower the emissions from 320 g CO_2/MM BTU to 144 g CO_2/MM BTU.

6.6 Summary

The transportation distance assumptions used by the EPA are quite high for most of the assumptions made. There is also some inconsistency between the values chosen for palm oil biodiesel and the values used in some of the other biodiesel pathways the EPA has studied.

The palm oil mill emissions are driven by the methane emissions. The assumption made by the EPA that there would be no change to the rates of methane capture are unrealistic given the early stages of development of this technology and the mounting pressure placed on mills by government and the marketplace to reduce these emissions. Either better forecasts need to be developed or an alternative approach, like the one the EPA used for corn ethanol plants, needs to be developed.

The treatment of the emissions credit for palm kernel meal and oil is inappropriate. The products are being compared to other vegetable oils and meals in FAPRI that need to have

[1] EPA RFS2.
[2] Canola Council of Canada submission to EPA in support of Canola biodiesel under RFS2.

energy and emissions accounted for. The easiest way to make the two systems equivalent is to not count the emissions associated with palm kernel transport and milling as part of the palm oil lifecycle.

7. BIODIESEL

In the EPA analysis, the crude palm oil is converted to biodiesel in the region that the oil is produced in and then transported to the United States. There will be emissions from the biodiesel production process, emissions avoided from the production and use of the co-products from the production system, and emissions from the transportation of the final product. These issues are discussed below.

7.1 BIODIESEL PRODUCTION

The EPA report that they have used the same biodiesel production factors as used for the other biodiesel pathways. There are two issues here.

The energy used for biodiesel production by the EPA is higher than has been reported by the biodiesel industry. This has been pointed out to the EPA in previous comment periods for the soybean and canola biodiesel rulemakings. The differences are summarized in the following table.

Table 7-1 Comparison of Biodiesel Processing Energy

	EPA	NBB
Year	2022	2008
Natural gas	4,381 BTU/gal Biodiesel	2,700 BTU/gal Biodiesel
Electricity	381 BTU/gal Biodiesel	410 BTU/gal Biodiesel
GHG emissions	- 969 g CO_2/MM BTU	-1,865 g CO_2/MM BTU

The other issue is that the EPA have used a feedstock requirement of 7.6 pounds CPO/gal biodiesel, whereas for the soybean analysis they used 7.4 pounds of feedstock per gallon. This doesn't change the biodiesel emissions but it does change all of the upstream emissions. The total impact of this is a reduction of 2,059 g CO_2/MM BTU.

7.2 GLYCERINE CO-PRODUCT

The EPA has treated glycerine in the same manner as they did for soybeans and canola. They have asked for comments on their approach. The original EPA assumption was that increased biodiesel production would flood the market with crude glycerine and it would be used as a fuel. The approach they developed gives glycerine a credit for fuel oil (the market with the greatest ability to accept greater volumes) but assumes that it is a biogenic product. The problem with this is that the EPA also considered biodiesel to be a 100% biogenic product. In both cases ignoring the fossil carbon in the methanol used to produce the biodiesel. There has been some criticism of the EPA's approach and including the fossil carbon in one of the products would increase the GHG emissions for biodiesel by 4,000 g CO_2/MM BTU.

The argument is that the glycerine is used for other applications other than as a fuel and the other applications provide greater GHG emission benefits than use as a fuel. The glycerine from biodiesel production can be upgraded to produce USP grade products, it can be converted into other products such as propylene glycol, it can be used as animal feed, or it can be used as a fuel. A recent survey of NBB members (2010) reported the following distribution of glycerine markets.

Table 7-2 Biodiesel Glycerine Markets

Market	% of Glycerine
Refined Glycerine	48
Livestock Feed	33
Sold with unknown end use	14
Fuel	4
Reprocessed to biodiesel	1

Since this survey was taken, ADM has started a processing facility to convert glycerine to propylene glycol. This plant is designed to manufacture Industrial Grade and USP Specifications Grade propylene glycol from renewable sources. The plant's capacity is 100,000 metric tons. The feedstock for the plant is approximately 128,000 tonnes of glycerine, which is equivalent to the production from about 365 million gallons of biodiesel.

7.2.1 Petroleum Based Glycerine

Synthetic Glycerine was manufactured primarily by the Faber process until the rapid expansion of the biodiesel industry in Europe and the United States over the past 15 years. Many of the traditional Faber processes closed, including those in the United States. This process was quite GHG emission intensive and the various estimates of the GHG emissions from this process are summarized in the following table. The oxidation credit is to recognize that the product is biogenic compared to the fossil based product produced by the Faber process.

Table 7-3 Estimates of GHG Emissions from Glycerine from the Faber Process

Source	Production	Oxidation	Total
	kg CO_2eq/MM BTU Biodiesel		
GREET	23.7	4.0	27.7
EPA RFS2	19.5	4.0	23.5
LEM	18.4	4.0	22.4
Ecoinvent	13.9	4.0	17.9
GEMIS	23.0	4.0	27.0
Average	19.7	4.0	23.7

With 50% of the biodiesel glycerine being upgraded to USP grade product, this is a significant market for the biodiesel industry. If this glycerine did not exist, then Faber type plants would be required to serve the market and these would have a significant carbon footprint. This is higher than the fuel value used by the EPA.

7.2.2 Feed Usage

Glycerine used as animal feed is used to supply energy in the diet. The glycerine will displace other energy feeds such as corn. The metabolized energy values for crude glycerine and various feeds are shown in the following table.

Table 7-4 Energy Value of Feeds

Ingredient	Net Energy Lactation, kcal/kg	Reference
Corn	2,000	Preston
Wheat	2,000	Preston
Glycerine	2,000 –2,300	Donkin

Donkin (2008) observed that based on the typical starch levels in rations fed to dairy cattle, an energy value for glycerol that is equal to the energy value of corn starch is an appropriate starting point until more information is available.

The typical co-product credits for various materials are shown in the following table. Co-product feeding values are always difficult to determine precisely as the effect can vary between species, but if glycerine displaces corn at 115% of corn, or displaces soybean oil at 35% of the oil credit, then the material has a GHG emission value between 380 and 560 g CO_2eq/kg plus any indirect land use emissions associated with that feedstock.

Table 7-5 Emissions Credit for Glycerine and Feed

Material	g CO_2eq/kg
Corn	330
Soybean oil	1,600
Glycerine displacing corn	380
Glycerine displacing soyoil	560

Significant quantities of crude glycerine from biodiesel plants are being used as animal feed to supply energy to the ratio. The glycerine typically displaces corn from the ration. The exact displacement ratios vary from specie to specie but appear to be in the range of 1 to 1.2 pounds of corn displaced per pound of glycerine fed. This has a direct GHG impact of only 1.0 to 1.2 kg CO_2e/MM BTU of biodiesel, but it will also have an impact on the indirect land use emissions. If the glycerine is displacing soybean oil, the emission credit may be 1.5 kg CO_2e/MM BTU of biodiesel plus any indirect land use emissions avoided.

In the case of animal feed, the glycerine is displacing another biogenic source of carbon so there is no benefit from the ultimate oxidation of the glycerine.

7.2.3 Fuel

The EPA has established that the fuel value of the glycerine is approximately 8 kg CO_2/MM BTU of biodiesel.

7.2.4 PG Production

One of the newest applications of glycerine is the conversion to propylene glycol. This process is relatively carbon intensive, the Ecoinvent LCI database reports that the GHG emissions of propylene glycol are 4.135 kg CO_2eq/kg PG. This does not include the emissions from the oxidation of the final product and in most applications the product is eventually oxidized. These emissions add a further 1.76 kg CO_2eq/kg PG, for a total of 5.73 kg CO_2eq/kg PG. An analysis done using the GABI LCA program reported lifecycle emissions for PG (including oxidation) of 8.23 kg CO_2eq/kg PG (ADM, 2011). One of the reasons for the variation could be the source of propylene (oil based or natural gas based).

One million BTU of biodiesel will produce about 2.8 kg of glycerine. This quantity of glycerine will produce 2.1 kg of PG. The co-product credit for PG produced from glycerol, using the displacement approach, would therefore be between 8.7 and 13.6 kg/MM BTU biodiesel without the end of life credit and between 12.4 and 17.3 kg CO_2eq/MM BTU with the end of life credit, less the emissions associated with the production process. In the case of ADM, these process emissions are reported to be 3.24 kg CO_2eq/kg PG. The net GHG reduction reported by ADM is therefore 5.0 kg CO_2eq/kg PG or 10.5 kg CO_2eq/MM BTU biodiesel.

This is higher than the fuel value used by the EPA.

7.2.5 Glycerine Summary

When all of the markets for glycerine are considered the EPA treatment of glycerine is conservative. In the following table the GHG emission benefits of glycerine are summarized for the historical uses of glycerine and the incremental use based on producing PG. A conservative assumption is made for the PG carbon emissions avoided. In this table it is assumed that the glycerine has biogenic carbon.

Table 7-6 GHG Benefits of Glycerine

	GHG Benefit	2010 Market	Incremental Applications
	kg CO_{2eq}/MM BTU Biodiesel	% Market Share	
Refined Glycerine	23.75	48	0
Livestock Feed	1.5	33	0
Sold with unknown end use	4.0	14	0
Fuel	4.0	4	0
Reprocessed to biodiesel	0.0	1	0
Propylene Glycol	10.5	0	100
GHG Benefit		12.62	10.5

7.3 Biodiesel Transport

There are considerable transportation distances involved in the palm biodiesel pathway that the EPA have analyzed. The emissions from all of the transportation total about 3% of the lifecycle diesel fuel emissions. The transportation assumptions are summarized in the following table.

Table 7-7 Transportation Assumptions and Emissions

	Mode	Distance	Emissions
		Miles	g CO_2eq/MM BTU
Biodiesel plant to port	Truck	300	937
Port to US port	Ship	9,000	884
US Port to Bulk Storage	Truck	50+50	312
Bulk storage to distributor	Truck	90+90	562
Total			2,695

The 300 miles by truck to a port would also appear to be a high distance. Many of the biodiesel plants are located at ports to reduce the transportation costs. The whole palm oil

industry is export oriented and would therefore naturally be located close to port facilities. The Malaysian Palm Oil Board (2011) publishes a list of biodiesel plants with their locations. This list was compared to the Malaysian ports identified in the document "Deepening Malaysia's Palm Oil Advantage" to determine the average transportation distance from a biodiesel plant to a port. The average distance was about 20 miles. Assuming an empty backhaul, the distance used in the calculations should be 40 miles, not 300 miles.

The port to port transportation distance is reasonable.

The transportation distances in the US are considerably higher than the EPA used for the soybean biodiesel analysis. In that work a distance of 30 miles was used from the last truck distribution. In addition there was some distribution from the biodiesel plant to a terminal via a combination of barge, rail, and truck. While the palm biodiesel would not be able to penetrate the continental US to the same degree that domestic production could, the 280 mile truck distance (round trip) from the port appears to be high compared to the analysis that was done for soybean. It is recommended that the bulk storage to distributor distance be reduced to the same 30 mile distance used previously. With the rail freight energy intensity being about one third of truck energy intensity a combination of 300 mile rail and 100 mile truck distribution from a port to a distribution point would offer considerable market penetration.

The recommended transportation distances and emissions are summarized in the following table.

Table 7-8 Recommended Transportation Assumptions and Emissions

	Mode	Distance	Emissions
		Miles	g CO_2eq/MM BTU
Palm Oil mill to biodiesel plant	Truck	45	144
Biodiesel plant to port	Truck	40	125
Port to US port	Ship	9,000	884
US Port to Bulk Storage	Truck	100	312
Bulk storage to distributor	Truck	60	188
Total			1,653

It is not clear why the energy intensity that is being used in the calculations is the same for the loaded trip as for the empty back haul. This is the assumption that is in GREET but it is obviously not correct. The recommended transportation distances reduce the emissions by 1,400g CO_2eq/MM BTU even using the same energy intensity for a loaded trip as a backhaul.

7.4 Biodiesel Combustion

The emission from the combustion of biodiesel are consistent with the approach used in the other biodiesel pathways that have been analyzed by the EPA.

The issue of the fossil carbon in the methanol increasing the combustion emissions by 4 kg/MM BTU needs to be related to the treatment of the glycerine. If the fossil carbon is found in the biodiesel then the glycerine is composed of biogenic carbon and the use of biogenic glycerine needs to be compared to the use of fossil glycerine and other fossil based products. Ultimately all of the products produced using the glycerine will be oxidized and the fossil based products will contribute 4 kg of CO_2 emissions to the environment and the biogenic based products will not.

7.5 SUMMARY

The energy consumption assumed for biodiesel plants is high compared to the energy use survey conducted by the NBB several years ago. The energy consumption is the same as the EPA has used in other biodiesel pathways.

The biggest issue with the biodiesel calculations is that the yield is lower than that used by the EPA for the soybean pathway. In that work it was assumed that 7.4 pounds of feedstock was required to produce a gallon of biodiesel. In this analysis the EPA has assumed 7.6 pounds/gallon. It should be the same as the soybean yield.

The glycerine issue is difficult to quantify but the current EPA values are appropriate when considered in combination with the treatment of the combustion of the biodiesel. In this case the two errors do cancel out and the final result is reasonable given the lack of verified information about glycerine markets.

8. CONCLUSIONS

This work has involved a comprehensive review of the EPA proposed lifecycle analysis of palm oil biodiesel. It has involved a review of the methodology, the data used, and a comparison to the other biodiesel pathways that the EPA has analyzed. The review has identified issues with all three aspects, comparability, methodology, and data quality. These are summarized below.

8.1 METHODOLOGY

With two exceptions, the EPA has applied the same general methodology to the analysis of the palm oil pathway as they did to the canola and soybean biodiesel pathways. The two exceptions are that the FASOM model was not used in this analysis, and the method used to project what kind of land would be converted to palm oil plantations was revised.

The justification for not running FASOM was that no palm oil is produced in the United States and so the model used to determine domestic emissions is not needed. This would be an acceptable approach if the FAPRI and FASOM models produced identical results for the United States.

The second change in methodology was a more detailed and site specific look at what kind of new land would be brought into production. This in concept is an improvement over the previous methodology of just using satellite images to determine land use change patterns, as that approach is unable to differentiate the drivers of land use change. The problem is that the model results are not at all aligned with the patterns of land use change that have occurred in Malaysia and Indonesia over the period of 2005 to 2010. The model does not include land that has previously been logged and left abandoned and thus over estimates the GHG emissions from land use change in those two countries by approximately 16,000 g CO_2/MM BTU.

The EPA co-product treatment of the palm kernel oil and palm kernel meal is not correct. The EPA includes the emissions from the transport and milling of palm kernels and attributes those emissions to the crude palm oil. Their justification for doing this is that two products are accounted for in the FAPRI model and that is where the co-product credit is accounted for. It is true that FAPRI includes PKO and PKM in their model but FAPRI does not model emissions. In reality, PKO and PKM will substitute for vegetable oils and meals within FAPRI but, since FAPRI doesn't model the emissions to crush soybeans or rapeseed or any of the oilseeds, one can't include those emissions in the palm oil analysis. To do so is comparing two systems with different system boundaries. Correcting this issue has a small impact on the results of 824 g CO_2/MM BTU.

The EPA has improved their estimates of carbon stocks of natural ecosystems and palm plantations and made a small step forward in their treatment of harvested wood products, but the HWP benefit is still understated, as it is not a lifecycle comparison.

8.2 COMPARABILITY

There is evidence that The FASOM and FAPRI models may not produce the same results when dealing with the same issue. This is the case for at least rice, livestock, and perhaps agricultural energy. The magnitude of the differences is not possible to determine precisely without running the FASOM model with a production shock occurring outside of the US (which would be different than what has been done with the model previously) but the

difference could amount to a few percentage points in the GHG reductions offered by palm oil biodiesel.

8.3 DATA

Much of the data that is used by the EPA is sound and is drawn from some of the best papers in the literature. It doesn't differ significantly from the data used by the Malaysian Palm Oil Board in their commissioned work on Lifecycle Analysis. However, there are a number of areas where the EPA has made assumptions that do not appear to be well supported by facts. This is particularly the case with the assumed transportation distances of fresh fruit bunches, crude palm oil, and palm oil biodiesel. Correcting these factors reduces the emissions by 1,885 g CO_2/MM BTU.

The energy requirements for producing biodiesel used by the EPA are the same as those that have been used in other analyses but they are too high. Reducing the energy use to that of the average value from the 2008 NBB production survey reduces the emissions by 896 g CO_2/MM BTU.

The issue of the methane emissions from the oil mills make the assumption that nothing will change in the future. For a technology that has just been introduced into the industry, this is an unreasonable assumption to make about the future 10 years from now. Either the EPA needs to undertake more work to determine the implementation rates in the past, or consider looking at multiple technology pathways as it has done with corn ethanol in the RFS2 final rule.

Finally the EPA has assumed that 7.6 pounds of palm oil are required to produce a gallon of biodiesel when they use 7.4 pounds for soybean biodiesel (1 kg oil/kg biodiesel). This has an impact on all of the upstream emissions.

In the following table the adjusted emissions for two scenarios are shown, one with no methane capture and one with the methane capture using the best scenario modelled by the EPA. Some of the values are the result of two changes, the change identified in the report and the change in conversion rate (from 7.6 to 7.4 lbs. oil/gal biodiesel). The palm oil mills with methane capture would easily surpass the 50% GHG emission threshold, whereas the mills that don't employ this technology would not meet the minimum GHG emission reduction.

Table 8-1 Adjusted Palm Biodiesel Emissions

	Diesel Fuel	Palm Biodiesel		
		EPA NODA	Adjusted	
		Base	W/o methane capture	With methane capture
	g CO_2eq/MM BTU			
Land Use Change		46,110	29,395	29,395
Farm Inputs & Rice Methane		5,121	4,986	4,986
Livestock Changes		(359)	(350)	(350)
Palm Fruit Transport		866	334	334
Palm Oil Mill		25,246	27,072	1,094
Crude Palm Oil Transport		320	140	140
Palm Kernel Transport		122	0	0
Palm Kernel Mill		824	0	0
Fuel Production	17,998	(969)	(1,865)	(1,865)
Yield Adjustment			0	0
Fuel Transport		2,696	1,509	1,509
Fuel Combustion	79,008	700	700	700
Total	97,006	80,677	61,921	35,943
% reduction		17%	36.2%	62.9%

9. REFERENCES

ADM. 2011. Lifecycle Analysis Propylene Glycol. http://www.adm.com/en-US/products/evolution/Propylene-Glycol/Pages/Life_Cycle_Analysis.aspx

Donkin, S., Doane, P. 2008. Glycerol from Biodiesel Production: The New Corn for Dairy Cattle. http://ag.arizona.edu/ANS/swnmc/Proceedings/2008/14Donkin_08.pdf

Gallaun, H., Zanchi, G., Nabuurs, G.J., Hengeveld, G., Schardt, M., Verkerk, P.J. 2010. EU-wide maps of growing stock and above-ground biomass in forests based on remote sensing and field measurements. *Forest Ecology and Management* 260: 252-261.

Gunarso, P., Malik, R.A., Hamzah, K.A., Joseph, K.T., Hartoyo, M.E., Supriatna, W. 2008. Land use and land cover change in Palm Oil Producing Countries.

Harris, N.L. 2011. Revisions to Land Conversion Emission Factors since the RFS2 Final Rule.

Harris, N.L., Grimland, S., Pearson, T. 2011b. Spatial Modelling of Future Oil Palm Expansion in Indonesia, 2000 to 2022. http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2011-0542-0058

Heath, L., Smith, J., Woodall, C., Azuma, D., Waddell, K.. 2011. Carbon stocks on forestland of the United States, with emphasis on USDA Forest Service ownership. Ecosphere, **2**, 1-21 (2011). http://www.esajournals.org/doi/pdf/10.1890/ES10-00126.1

International Fertilizer Association. (2009). Fertilizer Use by Crop. http://www.fertilizer.org/ifa/HomePage/LIBRARY/Publication-database.html/Assessment-of-Fertilizer-Use-by-Crop-at-the-Global-Level-2006-07-2007-08.html2

Life Cycle Associates, LLC. 2011. Well-to-wheel GHG Emissions and Land Use Change Impacts of Biodiesel from Malaysian Palm Oil. http://www.regulations.gov/search/Regs/home.html#documentDetail?R=0900006480f880a5

Malaysian Ministry of Information Communications and Culture. Deepening Malaysia's Palm Oil Advantage. http://www.kpkk.gov.my/pdf/tahukah_anda/ETP_bi/chapter9.pdf

Malaysian Palm Oil Board. 2011. Biodiesel Plants. http://econ.mpob.gov.my/economy/biodiesel/Directory%20of%20Biodiesel%20Producers%209.2.11.pdf

NBB. 2010. Glycerin Use as a Byproduct of Biodiesel Production.

Oneil, E., Lippke, B., McCarter, J. 2009. Life Cycle Carbon Tracking for the Working Forests of British Columbia:Carbon Pool Interactions from Forests, to Building Products, and Displacement of Fossil Emissions. Prepared for the Forest Sector Climate Action Steering Committee.

Saatchi, S.S., Harris, N.L., Brown, S., Lefsky, M., Mitchard, E.T.A., Salas, W., Zutta, B.R., Buermann, W., Lewis, S.L., Hagen, S., Petrova, S., White, L., Silman, M. and Morel, A. 2011. Benchmark map of forest carbon stocks in tropical regions across three continents. *PNAS* doi: 10.1073/pnas.1019576108.

Schmidt, Jannick. 2007. Life cycle assessment of rapeseed oil and palm oil: Ph. D. thesis, Part 3:Life cycle inventory of rapeseed oil and palm oil. Department of Development and Planning. Aalborg University.

Subramaniam, V., Ngan, M., A., May, C., Y., Sulaiman, N., M., N., 2008. Environmental Performance of the Milling Process of Malaysian Palm Oil Using the Life Cycle Assessment Approach. American Journal of Environmental Sciences 4 (4): 310-315.

Message

From: Patrick Serfass [PSERFASS@ttcorp.com]
Sent: 11/6/2017 7:18:26 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; maureen@dc-groupllc.com; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Meeting Request Follow Up

Thanks Alex. I was in last week to meet with Katie Rudis just ahead of the House tax proposal that came out. We'll make sure that Shane is in our rolodex as well for the issues you were covering.

Following up to our conversation on food waste, we ran out of time today, but one of the things I was hoping to ask was whether you or Mandy would give any consideration for allowing food waste to qualify for D3 RIN generation in order to more effectively incentivize the recycling of food waste and to encourage the development of more food waste recycling infrastructure.

What do you think?

Patrick

Patrick Serfass
Executive Director
American Biogas Council
1211 Connecticut Avenue NW, Suite 650
Washington, DC 20036
1.202.640.6595 x366 (office)
1.202.904.0220 (cell)
1.202.223.5537 (fax)
pserfass@ttcorp.com

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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Monday, November 06, 2017 1:58 PM
To: maureen@dc-groupllc.com; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Patrick Serfass <PSERFASS@ttcorp.com>
Subject: RE: Meeting Request Follow Up

Hey Maureen,

Yes, same Alex Dominguez here – made the move over to EPA in May to work for Mandy. As you know, with the Congressman representing Wayne County I was made quite familiar of all issues regarding biogas and anaerobic digesters. On that note, if you haven't been back to the Renacci office recently the new POC for energy and ag issues is Shane Hand.

Appreciate the call today and thank you very much for the handouts. I'll certainly reach out with any questions.

Best,
Alex

Alex Dominguez
Policy Analyst to the Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: maureen@dc-groupllc.com [mailto:maureen@dc-groupllc.com]
Sent: Monday, November 6, 2017 12:19 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Patrick Serfass <PSERFASS@ttcorp.com>
Subject: Re: Meeting Request Follow Up

Dear Alex,

It was great to speak with you and Mandy today. I just realized looking through correspondence that the ABC met with an Alex Dominguez from Congressman Renacci's office last November. I know I'm making a leap here but I would imagine that you are that same Alex Dominguez.

We truly appreciate your time today and look forward to continuing to work with you. By way of follow up, I am attaching a copy of our Biogas 101 handout for your use (Biogas 101). We also have a state resources area that you may find of interest. These profiles provide significant information about individual states including the Air and Economic Benefits of biogas systems. (State Profiles) Finally, we were very excited to hear of Administrator Pruitt's interest in food waste and what can be done from a policy perspective to better utilize this resource. We look forward to continuing our discussion about these and other topics.

Very kind regards,

Maureen

Maureen J. Walsh

Director of Federal Policy
American Biogas Council

1211 Connecticut Avenue NW, Suite 650
Washington, DC 20036
1 (202) 681-6092

maureen@dc-groupllc.com

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On Fri, Oct 6, 2017 at 2:40 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Maureen,

A call on all fronts would be best at this point. It will be with me and Mandy and potentially someone from the Office of Policy. Below is the call-in information for Monday, November 6th at 11:00AM EST.

Conference Line: 866-299-3188

Passcode: 202-564-6082

Alex

Alex Dominguez

Policy Analyst to the Senior Advisors to

the Administrator for Air and Water

U.S. Environmental Protection Agency

From: maureen@dc-groupllc.com [mailto:maureen@dc-groupllc.com]
Sent: Friday, October 6, 2017 7:44 AM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Patrick Serfass <PSERFASS@ttcorp.com>

Subject: Re: Meeting Request Follow Up

Alex,

We would love to speak with you at 11 am on November 6th. Patrick Serfass, the Executive Director of the ABC is based in Washington and could meet with you in person. I'll need to call into the meeting.

Best,

Maureen

Maureen J. Walsh

Director of Federal Policy
American Biogas Council

1211 Connecticut Avenue NW, Suite 650
Washington, DC 20036
1 (202) 681-6092

maureen@dc-groupllc.com

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On Thu, Oct 5, 2017 at 6:43 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Could you do either:

Monday, November 6th at 11:00AM or 2:00PM

Tuesday, November 7th at 9:30 AM or 2:30PM

From: maureen@dc-groupllc.com [mailto:maureen@dc-groupllc.com]
Sent: Wednesday, October 4, 2017 3:03 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Patrick Serfass <PSERFASS@ttcorp.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Meeting Request Follow Up

Alex,

Sure. The week of November 6th looks ok. What day's/times would be good for you?

Maureen

Maureen J. Walsh

Director of Federal Policy
American Biogas Council

1211 Connecticut Avenue NW, Suite 650
Washington, DC 20036
1 (202) 681-6092

maureen@dc-groupllc.com

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On Tue, Oct 3, 2017 at 11:18 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Maureen,

Shanita Loving just forwarded me your request for a meeting with Mandy Gunasekara. Unfortunately she is pretty booked through October at this point. Happy to set up a call for the week of the 6th if you would like. Please let me know.

Best,

Alex

Alex Dominguez

Policy Analyst to the Senior Advisors to

the Administrator for Air and Water

U.S. Environmental Protection Agency

Message

From: Smith, Robert L. [RLSmithII@Venable.com]
Sent: 11/9/2017 1:31:00 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: One More

Will follow-up...thank you!

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Wednesday, November 08, 2017 7:45 PM
To: Smith, Robert L. <RLSmithII@Venable.com>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: One More

Yes- he's awesome and CC'd.

David,
Rob is a good friend looking to touch base with you. I'll leave it to him to provide additional information.
Best,
Mandy

Sent from my iPhone

On Nov 8, 2017, at 7:13 PM, Smith, Robert L. <RLSmithII@Venable.com> wrote:

> Ever work with David Fotouhi at EPA? Someone recommended I speak with him on a totally different matter....thanks! --rob
>
> Rob Smith | Venable LLP
> t 202.344.4077 | f 202.344.8300 | m 202.258.5486
> 600 Massachusetts Ave, NW, Washington , DC 20001
>
> rlsmith@venable.com | www.Venable.com
>
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Message

From: Global Energy Institute [globalenergy@uschamber.com]
Sent: 11/3/2017 8:44:58 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: The US is Energy Strong

Introducing Energy Strong

Both during and after Hurricanes Harvey and Irma, everyday Americans assumed the role of first responders as their family and friends faced sheets of rain, catastrophic flooding and destructive winds. In our new video series titled "Energy Strong" we are proud to highlight the many ways America's energy industry stepped up and responded.

First in the series is the story of how Shell's Tracy Neathery and his team assisted the city of Deer Park, Texas to prevent the city's ponds from flooding and damaging nearby homes and businesses. Click below to see this inspiring story.

Karen Harbert Op-Ed in USA Today

Earlier this week, Karen Harbert was featured in *USA Today* where she gave her thoughts on the EPA's decision to issue a notice to withdraw the Clean Power Plan (CPP), a move GEI supported. She argues now is the time to focus on technology and innovation as the best approach for reducing greenhouse gas emissions and mitigating the impacts of climate change.

For more on innovation and CPP, please see Karen's op-ed in *USA Today*.

The Energy Tracker is Here

As the Trump Administration moves forward with an ambitious energy and environmental reform agenda, we launched a comprehensive Energy Tracker to help follow key Executive Branch, regulatory, judicial, and legislative developments. Check it out here!

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Message

From: Rupert Darwall [rupert.darwall@gmail.com]
Sent: 11/3/2017 5:13:02 PM
To: Rupert Darwall [rupert@darwall.com]
Subject: First review.... "How Trump saved freedom and democracy from the Climate Industrial Complex"

http://business.financialpost.com/opinion/peter-foster-how-trump-saved-freedom-and-democracy-from-the-climate-industrial-complex

Peter Foster: How Trump saved freedom and democracy from the Climate Industrial Complex

The U.S. was a problem for the green global governors because of that picky Constitution

Donald Trump as saviour not just of American democracy but global freedom? One can imagine tall foreheads exploding everywhere at such a thought. Although he doesn't express it quite that strongly, this is one inevitable conclusion from Rupert Darwall's tremendous new book, Green Tyranny: Exposing the Totalitarian Roots of the Climate Industrial Complex. That's because Trump, by abandoning the Paris climate agreement, and reversing his predecessor's attempts to bypass Congress on environmental matters, has heaved a mighty wrench into the European-based thrust to impose global bureaucratic "governance" under the pretext of saving the world from climate catastrophe.

Beyond all the blather about Trump's presidency representing the triumph of redneck ignorance and deplorable racism — and whatever Trump's personal shortcomings — Darwall notes that one of the main reasons for his victory was that the American left had abandoned working people in pursuit of identity politics and radical environmentalism. "From being the voice of working people," writes Darwall, "the Democratic Party has become the political arm of the Climate Industrial Complex," an unholy alliance of bureaucrats, NGOs, green corporate rent-seekers and Silicon Valley "oligarchs." With additional funding (as they like to say on

PBS) from a raft of mega-billion-dollar foundations built on capitalist success but seemingly dedicated to destroying capitalism.

Darwall wrote Green Tyranny as a sequel to his similarly incisive 2013 book, The Age of Global Warming, specifically to expand on the critical roots of environmental ideology and power-seeking in Europe — in particular Sweden and Germany. He also records how the issues of acid rain and "nuclear winter" were in many ways political trial runs for the great assault on freedom in the name of saving the world from climate change. In each case, a critical factor was the corruption of science by politicized scientists.

The contributions of Sweden and Germany are complex but fascinating

The contributions of Sweden and Germany are complex but fascinating, since they originated in seemingly incompatible thrusts. "The politics of global warming originated in Sweden as a tool to promote nuclear power. Using wind and solar power to combat global warming originated in Germany, where the Greens had become a political force, thanks to popular opposition to nuclear power."

Soon, however, all the Eurolefties wound up on the same page. Their key strategy was, to paraphrase Leonard Cohen, first we take Berlin — and Bonn, and Stockholm, and Paris and London — then we'll take Manhattan, and Sacramento, and Washington.

The U.S. was the overwhelming problem for the global governors because of its picky constitutional concerns about the separation of powers (significantly to counter potential tyranny) and the First Amendment (which is under attack in more areas than climate).

Canada does not play a major role in the book

Canada doesn't play a major role in the book, but one can certainly see all the elements of the Climate Industrial Complex at work here, from U.S. foundation-funded NGO campaigns against the oil sands, pipelines and the NEB to the fact that three senior members of the federal cabinet, including Prime Minister Justin Trudeau, have executive assistants who formerly headed environmental NGOs. All part of what Darwall calls "a dense network of people defined by the same outlook, committed to the same goal, and, crucially, agreeing on the means of achieving it that operates as a monopoly provider of advice and expertise to governments."

Non-believers simply don't get invited to "join the conversation."

One can also see that Ontario's ever-mounting wind and solar disaster is merely a mirror of the very mother — or should we say "mutti" — of policy perversity: Germany's Energiewende. "Germany was going to export wind turbines and solar PV panels around the globe," notes Darwall. "Instead the 2000… renewable energy law spawned 100,000 profiteers and a gigantic solar industry in China." Similarly, Ontario policy was great for South Korea.

Darwall details how California leads the U.S. in terms of destructive Europeanization with its "German energy policies, French labor regulation, Italian public debts, and a Scandinavian cost of living premium." Makes one wonder why Ontario and Quebec have yoked themselves to the fast-deindustrializing state's cap-and-trade system.

The conundrum is how the climate crusade continues despite the failure of climate models

The ever-growing conundrum is how the climate crusade continues despite the failure of climate models and the cratering of climate policies. Surely the most telling and ironic statistic is that over the period 1999–2012, German power-station emissions increased by 17.2-million metric tons, while their American counterparts cut their emissions by 10 times that amount. The main factor was fracking technology, which has absolutely nothing to do with green energy policy.

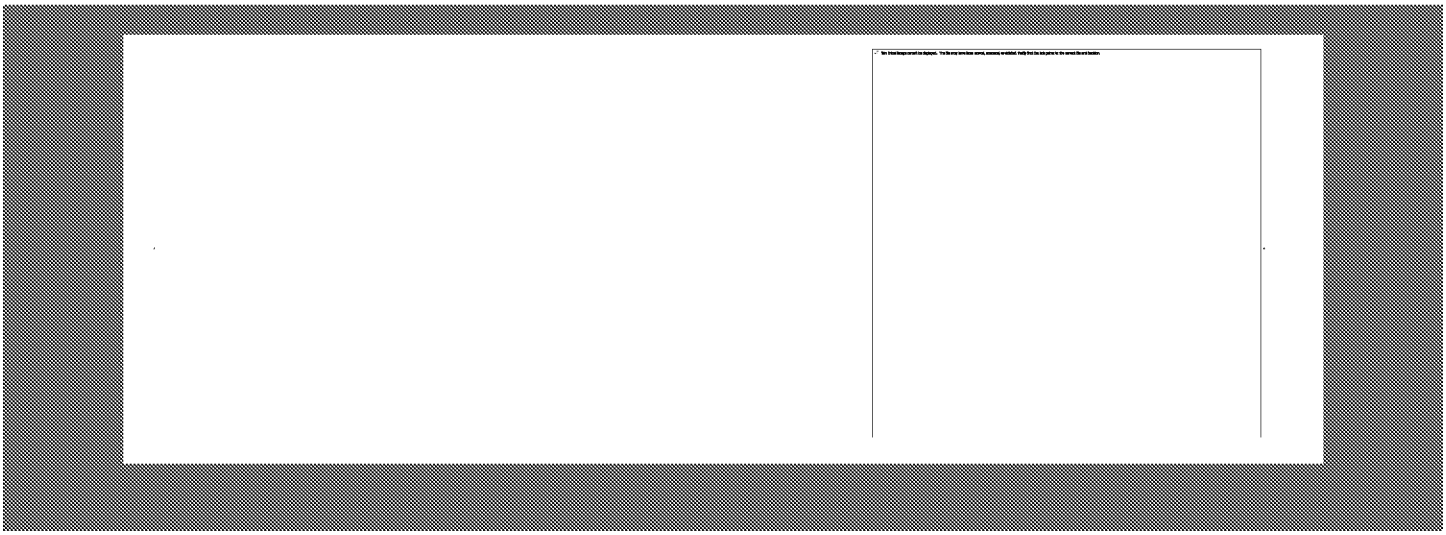
Darwall castigates German Chancellor Angela Merkel, who, as a scientist, must be well aware of the inevitable unreliability of wind and solar. Yet she has increasingly made policy via opinion poll, thus denting German competitiveness.

Sweden is important for more than punching far above its weight in promoting lousy policies based on dodgy science. It is, suggests Darwall, an extreme example of social democracy. The “social” swamps the “democracy” and dissent is asphyxiated, a phenomenon known as the “spiral of silence.”

But then, in 2015, the U.S. electorate spoke up, refusing to kowtow to the social democratic Bourbons and their plans to deindustrialize America. That is one big reason why Donald Trump — the anti-tyrant! the voice of economic sanity! (at least in this case) — sits in the White House, and why Canadian climate policy looks even more ridiculous.

Message

From: Courtney Cook [CCook@alec.org]
Sent: 11/9/2017 5:08:06 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Early Bird Pricing Ends TODAY!



Early Bird Registration Pricing Ends TODAY!

Prices go up starting Friday, November 10.
You do NOT want to miss this meeting!

Special Video Message from
ALEC National Chair, Senator Jim Buck (IN)

Have you made your hotel reservation?

Because so many of you took advantage of the discounted hotel rate, the ALEC room block is now **SOLD OUT**. Visit the meetings page for **alternative hotel options** in Nashville. We apologize for any inconvenience this may cause, but are excited to see so many of you in just a few short weeks.

Reserve Now

Agenda Updates

Be sure to check the ALEC agenda for updated Task Force Agendas and see what will be discussed this December.

Agenda

Exhibit in Nashville

Interested in having a more prominent role and connecting with 800+ legislators and business leaders from across the country?
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Exhibit

[redacted]

This message was sent to **gunasekara.mandy@epa.gov** from **CCook@alec.org**

Courtney Cook
ALEC
2900 Crystal Drive, 6th Floor
Arlington, VA 22202

Unsubscribe

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 11/9/2017 2:35:47 PM
To: Johnson Koch, LeAnn M. (Perkins Coie) [LeAnnJohnson@perkinscoie.com]
CC: Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Reschedule

On my way down

Sent from my iPhone

On Nov 9, 2017, at 9:23 AM, Johnson Koch, LeAnn M. (Perkins Coie) <LeAnnJohnson@perkinscoie.com> wrote:

> Alex -
> Our whole team is in the lobby.
>
> On Nov 9, 2017, at 9:21 AM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:
>
> Hey LeAnn at this point we are going to have to reschedule. Please work with Emily to figure out an another day to reschedule for a call.
>
> Sent from my iPhone
>
> LeAnn Johnson Koch
> 202-654-6209 (office)
> 202-253-8152 (mobile)
>
> ---
>
> NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Message

From: Rupert Darwall Personal Email / Ex. 6
Sent: 11/1/2017 1:22:14 PM
To: Rupert Darwall Personal Email / Ex. 6
Subject: The Spiral of Silence

NRO has excerpted the penultimate chapter of *Green Tyranny*, pasted below.

All best,

Rupert

The Spiral of Silence

How media bias aids the Left's totalitarian climate-change crusade

By Rupert Darwall — November 1, 2017

Editor's Note: *The following excerpt is adapted from Rupert Darwall's new book* Green Tyranny: Exposing the Totalitarian Roots of The Climate Industrial Complex. It appears here with permission.

Solitude many men have sought, and been reconciled to: but nobody that has the least thought or sense of a man about him, can live in society under the constant dislike and ill opinion of his familiars, and those he converses with.
— *John Locke, 1690*

It is not so much the dread of what an angry public may do that disarms the modern American, as it is sheer inability to stand unmoved in the rush of totally hostile comment, to endure a life perpetually at variance with the conscience and feeling of those about him.
— *Edward Alsworth Ross, 1901*

In August 2014, the Pew Research Center, an offshoot of the Pew Charitable Trusts, published the results of a survey on people's willingness to discuss contentious issues on social-media platforms like Facebook and Twitter. "An informed citizenry depends on people's exposure to information on important political issues and on their willingness to discuss these issues with those around them," Pew explained. If people thought friends and followers on social media disagreed with them, they were less likely to share their views, the survey showed. "It has long been established that when people are surrounded by those who are likely to disagree with their opinion, they are more likely to self-censor." These findings confirmed a major insight of pre-Internet-era communication studies: the tendency of people not to voice their opinions when they sense that their view is not widely shared. The report's authors, led by Keith Hampton of Rutgers University, wrote, "This tendency is called the 'spiral of silence.'"

The Spiral of Silence, published in 1984, was written by Elisabeth Noelle-Neumann, West Germany's foremost pollster. There was more to Noelle-Neumann. As the first sentence of her *Time*s obituary put it, Noelle-Neumann moved from working as "a Nazi propagandist to become the grande dame of opinion polling in post-war Germany." A cell leader of the Nazi student organization in Munich, she met Hitler at Berchtesgaden. "She found him sympathetic, lively and engaging." Thanks to a scholarship from Joseph Goebbels's Reich Ministry of Public Enlightenment and Propaganda, she went to the University of Missouri to study journalism. Her 1940 doctoral thesis on George Gallup's polling techniques brought her to Goebbels's notice, and he gave her a job writing for *Das Reich*. "To reach into the darkness to find the Jew who is hiding behind the *Chicago Daily News* is like sticking your hand into a wasp's nest," she wrote in June 1941. Dismissed a year later, she distanced herself from the Nazi regime, and after the war she and her husband, also an alumnus of Goebbels's propaganda ministry, established the Allensbach Institute. Turned down by the SPD, Allensbach's services were offered to the CDU. She was soon having tea with Konrad Adenauer, West Germany's first chancellor.

Noelle-Neumann claimed that her thinking about the spiral of silence had been triggered by the 1965 German election, though this was far from the whole story. Polls had shown the CDU–CSU coalition running neck and neck with the SPD, while expectations of the outcome shifted dramatically in favor of the CDU–CSU coalition, accurately forecasting the actual result. Others' opinions might influence one's own behavior, Noelle-Neumann hypothesized. When a population is continuously exposed to a persistent and consistent media account of current events on controversial issues, the primary motivation of a person will be to conform, at least outwardly, to avoid discomfort and dissonance. "Over time there is thus a spiraling of opinion change in favor of one set of views," Noelle-Neumann argued.

The intuition that had led her to the spiral of silence lay outside opinion polls. "The fear of isolation seems to be the force that sets the spiral of silence in motion," she wrote. Historians, political philosophers, and other thinkers provided corroboration. Alexis de Tocqueville had written in 1856 that people "dread isolation more than error." The quotations at the head of this chapter appeared in a lecture given by Noelle-Neumann just two months after the 1965 election. People can be on uncomfortable or even dangerous ground when the climate of opinion runs counter to their views. "When people attempt to avoid isolation, they are not responding hyper-sensitively to trivialities; these are existential issues that can involve real hazards," she wrote in *The Spiral of Silence*. It could be proved

> that even when people see plainly that something is wrong, they will keep quiet if public opinion (opinions and behavior that can be exhibited in public without fear of isolation) and, hence, the consensus as to what constitutes good taste and the morally correct opinion speaks against them.

Evidence came from surveys designed to simulate the threat of social isolation. Respondents were asked questions designed to reveal their willingness to engage in a discussion on a contentious topic with a fellow traveler on a train journey.

> One can see how, as the spiral of silence runs its course, the standpoint that it is unconscionable to smoke in the presence of non-smokers can become dominant to the point where it is impossible for a smoker publicly to take the opposite position. . . . What is being expressed here is quite evidently a cumulative effect; step by step, through hostile responses of the environment, one becomes unnerved.

Train journeys had featured in earlier surveys of German public opinion. Nor was it the first time that Noelle-Neumann had written about opinions expressed on train journeys. The Sicherheitsdienst (SD), the Nazi party's internal-security service, monitored German public opinion and devised innovative methods to overcome Germans' fear of speaking frankly to strangers. These included sending trained interviewers on long train trips. The surveys were treated as highly sensitive and kept within an extremely tight circle. There are no known links between Noelle-Neumann and the SD, Christopher Simpson, professor of journalism at American University, wrote in a 1996 paper, but at least five of her articles in *Das Reich* derived entirely or in part from anonymous interviews on train rides across Germany and coincided with the SD's top-secret train-carriage interviews.

Simpson used this implied connection to discredit the idea of the spiral of silence, but as the 2014 Pew report shows, the model is generalizable beyond totalitarian regimes. "My scholarly work was indeed influenced by the trauma of my youth," Noelle-Neumann responded. Indeed, her painfully vivid description of the spiral of silence could hardly have been written by a person who had not lived and worked in a totalitarian regime:

> Climate totally surrounds the individual from the outside; he cannot escape from it. Yet it is simultaneously the strongest influence on our sense of well-being. The spiral of silence is a reaction to changes in the climate of opinion.

After all, Noelle-Neumann worked for a man widely acknowledged as the greatest propagandist of all time. In short, her experience in the Nazi period led her to a truth about the human condition. *Public Opinion—Our Social Skin* is the subtitle of *The Spiral of Silence*.

Niccolò Machiavelli, John Locke, and David Hume had featured in her 1940 dissertation. James Madison was added to *The Spiral of Silence*: "The reason of man, like man himself is timid and cautious, when left

alone; and acquires firmness and confidence, in proportion to the number with which it is associated." She argued that Madison would have shared her characterization of public opinion as a fearsome tribunal.

> Because only the menace, the individual's fear of finding himself alone, as Madison so emphatically described it, can also explain the symptomatic silence we found in the train test and in other investigations, the silence that is so influential in the building of public opinion.

The articulation function of the media helped explain why people holding a majority opinion express unwillingness to engage in conversation in the train test — what one might call the silence of the Silent Majority.

> The media provide people with the words and phrases they can use to defend a point of view. If people find no current, frequently repeated expressions for their point of view, they lapse into silence; they become effectively mute.

Media opinion, which reflected the views of a small section of the social elite, was not the same as public opinion. In the long run, the observed majority opinion would not change media coverage, but media coverage would change the observed majority, a process that could happen over weeks, months, and years. The problem, as Noelle-Neumann saw it, was not media manipulation as such, "for journalists only reported what they *saw*." The antidote to the risk of systemic media bias was ensuring a diversity of views: "The apparent consensus arising out of a one-sided media reality can only be avoided if reporters of various political persuasions present their points of view to the public."

One-sided media reporting is a striking feature of the climate and energy debate. "Climate denier" and "tool of malign fossil-fuel interests" are epithets used to delegitimize dissent and quash diversity of opinion. "Climate change is a fact," President Obama declared in his 2014 State of the Union address. As philosopher Stephen Hicks argues in *Explaining Post-Modernism*, the post-modern Left uses language primarily as a weapon to silence opposing voices, not as an attempt to describe reality. To close the debate down, science masquerading as impartial judge is deployed as lead prosecutor. Dissenters and skeptics are derided as Flat Earthers and scientific ignoramuses. Yet the most stupid utterance on the science of global warming goes without a breath of criticism from scientists who regularly furnish the media with hostile quotes on skeptics' views. "This is simple. Kids at the earliest age can understand this," Secretary of State John Kerry told an audience in Indonesia in 2014. For someone who confessed that he'd found high-school physics and chemistry a challenge, climate science was easy. The science was "absolutely certain."

> It's something that we understand with absolute assurance of the veracity of that science. No one disputes some of the facts about it. Let me give you an example. When an apple separates from a tree, it falls to the ground.

Fact conflated with theory; certainty where there is pervasive uncertainty and lack of understanding; simplicity where there is unfathomable complexity; climate-model predictions of warming elevated above observations. The biggest distortion of climate science is unscientific in its premise and authoritarian in its consequence: "The science is settled. We must act." When systemic media bias is purposed as a tool of state manipulation and social control, a democracy extinguishes its democratic culture.

— *Rupert Darwall is the author of the new book* Green Tyranny: Exposing the Totalitarian Roots of the Climate Industrial Complex, *published by Encounter Books.*

Message

From: Messner, Kevin [KMessner@AHAM.org]
Sent: 11/7/2017 6:34:44 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Thanks.

Thanks for the time today. Please let me know if you need anything. It looks like Wehrum will be confirmed this week. I'd like to get on Wehrum's schedule. Who would be the best person to reach out to for that? Thanks again.

Message

From: Dimitri.Karakitsos@hklaw.com [Dimitri.Karakitsos@hklaw.com]
Sent: 11/1/2017 4:28:50 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Auto follow-up
Attachments: EPA Slides.pdf

Great seeing you both a few weeks ago and very much appreciate you all taking the time to meet with us. I know we left you with some slides but wanted to share a revised and more focused/abbreviated version of what we left behind.

Hope this is helpful and please let us know if there is anything we can do to be supportive going forward.

Thanks,

Dimitri

Dimitrios Karakitsos | Holland & Knight
Partner
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006
Phone 202.469.5132 | Fax 202.955.5564
dimitri.karakitsos@hklaw.com | www.hklaw.com

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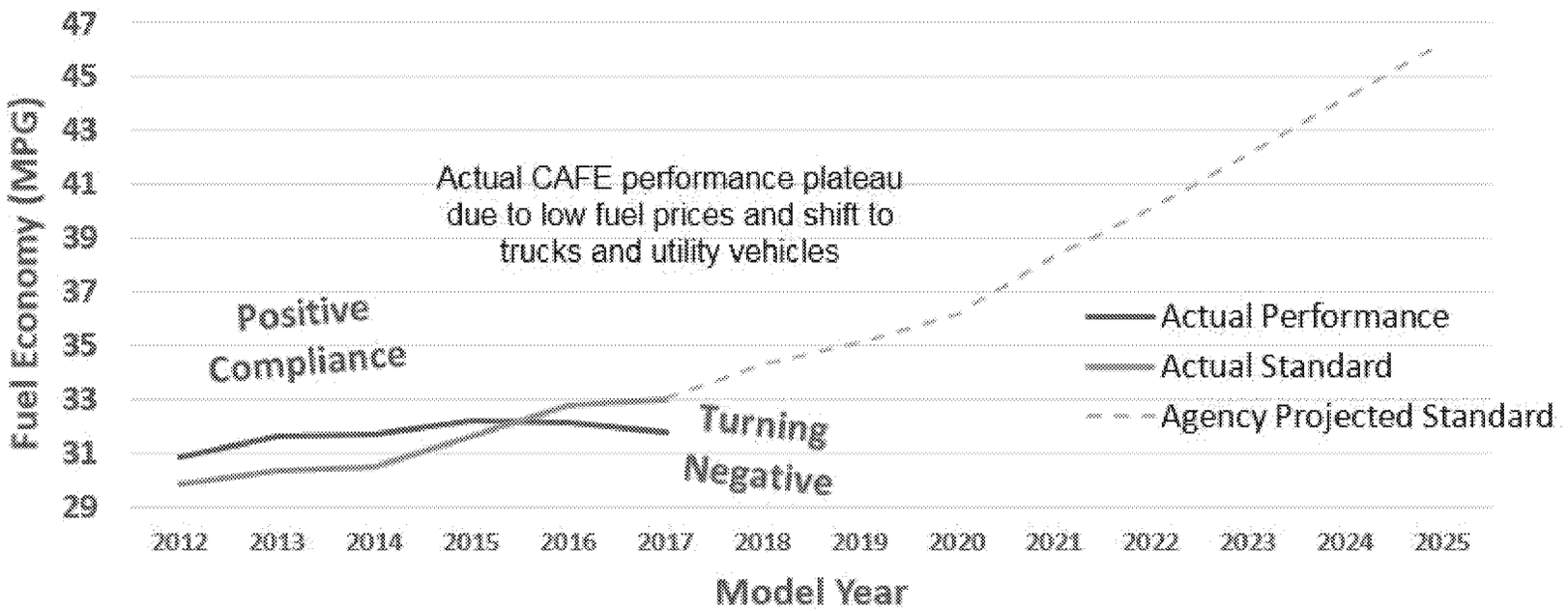
Industry Corporate Average Fuel Economy Status

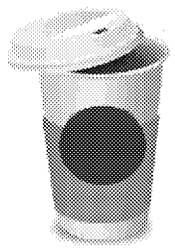


- 2016 MY NHTSA CAFE performance trend is a cause for concern.
- EPA GHG performance trend is similar.
- Better than standard performance has shifted to lower than standard performance.
- Low gasoline prices, muted demand for hybrids and other advanced vehicles, increasing shift to trucks and utility vehicles affecting performance and standards.

Source: 2012-2015MY: https://one.nhtsa.gov/cafe_pic/CAFE_PIC_fleet_LIVE.html
2016-2017MY NHTSA MYs 2016 and 2017 Projected Fuel Economy Performance Report
2018-2025MY: Draft TAR Volpe model compliance report for augural standards

Rational Consumer's Perspective on Fuel Savings

	2017 → 2021		2021 → 2025	
Average CAFE Fuel Economy	32 mpg	36 mpg	36 mpg	43 mpg
Annual Fuel Cost	$1032	$917	$917	$768
Weekly Savings*	$2.20		$2.90	



- **2017-21 and 2021-25 MY Fuel Economy Standard improvement is worth a cup of coffee per week to the average consumer, yet cost $$ thousands up front.**
- **This could be a reason for the less than 3% consumer take rate of electrification in the market place.**

*Assumptions: 15,000 miles per year from EPA fuel economy label for annual fuel cost and savings, $2.20 per gallon, Draft TAR CAFE predicted fuel economy standards.

Rational Consumer's Perspective on Fuel Savings
Battery Electric Vehicle (BEV) vs. Gasoline

Despite fuel cost opportunities offered by BEVs over their gasoline equivalents, current depreciation costs far outweigh the fuel savings, even with federal tax incentive.

Vehicle	Powertrain	Fuel Economy	3 Year Fuel Costs Total	3 Year Fuel Costs Weekly	Purchase Price	Value after 3 Years	3 Year Depreciation Costs Total	3 Year Depreciation Costs Weekly	Depreciation + Fuel Costs Weekly
Ford Focus	Gasoline	31 mpg	$3,600	$23	$20,400	$8,600	$11,800	$76	$99
	Electric (BEV) with $7,500 tax credit	107 mpge	$1,800	$12	$29,100 $21,600	$5,200	$23,900 $16,400	$153 $105	$165 $117
	Better / (Worse) with $7,500 tax credit	76 mpg	$1,800	$11	($8,700) ($1,200)	($3,400)	($12,100) ($4,600)	($77) ($29)	($66) ($18)
Kia Soul	Gasoline	27 mpg	$4,200	$27	$19,500	$9,200	$10,300	$66	$93
	Electric (BEV) with $7,500 tax credit	105 mpge	$1,800	$12	$34,100 $26,600	$8,500	$25,600 $18,100	$164 $116	$176 $128
	Better / (Worse) with $7,500 tax credit	78 mpg	$2,400	$15	($14,600) ($7,100)	($700)	($15,300) ($7,800)	($98) ($50)	($83) ($35)
Fiat 500	Gasoline	29 mpg	$4,500	$29	$16,800	$5,500	$11,300	$72	$101
	Electric (BEV) with $7,500 tax credit	112 mpge	$1,800	$12	$31,800 $24,300	$7,600	$24,200 $16,700	$155 $107	$167 $119
	Better / (Worse) with $7,500 tax credit	83 mpg	$2,700	$17	($15,000) ($7,500)	$2,100	($12,900) ($5,500)	($83) ($35)	($66) ($18)

Source: Fuel / Specs / Pricing - US Dept. of Energy – Fuel (2017MY) https://www.fueleconomy.gov/feg/Find.do?action=sbsSelect, Residual – ALG 36 Month / 15,000 Mile (July - August 2017 Edition), Federal Tax Incentive (range dependent) – US Dept. of Energy - https://www.fueleconomy.gov/feg/taxevb.shtml. Calculations assume maintenance and insurance costs comparable

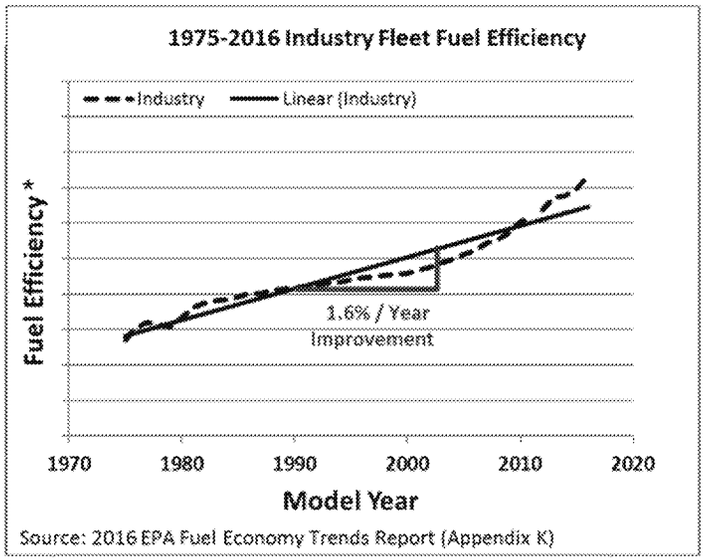
Rational Consumer's Perspective on Fuel Savings
Plug-In Hybrid Electric Vehicle (PHEV) vs. Gasoline

Despite fuel cost opportunities offered by PHEVs over their gasoline equivalents, current depreciation costs can far outweigh the fuel savings, even with federal tax incentive.

Vehicle	Powertrain	Fuel Economy	3 Year Fuel Costs Total	3 Year Fuel Costs Weekly	Purchase Price	Value after 3 Years	3 Year Depreciation Costs Total	3 Year Depreciation Costs Weekly	Depreciation + Fuel Costs Weekly
Ford Fusion	Gasoline	25 mpg	$4,500	$29	$29,700	$12,500	$17,200	$110	$139
	Electric (PHEV) with $4,000 tax credit	97 mpge	$2,400	$15	$37,100 $33,100	$12,600	$24,500 $20,500	$157 $131	$172 $146
	Better / (Worse) with $4,000 tax credit	72 mpg	$2,100	$14	($7,400) ($3,400)	$100	($7,300) ($3,300)	($47) ($21)	($33) ($7)
Hyundai Sonata	Gasoline	30 mpg	$3,800	$24	$22,400	$9,600	$12,800	$82	$106
	Electric (PHEV) with $4,900 tax credit	99 mpge	$2,400	$15	$36,600 $31,700	$14,600	$22,000 $17,100	$141 $110	$156 $125
	Better / (Worse) with $4,900 tax credit	69 mpg	$1,400	$9	($14,200) ($9,300)	$5,000	($9,200) ($4,300)	($59) ($28)	($50) ($19)
Chrysler Pacifica	Gasoline	22 mpg	$5,100	$33	$35,900	$17,200	$18,700	$120	$153
	Electric (PHEV) with $7,500 tax credit	84 mpge	$2,900	$19	$43,500 $36,000	$19,100	$24,400 $16,900	$156 $108	$175 $127
	Better / (Worse) with $7,500 tax credit	62 mpg	$2,200	$14	($7,600) ($100)	$1,900	(5,700) $1,800	($36) $12	($22) $26

Source: Fuel / Specs / Pricing - US Dept. of Energy – Fuel (2017MY) https://www.fueleconomy.gov/feg/Find.do?action=sbsSelect, Residual – ALG 36 Month / 15,000 Mile (July - August 2017 Edition), Federal Tax Incentive (range dependent) – US Dept. of Energy - https://www.fueleconomy.gov/feg/taxevb.shtml. Calculations assume maintenance and insurance costs comparable

Market Demand for Fuel Economy Technology



* Ton-MPG is an EPA metric used to normalize fuel economy for weight differences. It is the number of miles one ton of mass can be moved using one gallon of gas

Historical Demand for Fuel Efficiency

- Agency data shows industry fuel efficiency has improved 1.6% per year from 1975-2016.
- Achieving current standards require 4-5% per year for 2012-2025.

Revisions are needed in the program that would allow time for:

- **Continued innovation to lower the costs of technology.**
- **Implementing methods to promote technology:**
  - **Financial and non-financial incentives (e.g., HOV Lanes etc.).**
  - **Put needed infrastructure in place.**
- **Demand for electrification to develop in the market versus OEMs forcing electrification.**

Industry Comments on Revised Determination

1. **Appropriateness of 2022-25MY Standards**
   - The level of technology modeled by the Agencies is insufficient to meet the standards.
   - More technology is needed for compliance and this level of technology is misaligned with market realities.
   - A fully informed rulemaking is needed for 2022-25MY standards.

2. **Consideration of 2021MY Standards**
   - Assuming 2021MY compliance ignores that industry is challenged in 2016-17MY despite implementing many of the agency-suggested technologies.
   - Reexamination of 2021MY requirements is appropriate to determine if amendment of those standards could achieve the goals of harmonization.

3. **Use of Alternative Methodologies and Modeling by EPA**
   - DOT's modeling system of Autonomie full vehicle simulations and CAFE Compliance and Effects (Volpe) model is more transparent and better accounts for real world factors than EPA's models.
   - Ensuring that the Volpe and Autonomie models contain the most accurate inputs and analyses would be a more cost-efficient use of resources rather than creating yet another model.

Message

From: Kevin Fay [fay@alcalde-fay.com]
Sent: 11/7/2017 5:56:11 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Nick Kayler [kayler@alcalde-fay.com]
Subject: Meeting on Montreal Protocol issues
Attachments: alliancepruittletter11-6-2017.docx

Mandy,

I heard that you may be coming to Montreal Protocol meeting after you attend the climate COP. See that attached note we sent to the Administrator yesterday. It would be helpful if we had a chance to discuss MP issues, including Kigali amendment before we all travel to Montreal, as well as the legislative fix people have been discussing with you.

I return from Europe on Thursday evening. Would you have time in your schedule for a meeting this Friday. I know with travel coming up that it is very hectic.

Let me know and we will work to accommodate your schedule.

Best regards,

Kevin

Kevin Fay
Vice Chairman and Chief Executive Officer
Alcalde & Fay
2111 Wilson Blvd., 8th Floor
Arlington, VA 22201

(703) 841-0626 (office)
(703) 801-3233 (cell)

fay@alcalde-fay.com

The Alliance
for Responsible Atmospheric Policy

November 6, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Office of the Administrator, Mail Code 1101A
Washington, DC 20460

Dear Administrator Pruitt:

I am writing in support of the EPA's efforts to advance U.S. interests through sustained engagement with the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol). For more than three decades, industry has worked with the EPA to incorporate US competitiveness into vital efforts to protect the stratospheric ozone layer. We would appreciate an opportunity to meet you and other appropriate officials in advance of the upcoming 30th anniversary meeting of the Montreal Protocol, scheduled to begin on November 20th.

Organized in 1980, the Alliance is the leading voice of manufacturers, businesses and trade associations who make or use fluorinated gases for the global market. The US fluorocarbon using and producing industries contribute more than $158 billion annually in goods and services to the US economy and provide employment to more than 700,000 individuals with an industry-wide payroll of more than $32 billion. Alliance member companies are leading the development of safe, efficient, next-generation technologies and applications that benefit the US economy and consumers. A list of members is attached.

In 2014, the Alliance committed to "support policies and take actions in order to reduce HFC emissions 80% by 2050." This remains our position today. Practically speaking, HFC control regimes will be in place in Europe, Japan, Canada and Australia by the end of this year. The Kigali Amendment to the Montreal Protocol, which was adopted in October 2016, is expected to receive enough ratifications by the end of this year and enter into force in 2019, thereby extending HFC coverage to all developing country markets. Clear United States support is important if we are to continue to maintain technology leadership.

The Alliance supports the Kigali Agreement, and has been a strong ally to the EPA and State Department during the negotiation process. As our members are investing in the development of next generation low global warming potential (GWP) alternative refrigerants and foam blowing agents, and of the equipment that utilizes these products, the implementation of the phasedown schedule specified in the Kigali Amendment will create opportunities for U.S. companies to be successful in both domestic and foreign markets while helping to develop and commercialize these technologies. Doing so will also allow U.S. companies and workers to benefit from these investments.

In addition, the Alliance also requests appropriate U.S. support for the replenishment of the Multi-Lateral Fund (MLF) of the Protocol. This Fund is an important vehicle of supporting dissemination of US developed technology.

In furtherance of these efforts, the Alliance intends to:

- Continue its support for a global HFC phasedown of 80% by 2050;

- Work with the Administration, other nations, business stakeholders, and NGOs in support of the Montreal Protocol process and ratification of the Kigali amendment;
- Support appropriate U.S. funding for the domestic activity under Title VI of the Clean Air Act and US leadership in implementation of the Montreal Protocol;
- Urge the State Department to continue its commitment to the Montreal Protocol in FY 2018 with appropriations of US$ 3 million for the operations of the UN Environment Program's Ozone Secretariat and US$ 50 million for the Multilateral Fund for the Implementation of the Montreal Protocol
- Continue to pursue codes and standards research and modifications to ensure inclusion of new low-GWP technologies in relevant domestic and international codes and standards;
- Pursue effective refrigerant management policies and programs

From November 20 to 24, 2017, the eleventh meeting of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Twenty-Ninth meeting of the Parties to the Montreal Protocol on substances that Deplete the Ozone Layer will be held in Montreal, Canada. The Alliance believes that a meaningful gesture in assuring the world that the U.S. is committed to the Montreal Protocol process would be appropriate.

We ask to meet with you and your key staff at the earliest possible moment to discuss the event and what steps can be pursued in order to ensure that the U.S. remains at the forefront of global leadership on Montreal Protocol implementation.

We appreciate your consideration of our views and we look forward to working together as we address this challenge in a manner that is good for U.S. jobs, the economy, and the global environment.

Please let us know your availability at the earliest possible moment.

Sincerely,

Kevin Fay

Executive Director

Message

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 11/9/2017 12:54:26 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Smith, Robert L. [RLSmithII@Venable.com]
Subject: Re: One More

Hi, Rob. Happy to talk tomorrow. My cell is Personal Phone / Ex. 6. Give me a call at your convenience.

Best,

David

Sent from my iPhone

On Nov 8, 2017, at 7:45 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> Yes- he's awesome and CC'd.
>
> David,
> Rob is a good friend looking to touch base with you. I'll leave it to him to provide additional information.
> Best,
> Mandy
>
> Sent from my iPhone
>
> On Nov 8, 2017, at 7:13 PM, Smith, Robert L. <RLSmithII@Venable.com> wrote:
>
>> Ever work with David Fotouhi at EPA? Someone recommended I speak with him on a totally different matter....thanks! --rob
>>
>> Rob Smith | Venable LLP
>> t 202.344.4077 | f 202.344.8300 | m 202.258.5486
>> 600 Massachusetts Ave, NW, Washington , DC 20001
>>
>> rlsmith@venable.com | www.Venable.com
>>
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>> ******
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>> transmission and delete the message without copying or disclosing it.
>> **********
>> ******

Message

From: Ken Davis [KDavis@brucknertruck.com]
Sent: 11/5/2017 10:36:37 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: Commercial Truck - Glider Vehicles

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Cc:
Mandy Gunasekara, Senior Advisor to the Administrator (by email) Gunasekara.Mandy@epa.gov
Erik Baptist, Senior Deputy General Counsel (by email) baptist.erik@epa.gov

As a private business with operations in Tulsa, Oklahoma, I ask you to keep the volume cap on "glider vehicles" as written in the final Greenhouse Gas Phase 2 regulation.
Simply, glider vehicles are sold against us but with an unfair competitive advantage.

Today's new trucks meet US '10 emission levels by the installation of an expensive "chemical factory" behind the engine (the SCR and DPF). Because gliders vehicles don't meet the current emission standards, they avoid these expensive "chemical factories" that we, as conscientious business owners complying with EPA's strict emissions standards, provide our customers with the least amount of emissions possible.

Also, we are required to pay a 12% Federal excise tax on the sales price for every truck we sell. Glider Vehicles may not have to pay the excise tax. This tax is used to fund the Federal highway trust fund which helps pay for our roads and bridges. So, we are at a 12% unfair price disadvantage and the vehicles we sell to build highway infrastructure is impacted as the fund is lessened with every glider vehicle sold.

I have lost sales to glider vehicles and 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. I simply want a level playing field so that we can fairly compete.

Please feel free to contact me at kdavis@brucknertruck.com.

Respectfully,

Ken Davis
General Manager
Bruckner Truck Sales
14001 E. Admiral Place (74116)
(918) 437-0278 Phone
5301 W. 60th St. South (74107)
(918) 446-5571 Phone
Tulsa, Oklahoma

(918) 430-6740 Cell

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Message

From: Daniel Peterson [dpeterson@jamesmadison.org]
Sent: 11/6/2017 6:57:35 PM
To: Funes, Jason [jason_funes@ios.doi.gov]; Brooks, Wes (Rubio) [Wes_Brooks@rubio.senate.gov]; Emhof, Jaryn [Jaryn.Emhof@mail.house.gov]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Government-owned lands

Please use this link to view JMI's latest push back on the government estate:

https://www.jamesmadison.org/priorities/detail/property-rights

Hard copies will be distributed to legislators later this week.

In January, the JMI annual Journal will include a more detailed article co-authored by Matt Anderson.

Daniel Peterson

Director: Center for Property Rights | The James Madison Institute

dpeterson@jamesmadison.org | **c.** 407-758-2491

The Columns | 100 N. Duval St. | Tallahassee, FL 32301

or 303 Valley Edge Drive | Clermont, FL 34715

WATCH JMI's 30th Anniversary highlight video featuring our work across the Sunshine State since 1987.

Connect with us! Sign up for JMI News | Follow JMI on Twitter | Like JMI on Faceboo

"Property must be secured or liberty cannot exist." John Adams, 1790

Message

From: Blockchain in Gov for Execs-Managers-Staff [PotomacForum@GovBlockchainTraining.org]
Sent: 11/2/2017 5:08:48 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Early Bird Until Nov 6: Learn About Blockchain and Use in Government

Important Blockchain Workshop for Government Executives, Managers and Staff
Blockchain Technology is Often Called the "New Internet"
Important to Learn About Blockchain and Its Potential Uses
- No Sales - No Marketing - Useful Information for Government -

Blockchain and its Potential in Government Training Workshop:

A Primer for Government Executives, Managers, and Staff
Demystifying Blockchain: What You Need to Know About Blockchain,
the Use Cases Being Explored, and How it May be Used in Government
to Securely Meet Business Needs
What Executives, Managers and Staff Need to Know

New Date: November 29, 2017

Willard InterContinental Hotel
Washington, D.C.

Link to Potomac Forum Website: www.PotomacForum.org

Government & Industry Invited to Attend
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Additional Government Speakers Just Announced:

Jose Arrieta
Director, Office of IT Schedule Contract Operations
General Services Administration (GSA)

Earl Warrington
Senior Technical Advisor
General Services Administration (GSA)

Government Speakers

Craig Fischer

Innovation Program Manager
Department of the Treasury

Chris Robey
Blockchain and Procurement Consultant
(Former Procurement Analyst of
DHS/U.S. Customs and Border Protection)

Bo Shevchik, MBA, CGFM, PMP
Co-Chair
Association of Government Accountants (AGA)
Blockchain Working Group
(awaiting agency approval)

Justin Herman
Emerging Citizen Technology Inter-Agency Program Lead
General Services Administration (GSA)
(awaiting agency approval)

Combiz Abdolrahimi
Treasury Representative to the
FedID Planning Committee & Senior Policy Advisor
Department of the Treasury
(invitation extended)

Additional Government Speakers Awaiting Confirmation

Overview:
Commonly described as the "next great disrupter," Blockchain technology is the "new Internet". While there are challenges associated with widespread use, its potential is drawing heavy interest and investment from both commercial and government leaders around teh world. Primarily known as the technology underlying Bitcoin, the strengths of Block's "distributed ledger" include increased transparency, speed, increased security.

Federal agencies are currently funding and building use cases to explore the potential of blockchain technologies. Potential applications continue to expand as government moves toward adoption of the technology to increase efficiencies, trim costs, and increase transparency, and improve security in their operations.

Driven by the advantages of Blockchain and efforts for government transparency and the DATA Act, there are numerous Blockchain use cases that agencies are considering that touch many parts and processes of an organization, including:

- Financial management and services
- Procurement
- IT asset and supply chain management
- Smart contracts
- Patents, Trademarks Copyrights, Royalties
- Identity management and government-issued credentials like visas, passports, SSN and birth certificates
- Federal personnel workforce data
- Appropriated funds
- Federal assistance and foreign aid delivery

Government & Industry Partners Invited to Register
This Workshop is for Government Executives, Managers and Staff and Industry Partners to Understand Blockchain Technology and its use and potential use for Government.

What You Will Learn:

- **Fundamentals of Blockchain and Distributed Ledger Technology**
- **How blockchain works, and how it applies to government processes**
- **Key opportunities to use Blockchain**

- **Examples of blockchain use "outside the beltway" (including other Governments) and why**

Why You Should Attend:

- **Understand Blockchain and how it can be used in government**
- **Improve your knowledge of an exploding technology**
- **Be better equipped to support acquisition decisions**
- **Build communities of interest in your agency and across agencies**
- **Craft new strategies for improving business processes and government operations**

Who Should Attend:

- **Federal Government Executives, Managers and staff who are interested in learning about Blockchain and how it can be used in government**
- **Government Executives, Managers and staff responsible for implementing Agency restructuring plans**
- **Federal employees or members of employee affinity groups**
- **Technology leaders and technology implementers**
- **CIOs, CFOs and other CXOs**
- **Procurement Personnel**
- **Records Managers**
- **IGs and Staff**
- **State and local Government Executives, Managers and staff**
- **Industry Partners who support the government**

Workshop for Government and Industry Partners
Press is NOT Permitted to Permit Candid Discussion

CEUs and CLUs Credits
Awarded for Attendance

Early Bird Reduced Registration Until November 6th
Team "Learn Together" Reduced Registration Fee

Workshop for Government and Industry Partners

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Learn Together Team Rates:
Reduced Registration for Multiple Attendees from the same organization

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Potomac Forum, Ltd.

This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Lorenzen, Thomas [TLorenzen@crowell.com]
Sent: 11/7/2017 5:50:03 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Midwest Energy Emissions site visit

Mandy,

It was a pleasure and an honor having you join us at the ELI Awards Dinner last month. I'm sorry we were on opposite sides of the table and didn't have more chance to talk. I did want to check back in with you to see whether you've heard anything from Administrator Pruitt regarding a possible visit to an Oklahoma utility using Midwest Energy Emissions' technologies, which we had discussed when we met earlier this fall. I know they are eager to have the Administrator visit as they seek to expand the market for their technology abroad.

Please let me know if there is anything we can provide.

Many thanks, and very best regards,
Tom

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 11/9/2017 2:20:59 PM
To: LeAnn Johnson Koch [LeAnnJohnson@perkinscoie.com]
CC: Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Reschedule

Hey LeAnn at this point we are going to have to reschedule. Please work with Emily to figure out an another day to reschedule for a call.

Sent from my iPhone

Message

From: David Schwietert [DSchwietert@autoalliance.org]
Sent: 11/3/2017 11:53:08 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Automatic reply: Auto Alliance outreach

Thank you for your email. I will be out of the office through Friday, November 10th.

If you need immediate assistance, plesae feel free to contact Jennifer Thomas (Jthomas@autoalliance.org) or Jeff Beck (Jbeck@autoalliance.org)

Otherwise, I will follow up when I return.

Thanks,

Dave

Message

From: Chris Sarley [csarley@cgagroup.com]
Sent: 10/30/2017 2:03:18 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Follow Up: Kirby EPA Hardship Application Draft
Attachments: SSMT HR Prescreening Tool.docm; ATT00001.htm; SSMT Technical Hardship Request 10172017.pdf; ATT00002.htm

Hey Mandy - hope you had a nice weekend. Right back into it I'm sure!

Checking back in on the Kirby application to see if there was any further information or answers we could provide. As you can imagine, the Kirby team is anxious.

Thanks again for taking the time to review the situation and for your thoughts on next steps as they are prepared to submit the waiver application.

- Chris

Begin forwarded message:

> **From:** Chris Sarley <csarley@cgagroup.com>
> **Date:** October 26, 2017 at 3:41:11 PM CDT
> **To:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
> **Subject: Follow Up: Kirby EPA Hardship Application Draft**
>
> Mandy – thanks again for taking the time on the phone this afternoon with Kirby and some of my colleagues. As requested attached are the draft application documents they are prepared to submit to EPA. It is worth noting Kirby has not yet officially filed them since the initial indication received from EPA staff was that the request would be summarily denied based on a policy that acquisitions do not create a hardship. Through the call today and the background materials I have sent you previously we believe the situation appropriately warrants hardship relief consideration and the law does in fact allow hardship exceptions in a case like this. All that's to say, Kirby is hoping for some assurances that their application will be given due consideration on its merits before submitting the application officially.
>
> Please let me know if there is any other information that would be helpful for us to provide. My cell is Personal Phone / Ex. 6 should you need it.
>
> Respectfully,
>
> Chris

United States
Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers

HARDSHIP RELIEF PRE-SCREENING TOOL

EPA Form Number 5900-In Process Version 1.0; Last Modified: August 2015

This Pre-Screening questionnaire is intended to help you determine if you are eligible to use the TPEM provisions under 40 CFR §1039.625 and hardship relief provisions under 40 CFR §§ 1039.625(m) and 1039.630.

- Please complete the general equipment manufacturer section. As appropriate, complete the subsequent sections based on your manufacturer status (i.e. domestic manufacturer, foreign manufacturer, etc.).
- You must be an eligible equipment manufacturer in order to utilize the TPEM provisions [see 40 CFR § 1039.625(a)].
- The allowances are granted at the parent company level & the parent is granted one allowance per power category for U.S.-directed production.
- You must be an equipment manufacturer in good standing under the TPEM provisions in order to apply for hardship relief [see 40 CFR §§ 1039.625(m) and 1068.255(a)].
- You must evaluate your eligibility for each power category for which you are seeking hardship relief by completing a questionnaire per power category.
- Importers are not equipment manufacturers and may only use the TPEM provisions on behalf of an eligible equipment manufacturer [40 CFR §1039.626(b) – See Importers Section].

Sections:

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General Equipment Manufacturer 2
Domestic Equipment Manufacturers (importing TPEM equipment produced overseas) 6
Foreign Equipment Manufacturers (importing TPEM equipment produced overseas) 7
Importers 8

The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB Number 2060-0369 in any correspondence. Do not send the completed form to this address.

OMB No. 2060-0287
Approval Expires on
8/31/2018
EPA Form 5900-In process

Potential Applicant Information

Date: [PAGE * ArabicDash * MERGEFORMAT]

Company Name: Stewart & Stevenson Manufacturing Technologies LLC

Contact Name: Max Hengst, President

E-mail Address: m.hengst@ssss.com

Phone Number: 281-345-5101

Power Category: kW>560

General Equipment Manufacturer

- Equipment manufacturer must "have primary responsibility for designing and manufacturing equipment and your manufacturing procedures include installing some engines in this equipment". [40 CFR §1039.625(a)]

1) Are you an eligible equipment manufacturer that has the ability to change and/or modify equipment design(s) without obtaining permission from another company/source? (See bullet above.)
   - ☒ Yes: Continue
   - ☐ No: STOP – You are not eligible to use the TPEM provisions or hardship relief provisions. If you are an importer, please proceed to the Importer Section.

2) Are you the ultimate parent company? All nonroad equipment manufacturing entities under the control of the same person/parent/entity are considered to be a single nonroad equipment manufacturer.
   - ☐ Yes: Continue (You may use one allowance per power category for all companies that are under your control/umbrella).
   - ☒ No: Continue

3) Do you have a sister company(ies) or subsidiary(ies) that is/are also using the TPEM provisions for U.S. –directed production? U.S.-directed production means the quantity of engines/equipment for which the manufacturer has reasonable assurance that sale was or will be made to an ultimate purchaser in the U.S.
   - ☒ Yes: Continue (Parent company must share one allowance per power category among all companies under its control/umbrella. Parent company must include equipment produced by sister companies or subsidiaries in its TPEM totals per power category for compliance purposes).
   - ☐ No: Continue

4) Is any U.S.–directed TPEM equipment produced for you via contract by a third party manufacturer or another manufacturer?
   - ☐ Yes: Continue (Parent company must include this equipment in its TPEM totals per power category for compliance purposes).
   - ☒ No: Continue

5) Are you an integrated manufacturer that produces both the engine(s) for applicable equipment and the applicable equipment and/or are you a subsidiary or sister company affiliated with the engine manufacturer?
   - ☐ Yes: Continue (You may be permitted to request hardship relief only for those equipment Models for which you, or an affiliated company do not also produce the engine).
   - ☒ No: Continue

6) Have you provided the required EPA notification under 40 CFR § 1039.625(g) for the TPEM provisions?
   - ☒ Yes: Continue
   - ☐ No: Continue (You remain eligible for hardship relief if you have been using exempted engines and failed to file the required notification - Please submit notification to EPA). Download notification template at: http://www.epa.gov/otaq/certdat2.htm

7) Have you provided the required annual report(s) per 40 CFR § 1039.625(g) which are due by March 31 of the calendar year following TPEM participation?
   - ☒ Yes: Continue
   - ☐ No: Continue (You remain eligible for hardship relief if you have been using exempted engines and failed to file the required annual report - Please submit annual report to EPA). Download annual reporting template at: http://www.epa.gov/otaq/certdat2.htm

8) Have you used eligible TPEM engines that meet applicable emission standards under 40 CFR §1039.625(e) for Table 1 of §1039.625 General Availability of Allowances?
   - ☒ Yes: Continue to Question #10
   - ☐ No: STOP – You are not eligible to use the TPEM provisions or hardship relief provisions If you used ineligible engine(s), please report the violation to EPA. (See self-reporting guidelines at http://www2.epa.gov/compliance/epas-audit-policy).

9) Have you used eligible TPEM engines that meet applicable emission standards under 40 CFR §1039.625(e) for Table 2 of §1039.625 Availability of Delayed Allowances?
   - ☐ Yes: Continue to Question #10
   - ☐ No: STOP – You are not eligible to use the TPEM provisions or hardship relief provisions. If you used ineligible engine(s), please report the violation to EPA. (See self-reporting guidelines at http://www2.epa.gov/compliance/epas-audit-policy).

10) Have you exceeded the Small Volume Allowance (SVA) annual or total quantity limits for the affected equipment's power category [see 40 CFR 1039.625(b)(2)]? For compliance purposes, please include all

TPEM equipment from parent company, all subsidiaries of your parent company and equipment produced for you via contract or from licensee(s) in your TPEM totals (per power category).

☐ Yes: STOP – You are not eligible to use the hardship relief provisions – See SVA quantity annual & total allowance quantity limits below- Please report SVA exceedance violation to EPA (See self-reporting guidelines at http://www2.epa.gov/compliance/epas-audit-policy).

☒ No: Continue to Question #13 if using the Small Volume Allowance (SVA)

☐ NA: Continue to Question #11 if not using the Small Volume Allowance (SVA)

TPEM Annual and Total Quantity Limits (U.S.-Directed production per power category):

- SVA with a single engine family within a given calendar year: 200 units max. any calendar year, 700 units max. over the allowance period.
- SVA with multiple engine families ≤ 130 kW within any given calendar year: 150 units max. any calendar year, 525 units max. over the allowance period.
- SVA with multiple engine families > 130 kW within any given calendar year: 100 units max. any calendar year, 350 units max. over the allowance period.

11) Did you exceed the Percent of Production (PoP) cumulative 80 percent limit for the affected equipment's power category [see 40 CFR § 1039.625(b)(1)]?

☐ Yes: STOP – You are not eligible to use the hardship relief provisions – Please report PoP allowance exceedance violation to EPA (See self-reporting guidelines at http://www2.epa.gov/compliance/epas-audit-policy).

☐ No: Continue to Question #12

12) Did you use the correct Percent of Production (PoP) calculation to determine your **annual** PoP value [see 40 CFR 1039.625(c)] and did you add the annual percentages together to determine **total** allowance percentage per power category?

[Calculation: (Total U.S.-directed TPEM **production** ÷ Total U.S.-directed **production**) X 100; note, this calculation is to be performed for each given calendar year (01/01/20xx to 12/31/20xx)]

☐ Yes: Continue

☐ No: Please calculate accurate annual percentage. If allowance exceeded, return to Question #11. If allowance not exceeded, continue to Question #13.

Example: 183 TPEM units, 470 total production in 2012; 166 TPEM units, 485 total production in 2013; Annual calculations: (183÷470) x100% = **(38.9%)** for 2012; (166÷485) x100% = **(34.2%)** for 2013; Total calculation for 2012 & 2013: 38.9% + 34.2% = **73.1%** for the PoP allowance.

The cumulative percentage of the PoP allowance for TPEM units and total equipment production (TPEM and compliant equipment) calculated annually cannot exceed 80% when totaled.

13) Have you acquired or merged with another equipment manufacturer that is using the TPEM provisions?

☒ Yes: Continue [Merged/combined manufacturer may not maintain separate allowances for itself and the acquired company(ies)]. The acquired manufacturer's new TPEM equipment must be included in your TPEM totals going forward from the merger/acquisition date(s). Prior TPEM participation by the acquired company(ies) is not considered in the new companies' TPEM total.

☐ No: Continue

14) Is your need for hardship relief solely a result of a merger or acquisition?

☐ Yes: STOP – You are not eligible to use the hardship relief provisions. The acquisition/merger can't be the primary rationale for the hardship relief request).

☒ No: Continue

15) Do the equipment platforms for which you are seeking hardship relief have multiple engine suppliers for the same equipment application? [Ex: Identical Equipment Models: X325-D (Deere engine powered), X325-K (Kubota engine powered)].

☐ Yes: Continue

☒ No: Continue

16) If you answered **YES** to Question #15, are you able to produce the equipment with at least one of the applicable engines in a Tier 4 final compliant configuration?

☐ Yes: STOP - Unavailability of one engine manufacturer's engine is not considered justification for hardship relief.

☐ No: Continue

Domestic Equipment Manufacturers (importing TPEM equipment produced overseas)

- Equipment manufacturer must have primary responsibility for designing and manufacturing equipment and your manufacturing procedures must include installing some engines in this equipment **[40 CFR §1039.625(a)]**

1) Have you posted the required third party surety bond for your foreign made TPEM equipment [40 CFR §1039.626(a)(9)]? Bond is based on engine quantity imported multiplied by per engine bond values in Table 1 of §1039.626 - Per Engine Bond Values
   - ☐ Yes: You are eligible to submit a hardship relief application - Please review hardship questionnaire.
   - ☐ No: Continue to Question #2 - You are not eligible to use the TPEM hardship relief provisions if you answered **NO** to Question #2. Additionally, you may be ineligible to use the general TPEM provisions.

2) If TPEM equipment bond not posted, has company been granted a bond waiver from EPA based on long term assets ownership in the United States?
   - ☐ Yes: You are eligible to submit a hardship relief application.
   - ☐ No: You may be ineligible to use the general TPEM provisions –Please acquire 3rd party surety bond from an approved surety agent. See U.S. Department of Treasury Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" or other acceptable surety agent list or get EPA to approve a bond waiver based on long term U.S. assets ownership (threshold typically $10M, $6M or $3M based on manufacturers' EPA certificate holder status). Please report lack of bond and/or lack of bond waiver violation to EPA. See self-reporting guidelines at http://www2.epa.gov/compliance/epas-audit-policy. Download bond waiver template at: http://www.epa.gov/otaq/certdat2.htm.

Foreign Equipment Manufacturers (importing TPEM equipment produced overseas)

- Equipment manufacturer must have primary responsibility for designing and manufacturing equipment and your manufacturing procedures must include installing some engines in this equipment **[40 CFR §1039.625(a)]**

1) Did you name an agent for service in the United States [40 CFR §1039.626(a)(2)] and did you include that information with your EPA notification?
   - ☐ Yes: Continue to Question #2
   - ☐ No: Continue - Submit revised EPA notification with required information

2) Did you include the required commitment to comply document signed by the president or owner of the company with your EPA notification?
   - ☐ Yes: Continue
   - ☐ No: Continue - Please submit this commitment document

3) Do you have more than one importer importing TPEM equipment from your company in the U.S. in the same power category(ies)?
   - ☐ Yes: Continue - Importers' TPEM equipment must be totaled together in your allowance to determine compliance. Please identify all importers in your notification document.
   - ☐ No: Continue

3) Have you posted the required 3rd party surety bond for your foreign made TPEM equipment [40 CFR §1039.626(a)(9)]? Bond is based on engine quantity imported multiplied by per engine bond values in Table 1 of §1039.626 - Per Engine Bond Values
   - ☐ Yes: You are eligible to submit a hardship relief application
   - ☐ No: Continue to Question #5 - You <u>are not</u> eligible to use the TPEM hardship relief provisions if you answered **NO** to Question #5 - Additionally, you may be ineligible to use the general TPEM provisions.

5) If TPEM equipment bond not posted, has company been granted a bond waiver from EPA based on long term US assets ownership?
   - ☐ Yes: You are eligible to submit a hardship relief application
   - ☐ No: You may be ineligible to use the general TPEM provisions – Please acquire 3rd party surety bond from an approved surety agent - See U.S. Department of Treasury Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" or other acceptable surety agent list or Get EPA to approve a bond waiver based on long term U.S. assets (threshold typically $10M, $6M or $3M based on manufacturers' EPA certificate holder status) - Please report Lack of bond and/or lack of bond waiver violation to EPA. See self-reporting guidelines at http://www2.epa.gov/compliance/epas-audit-policy. Download bond waiver template at: http://www.epa.gov/otaq/certdat2.htm

Importers

Importers are companies importing equipment for the primary purpose of resale are not equipment manufacturers and can only import TPEM equipment via an allowance granted to an eligible foreign equipment manufacturer **[40 CFR §1039.626(b)].** An equipment manufacturer must have primary responsibility for designing and manufacturing equipment and your manufacturing procedures must include installing some engines in this equipment **[40 CFR §1039.625(a)]**

1) Are you an importer that does not install engines into the equipment and does not have primary responsibility for designing and manufacturing equipment?
   - ☐ Yes: Continue - You can only use the TPEM provisions on behalf of an eligible equipment manufacturer. You are ineligible for the hardship relief provisions. The remaining questions are informational only.
   - ☐ No: STOP (Go to general equipment manufacturer section).

2) Did you provide the required EPA notification under 40 CFR § 1039.626(b) for the TPEM provisions?
   - ☐ Yes: Continue
   - ☐ No: Continue - You may be ineligible for the TPEM provisions - Please report EPA notification violation to EPA. See self-reporting guidelines at http://www2.epa.gov/compliance/epas-audit-policy. Download notification template at: http://www.epa.gov/otaq/certdat2.htm

3) Did you include your parent company info (if applicable) in the EPA notification?
   - ☐ Yes: Continue
   - ☐ No: Continue - Please revise your EPA notification document to include the required information and re-submit.

4) Did you include the names & address(es) of the eligible foreign equipment manufacturer(s) or foreign engine manufacturer(s) you will be importing under?
   - ☐ Yes: Continue
   - ☐ No: Continue - Please revise your EPA notification document to include the required information and re-submit.

5) Did you provide the required annual report(s) per 40 CFR § 1039.626(b)(2) which are due by March 31 of the calendar year following TPEM participation?
   - ☐ Yes: Continue
   - ☐ No: Continue (You may be ineligible for the TPEM provisions - Please report annual reporting violation to EPA. See self-reporting guidelines at http://www2.epa.gov/compliance/epas-audit-policy. Download reporting template at: http://www.epa.gov/otaq/certdat2.htm

6) Did you include a breakdown of your TPEM participation by equipment manufacturer and engine manufacturer?
   - ☐ Yes: STOP
   - ☐ No: STOP (Please revise your report, include required information and re-submit).

United States
Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers

HARDSHIP RELIEF APPLICATION QUESTIONNAIRE

EPA Form Number 5900-In Process Version 1.0; Last Modified: August 2015

Dear Applicant,

This document is a questionnaire you must answer to apply for hardship relief in the context of the Transition Program for Equipment Manufacturers (TPEM). Please download this questionnaire and answer the questions in the order presented retaining the titling for each section and numbering of your answers.

If you are applying for technical hardship relief under 40 CFR 1039.625(m), you only need to complete section A. If you are applying for economic hardship relief under 40 CFR 1039.630 and 40 CFR 1068.255, complete both Sections A and B.

All responses should be fully supported. Please submit any available written evidence such as purchase order's, letters, emails, and notes. All supporting information and documentation must be submitted with the completed application. Where the contact information to verify a particular claim differs from the primary contact, you should supply full contact information for each claim.

Your application must be approved and signed by an authorized representative of your company, typically the chief executive officer, president or owner. Please note that, per 40 CFR 1068.25, "you are responsible for statements and information in [this] application… If you provide statements or information to someone for submission to EPA, you are responsible for these statements and information as if you had submitted them to EPA yourself. For example, knowingly submitting false information to someone else for inclusion in an application for certification would be deemed to be a submission of false information to the U.S. government in violation of 18 U.S.C. 1001".

Please note that a complete application must include:

1. The completed Prescreening Questionnaire,
2. This Application, signed
3. Any supporting documentation, and
4. Your company's last TPEM annual report.

The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB Number 2060-0369 in any correspondence. Do not send the completed Form 5900-(In Process) to this address.

OMB No. 2060-0287
Approval Expires on
8/31/2018
EPA Form 5900-In Process

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APPLICANT INFORMATION

This application is for:

Technical Hardship Relief [40 CFR 1039.625(m)]

Date of Application: 10/17/2017

Manufacturer Name:	**STEWART AND STEVENSON MANUFACTURING TECHNOLOGIES, LLC**
Manufacturer Contact Name:	Max Hengst, President
Manufacturer E-mail Address:	m.hengst@ssss.com
Manufacturer Phone Number:	281-345-5101
Manufacturer Address:	10750 Telge Road
	Houston, TX 77095-5002

If application is submitted by 3rd Party, please provide:

3rd Party Contact Name	
3rd Party E-mail Address:	
3rd Party Phone Number:	
3rd Party Address:	

Power Category(ies) you are seeking relief for: kW>560 Click to choose a power category

SECTION A – Technical or Engineering Information

Section A1. Company Overview

1. State that you have completed the preliminary screening and your company is in compliance with the TPEM program. Attach and submit the completed prescreening document with this request.
   We have completed the preliminary screening tool. Stewart & Stevenson Manufacturing Technologies LLC (SSMT), as well as its parent company and parent company's other subsidiaries, are in compliance with the TPEM program.

2. Supply full contact information for the company representative responsible for this request.
   Max Hengst
   Stewart & Stevenson Manufacturing Technologies LLC
   10750 Telge Road
   Houston, TX 77095-5002
   281-345-5101
   m.hengst@ssss.com

3. Supply full contact information for the submitter if different from above.
   Same as above

4. Fully describe your company including but not limited to:
   a. Number of employees
      Stewart & Stevenson Manufacturing Technologies - approximately 200

   b. States and/or countries operating in
      Texas, Canada, and Russia

   c. Estimated company value and annual revenue for past 5 years
      Stewart and Stevenson Manufacturing Technologies annual revenue:
      2012 $444,861,328
      2013 $219,255,293
      2014 $258,291,904
      2015 $117,707,533
      2016 $47,887,032

      SSMT and a number of its affiliates were purchased by Kirby Corporation for $702 million on September 13, 2017.

   d. Fully describe all products you manufacture and the applicable industry sector for each product.
      SSMT manufactures power generation equipment for various applications, well stimulation equipment for the land and offshore based oil and gas industry, and pump packages for the marine and marine exploration industries.

e. Fully describe all equipment you manufacture incorporating Non-road Compression Ignition (NRCI) engines.
All equipment described in the question above are powered by non-road compression ignition engines.

f. List all engines by manufacturer you currently or in the past have incorporated into your equipment.

MTU 12V2000	**>560kW**
MTU 12V4000S83	**>560kW**
MTU 12V4000T94	**>560kW**
CAT 3516C	**>560kW (export only)**

g. Fully describe the equipment above that is the subject of this hardship application.
The equipment requiring hardship relief is a fleet of 40 well stimulation units under contract and designed to be built with Tier 2 MTU 12V4000 engines. These units were designed and engineered starting in December 2016, and are being built prior to the expiration of the TPEM program to meet the customer's immediate demand as well to be compatible with the series of 119 units with identical engines and equipment previously purchased by this customer.

5. To the best of your ability, list the top three competitors for each model of equipment you produce.
   a. Provide your market share for each model produced, and an estimate of your competitors' respective market share.
   SSMT controls approximately 17% of the market for well stimulation units of the type it builds. Its competitors control 74%, and customers which also produce their own equipment control about 9%. SSMT considers its top three competitors to be National Oilwell Varco (NOV), AF Global (NRG), and Modern USA (Dragon).

   b. Do you supply unique or niche equipment that may cause a shortage in the market (i.e., no other competitor builds equipment to serve this particular function)?
   The equipment produced SSMT is comparable in general function to other well stimulation equipment available on the market. However, the equipment is custom-designed and engineered to meet specific geological, operational, and site conditions. As a result, the equipment represented in this request is unique in that it was designed to meet the customer's specific requirements for the geographic area and operations in which the equipment will be used. There is no other equipment that would be available to meet the customer's requirements by or even in close proximity to the required delivery date as it would take approximately [6-12] months to design, engineer and build an alternative.

6. Is your company the Equipment Manufacturer?
Yes, SSMT is the equipment manufacturer for this hardship request.

a. State that you have read and understand 40 CFR 1039.625(a)
SSMT has read and understands 40 CFR 1039.625(a).

b. Do you have the primary responsibility for designing and manufacturing the equipment? If you import any pieces of your equipment, fully describe to what extent the equipment is imported.
SSMT holds the primary responsibility for designing and manufacturing the equipment. It works closely with its customers to design and engineer customized and specialized equipment that meets specific well design and pressure criteria. None of the equipment is imported.

c. Do you install some engines in the equipment? If so, do you receive the engines from your supplier as a power pack (i.e, a modular powertrain including the engine, radiator, transmission, or other supporting components) or with no supporting components installed?
Yes, SSMT installs engines in the equipment. Engines and the other equipment components are received separately. The engines are not pre-assembled into power packs or modular skid units with main components already installed.

d. Provide a full description of the designing and manufacturing activities devoted to each piece of equipment.
Equipment is designed and engineered to meet the customer's specific well completion and operational needs. SSMT first meets with its customer to discuss the specific application for the equipment. Engineering representatives from both the customer and SSMT meet to detail aspects related to the performance demands of the equipment, component reliability and compatibility, and operation and maintenance requirements. The design and engineering phase requires approximately 6 months. SSMT then develops an initial proposal for the equipment, designed to meet the specifications identified with the customer. The customer may make changes based upon any new knowledge or performance criteria that may change the design. Once the design and initial engineering are complete, parts and materials are ordered. Equipment is typically ordered in fleet quantity, to keep maintenance and future part ordering consistent. For these particular contracts, the customer has previously ordered a total of 119 identical units, specifically to keep the maintenance and operations consistent. SSMT then begins manufacturing of the equipment by installing the components on the chassis. Once all chassis have been completed, they are individually function tested to ensure no major issues occurred during assembly. Once confirmed that the equipment operates properly, final equipment finishing, including painting and control system testing, is completed. The units may also be performance tested depending upon customer requirements. Typically, the process from design through completed manufacturing takes about one year. Engineering, component selection, and product use are all developed by SSMT.

7. Provide complete sales data for all models you have manufactured over the past 5 years:
   a. List sales data on a model-by-model basis
      2012 145 units using Tier 2 engines
      2013 21 units using Tier 2 engines
      2014 94 units using Tier 2 engines
      2015 12 units using Tier 2 engines
      2016 0 units were produced in 2016.

   b. List any known causes of increased or decreased sales, for example: natural disasters, recessions, emission standard changes, customer preference for established engine technology, customer refusal to purchase technology, etc.
      The market experienced a downturn due to decreased oil prices in late 2014. The equipment SSMT produces is primarily for the oil and gas industry, and with fewer wells being explored and produced, the demand for SSMT's equipment was sharply curtailed. Further price and market pressure reduced demand, and thus equipment sales, through 2016 to significantly lower levels than in the previous 5 years.

8. Provide sales forecasts for all models you intend to manufacture for next 2 years
   a. Explain the basis for any significant increases or decreases in sales projections
      See attachment for sales forecast. While the market for oil and gas well stimulation and development equipment has recently experienced a recovery compared to prior years, there remains significant instability that will impact sales for the next few years. The price of oil, and market confidence in it, will continue to determine the direction of market stability.

9. State whether you manufacture any engines
   SSMT is not an engine manufacturer.

   a. If you are an engine manufacturer, state whether you manufacture any engine installed in any of your equipment models

10. The TPEM program permits one allowance per parent company per power category. Completely describe the ownership chain of your company up to the final parent/entity and back down to all subsidiaries of the parent company. Include all third party and licensee manufacturing agreements.
    Only one allowance for the highest parent company in the organization is being sought. As of September 13, 2017, SSMT's parent company is Kirby Corporation (Kirby). Kirby is also the parent company of United Engines, UE Manufacturing, and Marine Systems. Kirby is the highest parent company in the organization. SSMT will be the only entity which uses any hardship relief granted, as this request seeks only to allow the completion of existing orders that cannot be re-engineered for completion within the required timeframe to use the engine family in this power category already produced by other Kirby affiliates in calendar year 2017.

a. Any relief will be granted to the parent of any and all subsidiaries. Please outline in complete, concise detail the corporate structure of the parent and include any and all subsidiaries or partial ownership in other equipment manufacturer companies by the parent company.
Kirby Corporation is the highest level parent company for the organization. United Holdings, Kirby Engine Systems, and Stewart & Stevenson are all equal level subsidiary entities under the Kirby Corporation parent. Each of these has subsidiaries of its own, which participate in the TPEM. United Holdings is the parent for United Engines and UE Manufacturing. Kirby Engine Systems is the parent company of Marine Systems and Engine Systems. Stewart & Stevenson's subsidiary is Stewart and Stevenson Manufacturing Technologies. United Engines, UE Manufacturing, Marine Systems, SSMT, and Stewart & Stevenson Power Products are the only entities that participate in TPEM.

b. Is this hardship due to or caused by a recent merger or acquisition of another company? List all mergers and acquisitions of any equipment manufacturing business entered into by the parent or any subsidiary in the last five years.
No, this hardship request is not based on an acquisition. Stewart & Stevenson was acquired by Kirby Corporation on September 13, 2017. Had the acquisition occurred prior to the near-end of the TPEM, SSMT would have sufficient time to work with its customer to re-engineer the units for use with compliant engines. However, because there are only two months remaining in the entire TPEM period for the >560kW power category, SSMT cannot re-engineer its equipment design to use the engine family that has been used by the other Kirby subsidiaries. Nor can the equipment be re-engineered in a timely manner to use Tier 4 engines. Tier 4 engines will not physically fit in the unit even if such engines could be obtained. Further, Tier 4 engines are not readily available from the manufacturer. Moreover, the Tier 2 engine Kirby's other subsidiary uses is not an appropriate choice for the operations in which the units are intended to be used. Thus, a complete re-engineering of the equipment would need to be completed, which would take up to a year. This would be far outside of the delivery timeframe required for the equipment, which would cause Stewart & Stevenson to forfeit on its obligations to its customer and the customer to cancel the contract.

c. State if you are the Parent, a Subsidiary, Licensee, Agent or Importer operating under the authority of the parent. Attach and submit full documentation of your status.
Stewart & Stevenson LLC is a subsidiary of Kirby Corporation. Stewart & Stevenson LLC is the parent company of Stewart Stevenson Manufacturing Technologies LLC.

Section A2. TPEM Participation

1. Provide the date on which your company entered or will enter the TPEM program using exempted engines
Stewart & Stevenson entered the TPEM program on January 1, 2011.

2. Provide the date of the last day of authorized TPEM participation. Hardship may not be granted outside the specified 7 year period (see 40 CFR 1039.625(m)).
   December 31, 2017

3. Has your company properly filed TPEM reports for each year of participation? Submit copies of all reports with this application
   Yes, see reports for both Stewart & Stevenson and Kirby Corporation in Attachment A.

4. Include in your application the complete and total TPEM usage by the parent and all its subsidiaries. Each TPEM allowance is granted by power category.
   a. Going back to the beginning of your participation in the TPEM program list each power category in which you have consumed TPEM allowances.
      19-56kW
      56-130kW
      130-560kW
      >560kW

   b. State the number of allowances per power category the parent and its subsidiaries are using and whether each one is Percent of Production (PoP) or Small Volume Manufacturer (SVM)

19-56kW	**525**	**SVM**
56-130kW	**700**	**SVM**
130-560kW	**350**	**SVM**
>560kW	**700**	**SVM**

      i. List each model of equipment in each power category

19-56kW	**Mobile generator set**
56-130kW	**Rail mover, agricultural pumps**
130-560kW	**Rail mover, twin pumper, mobile generator set, blenders, barge pump**
>560kW	**Well stimulation units**

      ii. Include a list of all engines by EPA Engine Family name and manufacturer that you have installed in every model produced by the parent during the past five years.
      See attachment

   c. List planned Tier 4 Final compliant engines by 12-character EPA engine family name (e.g., DCEXL06.7XYZ) for installation in each model above or indicate if you intend to cease production of this particular equipment model.
      The well stimulation unit model which is designed for the Tier 2 MTU 12V4000 engine will be discontinued. The Tier 4 compliant model uses a completely different cooling package, control system, and frame/mounting structure and is considered a different model.

i. Are these planned Tier 4 Final engines currently certified and available?
MTU has released the Tier 4 Final compliant version of the 12V4000 engine. However, engine availability is not expected until late first quarter 2018.

5. State on what date you expect to exhaust your current TPEM allowance. Your company must exhaust all TPEM allowances before using any additional allowances granted as hardship relief. You must request hardship relief before exceeding your TPEM allowance. Please plan for at least a 90 day review of any hardship application.
The delivery date commitment for the first 20 units is November 22, 2017. The second fleet of 20 units requires engine installation prior to December 31, 2017 in order for the equipment to be compliant with Part 1039. December 31, 2017 is the last date on which SSMT, or any other Kirby Corporation subsidiary, will be able to use an allowance under TPEM in the >560kW power category. Kirby Corporation's parent company reporting is well below the maximum allowable usage of allowances for the >560kW power category, for which this hardship request is submitted. As of January 1, 2017 total allowances used for the >560kW power category by the Kirby parent company were 423 of 700. 57 additional units in this power category have been produced under the Kirby parent company in 2017.

6. Identify and state any exceedances of TPEM limits on the number of engines used in aggregate by the parent company and all of its subsidiaries and licensees for each year of the TPEM program.
No exceedances have occurred. Kirby Corporation and all of its subsidiaries are in compliance with the limits of the TPEM program.

7. Identify and state any expected exceedances of TPEM limits on the number of engines at conclusion of participation.
This hardship request is submitted to prevent an exceedance in the >560kW power category using the multi-family option, since SSMT's pre-existing design work and contractual commitment require use of a different single engine family than the single engine family Kirby's other subsidiaries had already used in 2017. Without hardship relief, the final contracts in SSMT's production for year 2017 will cause the compliance option for Kirby Corporation to change from single family small volume allowance to multi-family small volume allowance. Kirby's annual production in 2011 (199 engines) and the cumulative production for the life of the program (423 as of 1/1/2017) are such that use of the multi-family option causes an exceedance.

Section A3. Equipment Subject to Hardship Request

1. From Section 1, 4(g) fully describe by model the equipment above that is the subject of this hardship application.
   a. Model identifier and description of each piece of equipment.
   The equipment model subject to this hardship request is the Tier 2 trailer mounted well stimulation unit.

b. Include by EPA Engine Family name every engine by any engine manufacturer installed into this equipment in the past five years.
All units for this model were produced using the MTU 12V4000S83 Tier 2 engine, which has an EPA engine family name AMDDL95.4XTR.

c. List power ratings assigned to each model in the past five years.
The power rating for the units include 2250hp and 2500hp.

d. List production volumes for each model for past five years.
2012 145 units
2013 21 units
2014 94 units
2015 12 units
2016 0 units were produced in 2016.

e. For each piece of equipment, list whether it is available with multiple engine options. For example, do you offer the equipment with an optional Kubota, Cummins, CAT, Deere, or other engine?
No, this equipment is not available with multiple engine options, nor can it be designed to accommodate multiple engine options. The trailer mounted hydraulic fracturing equipment is limited to a specific engine, and if an engine change is required, major component changes must be made, as well as engineering specifications for the frame, cooling, and control systems.

2. Is this the identical equipment you were manufacturing during your prior TPEM participation?
Yes

3. Are you requesting hardship relief for a model newly introduced into the market, a model that you intend to continue to produce using a Tier 4 compliant engine, or a model that will be phased out of production?
The equipment subject to this hardship request will be discontinued at the close of the TPEM program. As previously described, the equipment in question cannot simply change to a Tier 4 engine without completely re-engineering the equipment with a new design.

4. From Section 1, 7(a) provide the sales history for each equipment model for which you are requesting hardship relief for the past five years.
   a. State any anticipated increase in sales if hardship is granted.
   No increase in sales will occur if hardship is granted. Sales have already been completed for the remainder of the 2017 year and through to the expiration of the TPEM program.

Section A4. Basis of Hardship request

1. State in full, complete, concise detail your original 7 year plan under 40 CFR 1039 to become fully compliant by the expiration date of your TPEM participation.
   Any planning prior to this request could not have anticipated this particular scenario. SSMT planned to work with customers and engine manufacturers throughout the TPEM period such that the necessary design and equipment availability issues would be addressed before the expiration of TPEM allowances.

   a. A major component of the request is establishing a timeline that can be easily understood.
      SSMT met with its customer in December 2016 to begin planning and engineering the equipment subject to this request. Engineering representatives of SSMT and its customer met and worked over the next 6 months to design the units. Final specifications for the units were completed May 26, 2017. A commitment to produce 20 units was reached via contract June 5, 2017 followed by a contractual commitment at the request of the customer for an additional 20 units on September 11, 2017.

   b. On a model-by-model basis, supply two single-line GANNT Charts to provide a visual timeline
      i. Top line to show original planned participation in TPEM which will usually encompass a nine year timeline including activities leading up to production
      ii. Bottom line to show actual production schedule with readily-identifiable delays (i.e., circumstances clearly outside your control) inserted showing the "pushing out" of production schedule.

      These items are unrelated to SSMT's request in that there is no delay in parts availability for the units subject to this request.

   c. The request needs to show that absent one or more unanticipated circumstances that were clearly beyond your control, prudent business practices would have resulted in meeting the regulatory requirement.
      The request is based on the fact that at the time SSMT initiated work with its customer (9 months prior to acquisition), the potential for sudden unavailability to SSMT of TPEM allowances using the Tier 2 engine model required by the design and engineering specifications for the units could not be conceived. Even once a potential change in parent company became a possibility after the design work began, SSMT remained a unique and separate entity obligated to adhere to its own compliance limitations under TPEM. Further, as a potential new parent company, it would have been unlawful for Kirby Corporation to attempt to interfere in the operation of or financial status of a company it seeks to purchase. As such, a Non-Disclosure Agreement was in place between Kirby Corporation and Stewart & Stevenson that prohibited the use of any information obtained through due diligence to be used by Kirby to influence or take advantage of Stewart & Stevenson or any of its subsidiaries. Each party was unique and separate up to the closing of the acquisition, and thus Kirby could not control the potential for a conflict to occur in the TPEM allowance usage of its pending subsidiary, nor could SSMT have known what limitations Kirby's TPEM participation might present to existing production.

2. State when and how you became aware of any issues affecting your efforts to achieve compliance. Attach and submit full documentation.
   SSMT was not aware of potential conflicts in compliance until September 14, 2017.

3. State the Extreme and Unusual Circumstances you are experiencing that prevent you from bringing the equipment listed in Section 3, 1 into compliance.
   SSMT has committed to its customer to produce 40 hydraulic fracturing units by year's end 2017. Timing for the contract and for the TPEM program expiration do not allow for re-engineering the units to use Tier 4 engines, as these equipment require nearly 2,000 man-hours of engineering time to develop. The flex engines which are currently compliant with the parent company reporting are not appropriate for the geography in which the customer will use the equipment.

4. The request should thoroughly document when delays occurred, why they occurred, how the issue was resolved, and the current state of events.
   a. For each delay include full contact information at source of delay for verification.

   This request is unrelated to component or engine delivery delay.

5. State how these circumstances are completely outside your control. (Note: mergers and acquisitions are not outside the control of the company)
   As described above, SSMT could not have known that TPEM allowance conflicts would occur when it committed to produce equipment for its customer. Further, as still unique and separate companies, Stewart & Stevenson was under no obligation to first confirm that such conflicts would not occur prior to the closing of the acquisition. To reiterate, Kirby could not lawfully influence Stewart & Stevenson's pursuit of business prior to the acquisition. This hardship request does not seek to obtain flexibility for future sales or for allowance usage after the program expires. Instead, SSMT seeks only to confirm that it may proceed with manufacturing equipment it was already under contract to produce prior to the acquisition by Kirby Corporation.

6. Compare the design processes of the equipment model for which you need additional exemptions and that for other models for which you do not need additional exemptions. Explain the technical differences that justify your request.
   Design processes across all equipment are the same. Differences in design processes are not a basis for this request.

7. State all steps taken to minimize the scope of your request
   a. When exactly did your company learn about the additional delay for Tier 4 prototypes? If this is the basis for your request, please document well

   The scope of this request is limited by time remaining under the TPEM program. SSMT cannot produce equipment from any additional sales prior to the expiration of the program due to production capability.

8. Provide the following information about prototype engines for each equipment model:
    a. List when the compliant prototype engine was ordered
    b. Dates of promised delivery of compliant prototype
    c. When the prototype engine was received
    d. When the prototype equipment was built

    Prototype engines are not a relevant element of this hardship request.

9. Provide the following information about compliant production engine for each equipment model
    a. State if compliant engine is certified, in production, and available
    There is not a Tier 4 version of the same engine that is readily available. MTU 12V4000 T95 is the Tier 4 compliant version, and the earliest potential delivery is first quarter 2018.

    b. Dates of promised delivery of compliant production engines
    MTU has indicated that Tier 4 engines will not be available until first quarter 2018.

    c. Dates of actual delivery of compliant production engines
    Not yet known.

    d. Estimated start of production for the compliant Tier 4 equipment
    The compliant Tier 4 engine has only been produced in extremely limited numbers (estimated less than 5 produced). Routine availability is not expected until first quarter 2018.

    e. Number of TPEM allowances (specified in units, not percentage) requested for the specific piece of equipment
    SSMT requests up to 40 TPEM allowances using Tier 2 MTU 12V4000 engines.

Section A5. Alternative Compliant Engine

1. State all alternative engine suppliers you have considered:
    a. Please provide the names of the alternative engine manufacturers contacted and the dates they were contacted
    Alternative engines are not an option, because the unit has to be completely redesigned to use a different engine. A Tier 4 12V4000 engine is not available, and when it does become available, it will not physically fit into the unit. The existing engine used by Kirby Corporation's other subsidiaries in 2017 for the single family option, CAT 3512C, will not only not fit without significantly re-engineering components and frame design, its performance characteristics are not suited to the completion operations where these units are intended to be used. The equipment is not flexible in design to accept multiple engine models.

b. List all alternative engines considered by EPA Engine Family name
No alternative engines are available for this equipment model. As previously described, the units were carefully designed over a 6 month period with the customer. The equipment model is limited to a specific engine, and any change in engine requires such a significant change in mounting design, component coupling, cooling system package, and control system that equipment using a different engine would be designed as a completely separate equipment model.

c. Describe the reason why any engines were not selected for development and explain fully why these certified engines are not compatible and cannot be used.
SSMT designed its equipment for the orders using the Tier 2 MTU 12V4000 engine as part of its then legally available TPEM allowance. Because Stewart & Stevenson has used the single family small volume option, it does not have the flexibility to consider any other Tier 2 engine that might have been available that would not create a conflict, even though it had no way of knowing what those engines might be. Further, a Tier 4 engine does not fit into this equipment model, is not available, and is not a consideration as an alternative. From the customer's perspective, they have purchased 119 of these units using the Tier 2 MTU 12V4000 engine. The maintenance, parts replacement, mechanic and operations personnel training, and other considerations are all uniform across the customer's entire operation. Units powered by different engines are not technically feasible in that they would double the support infrastructure needed to operate and maintain the equipment.
   i. Customer preference may not be considered in a hardship application
   ii. Fully explain any engineering difficulties in incorporating any alternative engine
   iii. Submit full documentation of any timeline impacts for incorporating alternative engines

d. Please provide written documentation of this consideration, such as a copy of an email or letter from each engine manufacturer.

2. Are the engines you normally incorporate uniquely designed and manufactured for your equipment (e.g., unique bell-housing, PTO, etc.) or are these mass production engines?
The engines themselves are mass produced. The equipment the engines are installed into, however are uniquely designed to accept only a specific engine make and model.

Section A6. Efforts to Minimize the Relief Needed

1. Provide the number of new employees hired to overcome the unanticipated impacts and used to minimize your need for relief. Explain the role of these employees (i.e., engineers, drafters, etc.)
No employees were hired, as their hiring would not minimize or impact the contracts such that Tier 4 engines could be used instead of Tier 2.

2. Number of technical staff such as engineers and drafters you employ and number of technical staff assigned to the equipment models that are the subject of this request.
SSMT employs 8 people within its engineering groups. The Stewart & Stevenson parent company employs 13 people total, including the 8 people within the manufacturing group.

3. List all equipment models you've transitioned to using compliant engines from an alternative engine supplier.
   SSMT is transitioning to equipment models that provide the same function, but that are designed to accept Tier 4 compliant engines. The difference between Tier 4 compliant models and the models produced under TPEM include layout and physical dimensions, cooling packages, control modules, and the coupling between the engine and the pump.

4. List all equipment models you currently manufacture with compliant engines.
   a. Supply date compliance achieved.
   b. Supply EPA Engine Family name for each compliant model.
   c. Have you continued to produce this equipment with exempted engines after the date Tier 4 engines could be introduced into the product?

   SSMT builds rail car movers, stimulation blenders, stimulation hydration units, acid pumpers, stimulation data vans, stimulation chemical additive units, and nitrogen pump and vaporizing units using compliant engines. Rail car movers are still offered with exempted engines, but each of the other equipment identified above is available only with a compliant engine in the US market. See attachment for engine family names.

Section A7. Scope of Hardship Request

1. Hardship relief is granted on a model-specific basis. Submit your request in that fashion.
   This request is limited to the 40 well stimulation units. These units represent a single equipment model, which was specifically designed for the individual customer's requirements.

2. The scope of the request - please explain in detail how you arrived at the number (engine quantity) of your request.
   SSMT's requested scope is established in a contract with its customer.

3. List by EPA Engine Family name identifier the engines this hardship request will authorize
   a. State what Tier and by EPA Engine Family name identifier the hardship engines you will incorporate
      The engines are Tier 2 MTU 12V4000 engines. The EPA engine family name is AMDDL95.4XTR.

4. State your request for additional allowances in terms of the minimum volume necessary to span the period of hardship.
   SSMT requires up to 40 Tier 2 MTU 12V4000S83 engines to complete its contract obligations with its customer.

5. Do not include in your request any expected increase in sales, hardship will not be approved to increase any market share or sales increase.
   This request is not reflective of a speculative sales effort or increase in market share. SSMT seeks only to fill existing customer contracts which were already signed and in place at the time the conflict in single engine family allowances became an issue.

Section A8. Effect of Approval or Denial of Hardship

1. Please explain the business measures your company would employ if your application were to be denied (e.g., idle production line, deploy unique financial measures, lay off employees, etc.).
   SSMT would suffer a loss of $43 million in revenue and an almost certain loss of an existing customer. Given that the equipment being requested encompasses an entire operational fleet, SSMT would also suffer the additional lost revenue from maintaining and servicing the equipment. The orders represent SSMT's intended work for 220 employees, some of whom will likely have to be laid off if the work is suddenly unavailable.

2. Please explain the potential for your company to reduce the impact of a denial by exporting products or otherwise maintaining production of other products.
   The equipment being produced cannot be sold for export, since it was designed specifically for an application unique to the customer's well stimulation requirements.

Section A9. Other Relevant Information

1. Include any other information which may be relevant to your application.

   It is important to consider that the engines had already been purchased from the manufacturer and were in inventory at the time the TPEM allowance conflict was created and discovered by SSMT. The engines and equipment do not reflect new or potential sales or increased manufacturing opportunity. Further, EPA's recent guidance approving the relabeling of excess flex engines to replacement engines means that these engines, if not installed into the equipment, will be relabeled and introduced into commerce as replacement engines under 1068.240. As a result, although the engines have not yet been introduced into commerce, they will be introduced even if the request for hardship is denied. Denial of this request for hardship will not improve air quality, nor will it curtail the number of Tier 2 engines in use. However, if the application is accepted, there is a potential small benefit to the airshed in that these engines will be installed in brand new equipment instead of replacing engines in older equipment. Although the engines have the same emission limit, the newer, more efficient components will place a comparatively reduced load on the engine to accomplish the same work. Actual emissions from the engine due to increased efficiency of the equipment are expected to be lower for new equipment than for older equipment.

SECTION B – Economic Hardship Relief (1039.630 & 1068.255)

After reading 40 CFR Parts 1039.630 and 1068.255, please provide concise and clear answers to the following questions. Some regulatory requirements have already been addressed in the Technical Section (Section A of this document), and are therefore not repeated in this section. However, some questions are similar to those in Section A. Please note that in Section A, we seek answers from a technical perspective, if one exists. In this Section B, we seek answers based on your company's financial situation.

Section B1. Overview & Unusual circumstances

1. Briefly describe why your company needs economic hardship relief and the unusual circumstances that brought about your company's impending hardship. In other words, explain what's going on and why. Please submit any documentation you deem relevant to prove your situation, in addition to the documentation listed below.
    a. State whether there was any breach of contract by a supplier.
    b. The amount of time you had to redesign your equipment to accommodate complying products.
    c. Whether industry trends are affecting your sales.
2. Explain your company's role, if any, in creating the impending hardship. To receive hardship relief, your company must not be at fault for the impending violation/hardship.
3. Describe your efforts, if you haven't elsewhere in this application, to find and assess complying engines from other manufacturers that could be used in your equipment.
4. Explain any other efforts you have undertaken to prevent or minimize the economic impact of the situation you are facing.
5. Describe the scope of the relief you are seeking:
    a. The number of additional exemptions (flex engines/pieces of equipment).
    b. The amount of time you need relief for.
6. Briefly explain the consequences of not getting hardship relief and state how you determined the extent of those consequences (e.g., financial forecasts, industry studies, etc):
    a. For your company (e.g., cease of operations, bankruptcy or serious economic impact, furloughs, layoffs, etc).
    b. For the marketplace/customers (e.g., loss of a unique product, marketplace not able to meet demand, etc.)
    c. Companies that do business with you upstream or downstream (e.g., suppliers, dealers)
7. If approved, economic hardship relief is available for only 12 months or 24 months for small volume manufacturers. Will your company be able to avoid hardship after that period? What will happen after the 12 months are over?

Section B2. Financials

1. State the cost of bringing your equipment into compliance in the absence of hardship relief.
    a. Include the costs you have incurred so far in your efforts to redesign your equipment as well as the costs you expect to incur for the remaining redesign efforts.
    b. Compare that cost to the cost of bringing into compliance other lines of equipment you produce, if any. Explain any differences.
2. Describe your company's ability to endure hardship. In your answer, please address the following:
    a. If your company or conglomerate has an international presence, could International sales make up for the loss of revenue/profits caused by the impending hardship?
    b. Would your parent or sister companies assist your company financially throughout the hardship period until the issues are resolved?
3. Please submit information and documentation that will give us a clear picture of the financial health of your overall company for at least the last 3 years, (we might request additional years if we deem the information necessary to examine any relevant patterns identified throughout the evaluation process), including but not limited to:
    a. SEC form 10-K
        i. If your company is publically traded, include your company's SEC 10-K filings for the applicable years.
        ii. If your company is not required to file reports with the SEC, and you have not prepared these kinds of statements before, please visit http://www.sec.gov/investor/pubs/begfinstmtguide.htm for an overview and definitions.
    b. Balance sheets, which clearly state assets, liabilities, capital/cash accounts, and net worth/shareholders' equity
    c. Income statements, clearly indicating profits or losses
    d. Statement of changes in financial position, which clearly show cash flow, sources and uses of funds.
    e. Forecasted financial statements for the period of anticipated hardship
        i. Clearly show your company's expected financial position with and without hardship relief.
        ii. Include in your analysis any measures you plan to adopt if your application for hardship relief is not granted.
    f. Clearly state the income you expect to receive from the sale of the additional exempted equipment if your application is approved. Include:
        i. The current cost and sales price of compliant equipment
        ii. The current cost and sales price of the noncompliant equipment

STEWART AND STEVENSON
APPLICATION FOR HARDSHIP RELIEF
TRANSITION PROGRAM FOR EQUIPMENT MANUFACTURERS

ATTACHMENTS FOR ADDITIONAL INFORMATION

Section A1, Question 8A (2 years sales forecast)

UNIT TYPE	UNIT FORECAST 2018	UNIT FORECAST 2019
FRAC PUMPERS		
USA COMPLIANT 2250 - 3000 HP	**100**	**100**
EXPORT 2250 - 3200 HP	**16**	**20**
BLENDERS		
USA COMPLIANT	**10**	**10**
EXPORT	**4**	**6**
HYDRATION AND CHEM ADDS		
USA COMPLIANT	**6**	**6**
EXPORT	**16**	**18**
DATA VANS		
USA COMPLIANT	**8**	**10**
EXPORT	**6**	**8**
ACID AND GENERAL SERVICE PUMPERS		
USA COMPLIANT	**6**	**8**
EXPORT	**12**	**14**
CEMENTERS		
USA COMPLIANT	**0**	**0**
EXPORT	**15**	**18**
COIL TUBING UNITS		
USA COMPLIANT	**4**	**4**
EXPORT	**12**	**16**
RAIL CAR MOVERS		
USA COMPLIANT 173 HP	**22**	**24**
EXPORT 173 HP	**8**	**10**
USA COMPLIANT 194 HP	**30**	**34**
EXPORT 194 HP	**6**	**8**
TOTALS	**281**	**314**

Section A2, Question 3 (TPEM reports)

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Equipment Manufacturer Basic Information

Submission Date:

Manufacturer Name:	Kirby Corporation
Contact Name:	Morgan Johnson
Email Address:	morgan.johnson@kirbycorp.com
Phone #:	713-435-1311
Manufacturer Address:	55 Waugh Drive, Suite 1000
	Houston, Texas 77007
Small Volume Manufacturer:	Yes
Foreign Equipment Manufacturer:	No

40 CFR Part:	Part 1039 (NRCI)
TPEM Start Date:	2011
TPEM End Date:	2017
Report Year:	
TPEM Type:	Small Volume

OMB No. 2060-0369
Approval Expires on
August 31, 2014
EPA Form 5900-240

Paperwork Reduction Act Notice

The public reporting and recordkeeping burden for this collection of information is estimated to average 9 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB Number 2060-0369 in any correspondence. Do not send the completed Form 5900-240 to this address.

Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m))	No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)?	No
Are you using the allowances under §1054.625 for engines that are not yet subject to Tier 4 standards? (§1054.625(d))	No
Did you use the technical or engineering hardship provisions of §89.102(i)?	No

Comments:

This information is submitted as a single report for all subsidiaries under parent company Kirby Corporation. Kirby Corporation does not itself manufacture any equipment. Equipment manufacturing data is reported on this form for the following Kirby Corporation subsidiaries: Marine Systems, Inc., United Engines, LLC; and UE Manufacturing, LLC.

TPEM Report Data

For Part 89 (NRCI) and Part 1039 (NRCI) Only:

•For the Report Year, provide the total number of units sold for each power category, based on actual U.S.-directed production information (Total Prod. Vol.). Also, for the Report Year, provide the number of units in each power category that you have sold under the provisions of §89.102 or §1039.625 (Exempted Engine Prod. Vol). If you used the percent-of-production provisions, include the percentage of equipment with exempted engines for the power category and calendar year (% of Production).
•For prior years, provide the number of units in each power category that you have sold under the provisions of §89.102 or §1039.625 (Exempted Engine Prod. Vol). If you used the percent-of-production provisions, include the percentage of equipment with exempted engines for the power category and calendar year (% of Production).

For Part 1054 (Small SI) Only:

•Please provide the total count of equipment with exempted engines you sold in the preceding year (Report Year), based on actual U.S.-directed production information. Note: If you produce equipment in the 2010 calendar year with exempted engines from the 2011 model year, include these units in your March 31, 2012 report. (§1054.625(g)(2)(i))
•For prior years, provide figures for how many pieces of equipment with exempted engines you have produced using the provisions of §1054.625. (§1054.625(g)(2)(ii))

Calendar year	Power Category (NRCI Only)	Exempted Engine Prod. Vol.	Total Prod. Vol. (NRCI Only)	% of Production (NRCI Only)
2012	56 ≤ kW < 130	200	541	
2012	130 ≤ kW ≤ 560	98	99	
2012	kW > 560	79	79	

For Part 1039 (NRCI) and Part 1054 (Small SI) Only:

Please provide the name of each company that produced engines for the equipment you manufactured under the TPEM provisions of Part 1039 or 1054, if this information is different than you specified under paragraph 1039.625(g)(1)(iv) or 1054.625(g)(1)(iv), respectively.

Engine Manufacturer Name	Engine Manufacturer Address
John Deere Power Systems	3801 West Ridgeway Avenue, Waterloo, IA, 50704
Isuzu Motors Ammerica, LLC	46401 Commerce Center Drive, Plymouth, MI, 48189
Tognum America, Inc.	39525 MacKenzie Dr, Novi, MI 48377

TPEM Summary

For Part 89 (NRCI) and Part 1039 (NRCI) Only:

•For percent-of-production, for each power category, please provide the cumulative numbers and percentages of units for all the units you have sold under §89.102 or §1039.625. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625.
•For small volume, for each power category, please provide the cumulative number of units with exempted engines you have sold under §89.102 or §1039.625 and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	Max. Allowed Cumulative Exempted Engine Prod. Vol.	Cumulative % of Production	Max. Allowed Cumulative % of Production
56 ≤ kW < 130	200	700		
130 ≤ kW ≤ 560	185	350		
kW > 560	278	700		

For Part 1054 (Small SI) Only:

Please provide a cumulative figure describing how many pieces of equipment with exempted engines you have produced for all of the years you used the provisions of §1054.625.

Please indicate how many pieces of equipment with exempted engines you may sell under §1054.625(b)

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Equipment Manufacturer Basic Information

Submission Date:

Manufacturer Name:	Kirby Corporation
Contact Name:	Morgan Johnson
Email Address:	morgan.johnson@kirbycorp.com
Phone #:	713-435-1311
Manufacturer Address:	55 Waugh Drive, Suite 1000
	Houston, Texas 77007
Small Volume Manufacturer:	Yes
Foreign Equipment Manufacturer:	No

40 CFR Part:	Part 1039 (NRCI)
TPEM Start Date:	2011
TPEM End Date:	2017
Report Year:	2014
TPEM Type:	Small Volume

OMB No. 2060-0369
Approval Expires on
August 31, 2014
EPA Form 5900-240

Paperwork Reduction Act Notice

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Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m))	No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)?	No
Are you using the allowances under §1054.625 for engines that are not yet subject to Tier 4 standards? (§1054.625(d))	No
Did you use the technical or engineering hardship provisions of §89.102(i)?	No

Comments:

This information is submitted as a single report for all subsidiaries under parent company Kirby Corporation. Kirby Corporation does not itself manufacture any equipment. Equipment manufacturing data is reported on this form for the following Kirby Corporation subsidiaries: Marine Systems, Inc., United Engines, LLC; and UE Manufacturing, LLC.

PLEASE NOTE - THIS IS A REVISION TO THE ORIGINAL REPORT SUBMITTED FOR THE 2013 YEAR. SOME EQUIPMENT IN THE 130-560KW CATEGORY HAD BEEN SOLD FOR EXPORT AND WAS ERRANTLY INCLUDED IN THE EXEMPTED ENGINE PRODUCTION DATA. DATA FOR THE CALENDAR YEAR PRODUCTION AND TO-DATE TOTALS HAS BEEN CORRECTED BELOW.

TPEM Report Data

For Part 89 (NRCI) and Part 1039 (NRCI) Only:

•For the Report Year, provide the total number of units sold for each power category, based on actual U.S.-directed production information (Total Prod. Vol.). Also, for the Report Year, provide the number of units in each power category that you have sold under the provisions of §89.102 or §1039.625 (Exempted Engine Prod. Vol). If you used the percent-of-production provisions, include the percentage of equipment with exempted engines for the power category and calendar year (% of Production).
•For prior years, provide the number of units in each power category that you have sold under the provisions of §89.102 or §1039.625 (Exempted Engine Prod. Vol). If you used the percent-of-production provisions, include the percentage of equipment with exempted engines for the power category and calendar year (% of Production).

For Part 1054 (Small SI) Only:

•Please provide the total count of equipment with exempted engines you sold in the preceding year (Report Year), based on actual U.S.-directed production information. Note: If you produce equipment in the 2010 calendar year with exempted engines from the 2011 model year, include these units in your March 31, 2012 report. (§1054.625(g)(2)(i))
•For prior years, provide figures for how many pieces of equipment with exempted engines you have produced using the provisions of §1054.625. (§1054.625(g)(2)(ii))

Calendar year	Power Category (NRCI Only)	Exempted Engine Prod. Vol.	Total Prod. Vol. (NRCI Only)	% of Production (NRCI Only)
2013	56 ≤ kW < 130	98	98	
2013	130 ≤ kW ≤ 560	27	68	
2013	kW > 560	28	33	

For Part 1039 (NRCI) and Part 1054 (Small SI) Only:

Please provide the name of each company that produced engines for the equipment you manufactured under the TPEM provisions of Part 1039 or 1054, if this information is different than you specified under paragraph 1039.625(g)(1)(iv) or 1054.625(g)(1)(iv), respectively.

Engine Manufacturer Name	Engine Manufacturer Address
John Deere Power Systems	3801 West Ridgeway Avenue. Waterloo, IA. 50704
Isuzu Motors Ammerica, LLC	46401 Commerce Center Drive, Plymouth, MI. 48189
Tognum America, Inc.	39525 MacKenzie Dr, Novi, MI 48377

TPEM Summary

For Part 89 (NRCI) and Part 1039 (NRCI) Only:

•For percent-of-production, for each power category, please provide the cumulative numbers and percentages of units for all the units you have sold under §89.102 or §1039.625. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625.
•For small volume, for each power category, please provide the cumulative number of units with exempted engines you have sold under §89.102 or §1039.625 and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	Max. Allowed Cumulative Exempted Engine Prod. Vol.	Cumulative % of Production	Max. Allowed Cumulative % of Production
56 ≤ kW < 130	298	700		
130 ≤ kW ≤ 560	192	350		
kW > 560	326	700		

For Part 1054 (Small SI) Only:

Please provide a cumulative figure describing how many pieces of equipment with exempted engines you have produced for all of the years you used the provisions of §1054.625.

Please indicate how many pieces of equipment with exempted engines you may sell under §1054.625(b)

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Version 2.4, Last modified: December 2014

Equipment Manufacturer Basic Information

Submission Date: 3/25/2015

Manufacturer Name/Importer:	KIRBY CORPORATION
Contact Name:	MORGAN JOHNSON
Email Address:	MORGAN.JOHNSON@KIRBYCORP.COM
Phone #:	713-435-1311
Manufacturer Address:	
Address 1	55 WAUGH DRIVE
Address 2	SUITE 1000
City	HOUSTON
State	TEXAS
ZIP	77007
Country	USA

40 CFR Part:	Part 1039
Report Year:	2014

Are you a Small Volume Manufacturer?	Yes
Are you a Foreign Equipment Manufacturer?	No

Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m))	No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)?	No
Did you use the technical or engineering hardship provisions of §89.102(i)?	No

Among your comments, please include: (1) If this report covers more than one company, mention their names; (2) any changes from previous years such as a change in parent company. If you are an importer using a foreign manufacturer's allowance under 1039.626(b) and you listed your name above, please indicate the foreign manufacturer's name and address here.

Comments:
THIS REPORT IS FOR THE COMBINED EQUIPMENT PRODUCTION OF TWO COMPANIES UNDER PARENT COMPANY KIRBY CORPORATION.
THE TWO EQUIPMENT MANUFACTURERS ARE MARINE SYSTEMS, INC. AND UNITED ENGINES MANUFACTURING.

TPEM Report Data

For Part 89 and Part 1039:

•In the table below, report how many units you exempted under TPEM (flex equipment). Please include all power categories in which you participated in the current year. You may also include previous years. For each year and power category, report:
- Allowance - Select from the drop-down menu the allowance you are using in the specified power category
- Start and end dates - first and last year you expect to use an allowance in the specified power category; not just the year you are reporting for.
- Exempted Equipment Volume - the number of exempted equipment (flex units)
- Total Prod. Volume - your total US-directed production, both exempted and compliant. This is needed to calculate your percent of production and, therefore, only applies if you are using the percent-of-production allowance.
- % of Production - If you used the percent-of-production allowance, calculate the percentage of equipment with exempted engines vs. Total Production Volume

NOTE. 40 CFR Part MUST be selected above in order to access drop-down options for Power Category and TPEM Type.

Calendar year	Power Category	TPEM Allowance	Start Date (Year)	End Date (Year)	Exempted Equipment Volume	Total Prod. Volume*	% of Production
2014	56≤kW<130	Small Volume - Single Family	2011	2017	44	44	
2014	130≤kW<560	Small Volume - Multiple Families	2011	2017	56	62	
2014	kW > 560	Small Volume - Single Family	2011	2017	61	67	

For Part 1039 Only:

Provide the name of each engine manufacturer that produced non-compliant (flex) engines for your exempted equipment

Engine Manufacturer Name	Engine Manufacturer Address
John Deere Power Systems	3801 West Ridgeway Avenue, Waterloo, IA 50704
Isuzu Motors Ammerica, LLC	46401 Commerce Center Drive, Plymouth, MI 48189
Caterpillar	501 Southwest Jefferson Avenue, Peoria, IL, 61630
MTU	39525 MacKenzie Drive, Novi, MI 48377

TPEM Summary

For Part 89 and Part 1039:
The following table summarizes your overall participation in each power category. Report totals for either 40 CFR Part 89 or Part 1039, according to your selection above. Please refer to the regulations for the maximum number of exempted engines allowed in each power category (see "Instructions" tab).

•For the power categories in which you are using the percent-of-production allowance, please provide the cumulative totals and percentages for all the units that you have sold throughout your participation in TPEM. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625 .

•For the power categories in which you are using the small volume allowance, please provide the cumulative number of units with exempted engines you have sold throughout your participation in TPEM, and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	TPEM Type	Start Date (Year)	End Date (Year)	Max. Allowed Cumulative Exempted	Cumulative % of Production	Max. Allowed Cumulative % of Production
56≤kW<130	342	Small Volume - Single Family	2011	2017	700		
130≤kW<560	248	Small Volume - Multiple Families	2011	2017	350		
kW > 560	367	Small Volume - Single Family	2011	2017	700		

Paperwork Reduction Act Notice

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OMB No. 2060-0287
Approval Expires on
December 31, 2017
EPA Form 5900-240

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Version 2.4, Last modified: December 2014

Equipment Manufacturer Basic Information

Submission Date: 2/10/2016

Manufacturer Name/Importer:	KIRBY CORPORATION
Contact Name:	MORGAN JOHNSON
Email Address:	MORGAN.JOHNSON@KIRBYCORP.COM
Phone #:	713-435-1311
Manufacturer Address:	
Address 1	55 WAUGH DRIVE
Address 2	SUITE 1000
City	HOUSTON
State	TEXAS
ZIP	77007
Country	USA

40 CFR Part:	Part 1039
Report Year:	2015

Are you a Small Volume Manufacturer?	Yes
Are you a Foreign Equipment Manufacturer?	No

Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m))	No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)?	No
Did you use the technical or engineering hardship provisions of §89.102(i)?	No

Among your comments, please include: (1) If this report covers more than one company, mention their names; (2) any changes from previous years such as a change in parent company. If you are an importer using a foreign manufacturer's allowance under 1039.626(b) and you listed your name above, please indicate the foreign manufacturer's name and address here.

Comments: THIS REPORT IS FOR THE COMBINED EQUIPMENT PRODUCTION OF TWO COMPANIES UNDER PARENT COMPANY KIRBY CORPORATION.
THE TWO EQUIPMENT MANUFACTURERS ARE MARINE SYSTEMS, INC. AND UNITED ENGINES MANUFACTURING.

TPEM Report Data

For Part 89 and Part 1039:

•In the table below, report how many units you exempted under TPEM (flex equipment). Please include all power categories in which you participated in the current year. You may also include previous years. For each year and power category, report:
- Allowance - Select from the drop-down menu the allowance you are using in the specified power category
- Start and end dates - first and last year you expect to use an allowance in the specified power category; not just the year you are reporting for.
- Exempted Equipment Volume - the number of exempted equipment (flex units)
- Total Prod. Volume - your total US-directed production, both exempted and compliant. This is needed to calculate your percent of production and, therefore, only applies if you are using the percent-of-production allowance.
- % of Production - If you used the percent-of-production allowance, calculate the percentage of equipment with exempted engines vs. Total Production Volume

NOTE. 40 CFR Part MUST be selected above in order to access drop-down options for Power Category and TPEM Type.

Calendar year	Power Category	TPEM Allowance	Start Date (Year)	End Date (Year)	Exempted Equipment Volume	Total Prod. Volume*	% of Production
2015	56≤kW<130	Small Volume - Single Family	2011	2017	90	90	
2015	130≤kW<560	Small Volume - Multiple Families	2011	2017	45	45	
2015	kW > 560	Small Volume - Single Family	2011	2017	49	58	

For Part 1039 Only:

Provide the name of each engine manufacturer that produced non-compliant (flex) engines for your exempted equipment

Engine Manufacturer Name	Engine Manufacturer Address
John Deere Power Systems	3801 West Ridgeway Avenue, Waterloo, IA 50704
Isuzu Motors Ammerica, LLC	46401 Commerce Center Drive, Plymouth, MI 48189
Caterpillar	501 Southwest Jefferson Avenue, Peoria, IL, 61630
MTU	39525 MacKenzie Drive, Novi, MI 48377

TPEM Summary

For Part 89 and Part 1039:

The following table summarizes your overall participation in each power category. Report totals for either 40 CFR Part 89 or Part 1039, according to your selection above. Please refer to the regulations for the maximum number of exempted engines allowed in each power category (see "Instructions" tab).

•For the power categories in which you are using the percent-of-production allowance, please provide the cumulative totals and percentages for all the units that you have sold throughout your participation in TPEM. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625 .

•For the power categories in which you are using the small volume allowance, please provide the cumulative number of units with exempted engines you have sold throughout your participation in TPEM, and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	TPEM Type	Start Date (Year)	End Date (Year)	Max. Allowed Cumulative Exempted	Cumulative % of Production	Max. Allowed Cumulative % of Production
56≤kW<130	432	Small Volume - Single Family	2011	2017	700		
130≤kW<560	293	Small Volume - Multiple Families	2011	2017	350		
kW > 560	416	Small Volume - Single Family	2011	2017	700		

Paperwork Reduction Act Notice

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OMB No. 2060-0287
Approval Expires on
December 31, 2017
EPA Form 5900-240

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Version 2.4, Last modified: December 2014

Equipment Manufacturer Basic Information

Submission Date: 1/17/2017

Manufacturer Name/Importer:	KIRBY CORPORATION
Contact Name:	MORGAN JOHNSON
Email Address:	MORGAN.JOHNSON@KIRBYCORP.COM
Phone #:	713-435-1311
Manufacturer Address:	
Address 1	55 WAUGH DRIVE
Address 2	SUITE 1000
City	HOUSTON
State	TEXAS
ZIP	77007
Country	USA

40 CFR Part:	Part 1039
Report Year:	2016

Are you a Small Volume Manufacturer?	Yes
Are you a Foreign Equipment Manufacturer?	No

Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m))	No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)?	No
Did you use the technical or engineering hardship provisions of §89.102(i)?	No

Among your comments, please include: (1) If this report covers more than one company, mention their names; (2) any changes from previous years such as a change in parent company.
If you are an importer using a foreign manufacturer's allowance under 1039.626(b) and you listed your name above, please indicate the foreign manufacturer's name and address here.

Comments:
THIS REPORT IS FOR THE COMBINED EQUIPMENT PRODUCTION OF TWO COMPANIES UNDER PARENT COMPANY KIRBY CORPORATION.
THE TWO EQUIPMENT MANUFACTURERS ARE MARINE SYSTEMS, INC. AND UNITED ENGINES MANUFACTURING.

TPEM Report Data

For Part 89 and Part 1039:

•In the table below, report how many units you exempted under TPEM (flex equipment). Please include all power categories in which you participated in the current year. You may also include previous years. For each year and power category, report:
- Allowance - Select from the drop-down menu the allowance you are using in the specified power category
- Start and end dates - first and last year you expect to use an allowance in the specified power category; not just the year you are reporting for.
- Exempted Equipment Volume - the number of exempted equipment (flex units)
- Total Prod. Volume - your total US-directed production, both exempted and compliant. This is needed to calculate your percent of production and, therefore, only applies if you are using the percent-of-production allowance.
- % of Production - If you used the percent-of-production allowance, calculate the percentage of equipment with exempted engines vs. Total Production Volume

NOTE. 40 CFR Part MUST be selected above in order to access drop-down options for Power Category and TPEM Type.

Calendar year	Power Category	TPEM Allowance	Start Date (Year)	End Date (Year)	Exempted Equipment Volume	Total Prod. Volume*	% of Production
2016	56≤kW<130	Small Volume - Single Family	2012	2018	1	1	
2016	130≤kW<560	Small Volume - Multiple Families	2011	2017	0	0	
2016	kW > 560	Small Volume - Single Family	2011	2017	7	7	

For Part 1039 Only:

Provide the name of each engine manufacturer that produced non-compliant (flex) engines for your exempted equipment

Engine Manufacturer Name	Engine Manufacturer Address
John Deere Power Systems	3801 West Ridgeway Avenue, Waterloo, IA, 50704
Isuzu Motors Ammerica, LLC	46401 Commerce Center Drive, Plymouth, MI, 48189
Caterpillar	501 Southwest Jefferson Avenue, Peoria, IL, 61630
MTU	39525 MacKenzie Drive, Novi, MI 48377

TPEM Summary

For Part 89 and Part 1039:
The following table summarizes your overall participation in each power category. Report totals for either 40 CFR Part 89 or Part 1039, according to your selection above. Please refer to the regulations for the maximum number of exempted engines allowed in each power category (see "Instructions" tab).

•For the power categories in which you are using the percent-of-production allowance, please provide the cumulative totals and percentages for all the units that you have sold throughout your participation in TPEM. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625 .

•For the power categories in which you are using the small volume allowance, please provide the cumulative number of units with exempted engines you have sold throughout your participation in TPEM, and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	TPEM Type	Start Date (Year)	End Date (Year)	Max. Allowed Cumulative Exempted	Cumulative % of Production	Max. Allowed Cumulative % of Production
56≤kW<130	482	Small Volume - Single Family	2012	2018	700		
130≤kW<560	293	Small Volume - Multiple Families	2011	2017	350		
kW > 560	423	Small Volume - Single Family	2011	2017	700		

Paperwork Reduction Act Notice

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Approval Expires on
December 31, 2017
EPA Form 5900-240

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Equipment Manufacturer Basic Information

Submission Date:

Manufacturer Name:	Stewart & Stevenson LLC
Contact Name:	Dave Koenig
Email Address:	d.koenig@ssss.com
Phone #:	281-345-5401
Manufacturer Address:	1000 Louisiana St. Suite 5900
	Houston, Texas 77002
Small Volume Manufacturer:	Yes
Foreign Equipment Manufacturer:	

40 CFR Part:	Part 1039 (NRCI)
TPEM Start Date:	2011
TPEM End Date:	2018
Report Year:	
TPEM Type:	Small Volume

OMB No. 2060-0369
Approval Expires on
August 31, 2014
EPA Form 5900-240

Paperwork Reduction Act Notice

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Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m))	No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)?	No
Are you using the allowances under §1054.625 for engines that are not yet subject to Tier 4 standards? (§1054.625(d))	No
Did you use the technical or engineering hardship provisions of §89.102(i)?	No

Comments: This report is 2012 TPEM

TPEM Report Data

For Part 89 (NRCI) and Part 1039 (NRCI) Only:

•For the Report Year, provide the total number of units sold for each power category, based on actual U.S.-directed production information (Total Prod. Vol.). Also, for the Report Year, provide the number of units in each power category that you have sold under the provisions of §89.102 or §1039.625 (Exempted Engine Prod. Vol). If you used the percent-of-production provisions, include the percentage of equipment with exempted engines for the power category and calendar year (% of Production).
•For prior years, provide the number of units in each power category that you have sold under the provisions of §89.102 or §1039.625 (Exempted Engine Prod. Vol). If you used the percent-of-production provisions, include the percentage of equipment with exempted engines for the power category and calendar year (% of Production).

For Part 1054 (Small SI) Only:

•Please provide the total count of equipment with exempted engines you sold in the preceding year (Report Year), based on actual U.S.-directed production information. Note: If you produce equipment in the 2010 calendar year with exempted engines from the 2011 model year, include these units in your March 31, 2012 report. (§1054.625(g)(2)(i))
•For prior years, provide figures for how many pieces of equipment with exempted engines you have produced using the provisions of §1054.625. (§1054.625(g)(2)(ii))

Calendar year	Power Category (NRCI Only)	Exempted Engine Prod. Vol.	Total Prod. Vol. (NRCI Only)	% of Production (NRCI Only)
2012	75 ≤ kW < 130	2		
2012	130 ≤ kW ≤ 560	85		
2012	kW > 560	145		

For Part 1039 (NRCI) and Part 1054 (Small SI) Only:

Please provide the name of each company that produced engines for the equipment you manufactured under the TPEM provisions of Part 1039 or 1054, if this information is different than you specified under paragraph 1039.625(g)(1)(iv) or 1054.625(g)(1)(iv), respectively.

Engine Manufacturer Name	Engine Manufacturer Address

TPEM Summary

For Part 89 (NRCI) and Part 1039 (NRCI) Only:

•For percent-of-production, for each power category, please provide the cumulative numbers and percentages of units for all the units you have sold under §89.102 or §1039.625. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625.
•For small volume, for each power category, please provide the cumulative number of units with exempted engines you have sold under §89.102 or §1039.625 and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	Max. Allowed Cumulative Exempted Engine Prod. Vol.	Cumulative % of Production	Max. Allowed Cumulative % of Production
75 ≤ kW < 130	2	700		
130 ≤ kW ≤ 560	115	700		
kW > 560	236	700		

For Part 1054 (Small SI) Only:

Please provide a cumulative figure describing how many pieces of equipment with exempted engines you have produced for all of the years you used the provisions of §1054.625.

Please indicate how many pieces of equipment with exempted engines you may sell under §1054.625(b)

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Equipment Manufacturer Basic Information

Submission Date:

Manufacturer Name:	Stewart & Stevenson LLC
Contact Name:	Danny Hutchison
Email Address:	d.hutchison@ssss.com
Phone #:	281-345-5401
Manufacturer Address:	1000 Louisiana St. Suite 5900 Houston, Texas 77002
Small Volume Manufacturer:	Yes
Foreign Equipment Manufacturer:	No

40 CFR Part:	Part 1039 (NRCI)
TPEM Start Date:	2011
TPEM End Date:	2018
Report Year:	2014
TPEM Type:	Small Volume

OMB No. 2060-0369
Approval Expires on
August 31, 2014
EPA Form 5900-240

Paperwork Reduction Act Notice

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Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m))	No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)?	No
Are you using the allowances under §1054.625 for engines that are not yet subject to Tier 4 standards? (§1054.625(d))	No
Did you use the technical or engineering hardship provisions of §89.102(i)?	No

Comments: This report is for year 2013.

TPEM Report Data

For Part 89 (NRCI) and Part 1039 (NRCI) Only:

•For the Report Year, provide the total number of units sold for each power category, based on actual U.S.-directed production information (Total Prod. Vol.). Also, for the Report Year, provide the number of units in each power category that you have sold under the provisions of §89.102 or §1039.625 (Exempted Engine Prod. Vol). If you used the percent-of-production provisions, include the percentage of equipment with exempted engines for the power category and calendar year (% of Production).
•For prior years, provide the number of units in each power category that you have sold under the provisions of §89.102 or §1039.625 (Exempted Engine Prod. Vol). If you used the percent-of-production provisions, include the percentage of equipment with exempted engines for the power category and calendar year (% of Production).

For Part 1054 (Small SI) Only:

•Please provide the total count of equipment with exempted engines you sold in the preceding year (Report Year), based on actual U.S.-directed production information. Note: If you produce equipment in the 2010 calendar year with exempted engines from the 2011 model year, include these units in your March 31, 2012 report. (§1054.625(g)(2)(i))
•For prior years, provide figures for how many pieces of equipment with exempted engines you have produced using the provisions of §1054.625. (§1054.625(g)(2)(ii))

Calendar year	Power Category (NRCI Only)	Exempted Engine Prod. Vol.	Total Prod. Vol. (NRCI Only)	% of Production (NRCI Only)
2013	130 ≤ kW ≤ 560	58		
2013	kW > 560	21		

For Part 1039 (NRCI) and Part 1054 (Small SI) Only:

Please provide the name of each company that produced engines for the equipment you manufactured under the TPEM provisions of Part 1039 or 1054, if this information is different than you specified under paragraph 1039.625(g)(1)(iv) or 1054.625(g)(1)(iv), respectively.

Engine Manufacturer Name	Engine Manufacturer Address

TPEM Summary

For Part 89 (NRCI) and Part 1039 (NRCI) Only:

•For percent-of-production, for each power category, please provide the cumulative numbers and percentages of units for all the units you have sold under §89.102 or §1039.625. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625.
•For small volume, for each power category, please provide the cumulative number of units with exempted engines you have sold under §89.102 or §1039.625 and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	Max. Allowed Cumulative Exempted Engine Prod. Vol.	Cumulative % of Production	Max. Allowed Cumulative % of Production
75 ≤ kW < 130	2	700		
130 ≤ kW ≤ 560	171	700		
kW > 560	257	700		

For Part 1054 (Small SI) Only:

Please provide a cumulative figure describing how many pieces of equipment with exempted engines you have produced for all of the years you used the provisions of §1054.625.

Please indicate how many pieces of equipment with exempted engines you may sell under §1054.625(b)

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Version 2.4, Last modified: December 2014

Equipment Manufacturer Basic Information

Submission Date: 3/10/2015

Manufacturer Name/Importer: Stewart And Stevenson LLC
Contact Name: Danny Hutchison
Email Address: d.hutchison@sssss.com
Phone #: 713-671-8251
Manufacturer Address:
Address 1 1000 Louisiana Street
Address 2
City Houston
State TX
ZIP 77008
Country USA

40 CFR Part: Part 1039
Report Year: 2014

Are you a Small Volume Manufacturer? Yes
Are you a Foreign Equipment Manufacturer? No

Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m)) No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)? Yes

Did you use the technical or engineering hardship provisions of §89.102(i)? No

Among your comments, please include: (1) If this report covers more than one company, mention their names; (2) any changes from previous years such as a change in parent company.
If you are an importer using a foreign manufacturer's allowance under 1039.626(b) and you listed your name above, please indicate the foreign manufacturer's name and address here.

Comments:

TPEM Report Data

For Part 89 and Part 1039:

•In the table below, report how many units you exempted under TPEM (flex equipment). Please include all power categories in which you participated in the current year. You may also include previous years. For each year and power category, report:
- Allowance - Select from the drop-down menu the allowance you are using in the specified power category
- Start and end dates - first and last year you expect to use an allowance in the specified power category; not just the year you are reporting for.
- Exempted Equipment Volume - the number of exempted equipment (flex units)
- Total Prod. Volume - your total US-directed production, both exempted and compliant. This is needed to calculate your percent of production and, therefore, only applies if you are using the percent-of-production allowance.
- % of Production - If you used the percent-of-production allowance, calculate the percentage of equipment with exempted engines vs. Total Production Volume

NOTE. 40 CFR Part MUST be selected above in order to access drop-down options for Power Category and TPEM Type.

Calendar year	Power Category	TPEM Allowance	Start Date (Year)	End Date (Year)	Exempted Equipment Volume	Total Prod. Volume*	% of Production
2014	56≤kW<130	Small Volume - Multiple Families	2012	2018	6		
2014	130≤kW<560	Small Volume - Single Family	2011	2017	15		
2014	kW > 560	Small Volume - Single Family	2011	2017	94		

For Part 1039 Only:

Provide the name of each engine manufacturer that produced non-compliant (flex) engines for your exempted equipment

Engine Manufacturer Name	Engine Manufacturer Address
Deutz USA	3883 Steve Reynolds Blvd Norcross GA 30093
MTU Americas	39525 Mackenzie DR., Novi MI 48377

TPEM Summary

For Part 89 and Part 1039:
The following table summarizes your overall participation in each power category. Report totals for either 40 CFR Part 89 or Part 1039, according to your selection above. Please refer to the regulations for the maximum number of exempted engines allowed in each power category (see "Instructions" tab).

•For the power categories in which you are using the percent-of-production allowance, please provide the cumulative totals and percentages for all the units that you have sold throughout your participation in TPEM. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625.

•For the power categories in which you are using the small volume allowance, please provide the cumulative number of units with exempted engines you have sold throughout your participation in TPEM, and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	TPEM Type	Start Date (Year)	End Date (Year)	Max. Allowed Cumulative Exempted	Cumulative % of Production	Max. Allowed Cumulative % of Production
56≤kW<130	9	Small Volume - Multiple Families	2012	2018	525		
130≤kW<560	186	Small Volume - Single Family	2011	2017	700		
kW > 560	351	Small Volume - Single Family	2011	2017	713		

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OMB No. 2060-0287
Approval Expires on
December 31, 2017
EPA Form 5900-240

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Version 2.4, Last modified: December 2014

Equipment Manufacturer Basic Information

Submission Date: 3/31/2016

Manufacturer Name/Importer:	Stewart And Stevenson LLC
Contact Name:	Danny Hutchison
Email Address:	d.hutchison@sssg.com
Phone #:	713-671-8251
Manufacturer Address:	
Address 1	1000 Louisiana Street
Address 2	
City	Houston
State	TX
ZIP	77008
Country	USA

40 CFR Part:	Part 1039
Report Year:	2015

Are you a Small Volume Manufacturer?	Yes
Are you a Foreign Equipment Manufacturer?	No

Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m))	No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)?	No
Did you use the technical or engineering hardship provisions of §89.102(i)?	No

Among your comments, please include: (1) If this report covers more than one company, mention their names; (2) any changes from previous years such as a change in parent company.
If you are an importer using a foreign manufacturer's allowance under 1039.626(b) and you listed your name above, please indicate the foreign manufacturer's name and address here.

Comments:

TPEM Report Data

For Part 89 and Part 1039:

•In the table below, report how many units you exempted under TPEM (flex equipment). Please include all power categories in which you participated in the current year. You may also include previous years. For each year and power category, report:
- Allowance - Select from the drop-down menu the allowance you are using in the specified power category
- Start and end dates - first and last year you expect to use an allowance in the specified power category; not just the year you are reporting for.
- Exempted Equipment Volume - the number of exempted equipment (flex units)
- Total Prod. Volume - your total US-directed production, both exempted and compliant. This is needed to calculate your percent of production and, therefore, only applies if you are using the percent-of-production allowance.
- % of Production - If you used the percent-of-production allowance, calculate the percentage of equipment with exempted engines vs. Total Production Volume

NOTE: 40 CFR Part MUST be selected above in order to access drop-down options for Power Category and TPEM Type.

Calendar year	Power Category	TPEM Allowance	Start Date (Year)	End Date (Year)	Exempted Equipment Volume	Total Prod. Volume*	% of Production
2015	19≤kW<56	Small Volume - Multiple Families	2012	2018	6		
2015	56≤kW<130	Small Volume - Single Family	2011	2017	10		
2015	130≤kW<560	Small Volume - Single Family	2011	2017	27		
2015	kW > 560	Small Volume - Single Family	2011	2017	12		

For Part 1039 Only:

Provide the name of each engine manufacturer that produced non-compliant (flex) engines for your exempted equipment

Engine Manufacturer Name	Engine Manufacturer Address
Deutz USA	3883 Steve Reynolds Blvd Norcross GA 30093
MTU Americas	39525 Mackenzie DR., Novi MI 48377

TPEM Summary

For Part 89 and Part 1039:

The following table summarizes your overall participation in each power category. Report totals for either 40 CFR Part 89 or Part 1039, according to your selection above. Please refer to the regulations for the maximum number of exempted engines allowed in each power category (see "Instructions" tab).

•For the power categories in which you are using the percent-of-production allowance, please provide the cumulative totals and percentages for all the units that you have sold throughout your participation in TPEM. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625.

•For the power categories in which you are using the small volume allowance, please provide the cumulative number of units with exempted engines you have sold throughout your participation in TPEM, and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	TPEM Type	Start Date (Year)	End Date (Year)	Max. Allowed Cumulative Exempted	Cumulative % of Production	Max. Allowed Cumulative % of Production
19≤kW<56	6	Small Volume - Single Family	2012	2018	525		
56≤kW<130	18	Small Volume - Single Family	2012	2018	525		
130≤kW<560	213	Small Volume - Single Family	2011	2017	700		
kW > 560	363	Small Volume - Single Family	2011	2017	713		

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OMB No. 2060-0287
Approval Expires on
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EPA Form 5900-240

United States
US Environmental Protection Agency
Office of Transportation and Air Quality

Transition Program for Equipment Manufacturers
Equipment Manufacturer Report

Version 2.4, Last modified: December 2014

Equipment Manufacturer Basic Information

Submission Date: 3/31/2016

Manufacturer Name/Importer:	Stewart And Stevenson LLC
Contact Name:	Danny Hutchison
Email Address:	d.hutchison@ssss.com
Phone #:	713-671-8251
Manufacturer Address:	
Address 1	1000 Louisiana Street
Address 2	
City	Houston
State	TX
ZIP	77008
Country	USA

40 CFR Part:	Part 1039
Report Year:	2016

Are you a Small Volume Manufacturer?	Yes
Are you a Foreign Equipment Manufacturer?	No

Have you been granted additional exemptions for technical or engineering hardship? (§1039.625(m))	No
Have you generated additional TPEM allowances under the provisions of §1039.627 (early Tier 4 engine incentive)?	No
Did you use the technical or engineering hardship provisions of §89.102(i)?	No

Among your comments, please include: (1) If this report covers more than one company, mention their names; (2) any changes from previous years such as a change in parent company.
If you are an importer using a foreign manufacturer's allowance under 1039.626(b) and you listed your name above, please indicate the foreign manufacturer's name and address here.

Comments:

TPEM Report Data

For Part 89 and Part 1039:

•In the table below, report how many units you exempted under TPEM (flex equipment). Please include all power categories in which you participated in the current year. You may also include previous years. For each year and power category, report:
- Allowance - Select from the drop-down menu the allowance you are using in the specified power category
- Start and end dates - first and last year you expect to use an allowance in the specified power category; not just the year you are reporting for.
- Exempted Equipment Volume - the number of exempted equipment (flex units)
- Total Prod. Volume - your total US-directed production, both exempted and compliant. This is needed to calculate your percent of production and, therefore, only applies if you are using the percent-of-production allowance.
- % of Production - If you used the percent-of-production allowance, calculate the percentage of equipment with exempted engines vs. Total Production Volume

NOTE. 40 CFR Part MUST be selected above in order to access drop-down options for Power Category and TPEM Type.

Calendar year	Power Category	TPEM Allowance	Start Date (Year)	End Date (Year)	Exempted Equipment Volume	Total Prod. Volume*	% of Production
2016	19≤kW<56	Small Volume - Multiple Families	2012	2018	0		
2016	56≤kW<130	Small Volume - Multiple Families	2011	2017	12		
2016	130≤kW<560	Small Volume - Single Family	2011	2017	2		
2016	kW > 560	Small Volume - Single Family	2011	2017	0		

For Part 1039 Only:

Provide the name of each engine manufacturer that produced non-compliant (flex) engines for your exempted equipment

Engine Manufacturer Name	Engine Manufacturer Address
Deutz USA	3883 Steve Reynolds Blvd. Norcross GA. 30093
MTU Americas	39525 Mackenzie DR. Novi MI 48377
Cummins	Columbus, Indiana 47202

TPEM Summary

For Part 89 and Part 1039:

The following table summarizes your overall participation in each power category. Report totals for either 40 CFR Part 89 or Part 1039, according to your selection above. Please refer to the regulations for the maximum number of exempted engines allowed in each power category (see "Instructions" tab).

•For the power categories in which you are using the percent-of-production allowance, please provide the cumulative totals and percentages for all the units that you have sold throughout your participation in TPEM. Also, include the maximum allowed cumulative percentage, based on the provisions of §89.102 or §1039.625 .

•For the power categories in which you are using the small volume allowance, please provide the cumulative number of units with exempted engines you have sold throughout your participation in TPEM, and the maximum allowed number of units with exempted engines, based on the provisions of §89.102 or §1039.625.

Power Category	Cumulative Exempted Engine Prod. Vol.	TPEM Type	Start Date (Year)	End Date (Year)	Max. Allowed Cumulative Exempted	Cumulative % of Production	Max. Allowed Cumulative % of Production
19≤kW<56	6	Small Volume - Single Family	2012	2018	525		
56≤kW<130	30	Small Volume - Multiple Families	2012	2018	525		
130≤kW<560	215	Small Volume - Single Family	2011	2017	700		
kW > 560	363	Small Volume - Single Family	2011	2017	713		

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Section A2, Question 4.b.ii (manufacturer and engine family names for TPEM equipment)

John Deere	AJDXL09.0901
	AJDXL13.5900
	EJDXL13.5146
MTU	AMDDL95.4XTR
Detroit Diesel	CDDXL14.0VLD
	DDDXL14.0VLD
	EDDXL14.0VLD
	FDDXL14.0VLD
	GDDXL14.0VLD
Caterpillar	ACPXL18.1ESK
	ECPXL78.1NZS
	FCPXL78.1NZS
	GCPXL78.1NZS
Isuzu	CSZXL03.0MXA
	DSZXL03.0MXA
	ESZXL03.0MXA

Section A6, Question 4.c (compliant engine family names)

Deutz	ADZXL06.1057
	ADZXL07.1053
Caterpillar	CCPXL32.0HXA
	DCPXL32.0HXF
	ECPXL32.0HXF
	FCPXL32.0HXF
	GCPXL32.0HXF
	HCPXL32.0HXF
Cummins	ECEXL06.7AAH
	ECEXL06.7AAK
Detroit Diesel	ADDXL14.0VLD

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 11/5/2017 6:14:58 PM
To: David Schwietert [DSchwietert@autoalliance.org]; Chris Nevers [CNevers@autoalliance.org]
CC: Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]; Loving, Shanita [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=439ce9c2d2104080a1b5908d3402bf20-Loving, Shanita]; Cyran, Carissa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a903847a9424979b89400688b5c2f5e-Cyran, Carissa]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Auto Alliance outreach

David and Chris,

As of Friday I am no longer assisting in the scheduling for Mandy. I have cc'd the appropriate people to who can help you with the logistics.

Best,
Alex

Alex Dominguez
Policy Analyst to the Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

From: David Schwietert [mailto:DSchwietert@autoalliance.org]
Sent: Friday, November 3, 2017 8:26 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; Chris Nevers <CNevers@autoalliance.org>
Subject: Re: Auto Alliance outreach

Thanks Mandy and Alex

I've copied Chris on this email if you are able to propose some times during those days

I'm leaving town later today and will be gone for the next week

Just wanted to ensure nothing slipped thru the cracks on my end

Dave

On Nov 3, 2017, at 7:53 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> Yes- I'd be happy to meet. Looping in Alex to help with logistics.
>
> Sent from my iPhone
>
> On Nov 2, 2017, at 6:20 PM, David Schwietert <DSchwietert@autoalliance.org> wrote:
>
> > Mandy,

I hope you are doing well and I see that Leader McConnell filed cloture earlier today on Bill Wehrum's nomination. I know that would be good for the Administrator (and team) to have him on-board.

I wanted to reach out to see if you might have some time next month for a brief meeting with myself and Chris Nevers who heads up our energy and environmental division.

Chris works out of our Michigan office but plans to be in town:

- December 7-8
- December 13
- December 18-20

Would any of those days work for your schedule?

Thanks,

Dave

David Schwietert
Executive Vice President, Federal Government Relations & Public Policy
P: 202-326-5521 | dschwietert@autoalliance.org
<image001.png>

<image002.png> ALLIANCE OF AUTOMOBILE MANUFACTURERS
803 7th Street, NW
Suite 300
Washington, DC 20001
Main Phone: 202-326-5500
Main Fax: 202-326-5567

https://autoalliance.org/

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Message

From: Lindsay Birt Ph.D. - GZA GeoEnvironmental, Inc. [customerservice@lormanwebinars.com]
Sent: 11/2/2017 12:52:22 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Using the U.S. EPA Handbook for Watershed Planning and Beyond: November 9 - 1 pm ET

LORMAN EDUCATION SERVICES

Dear Colleague,

We would like to personally invite you to join us at our upcoming Lorman Education Services live webinar Using the U.S. EPA Handbook for Watershed Planning and Beyond on November 9 at 1 pm ET.

Gain an understanding of the watershed planning process, new tools, and design practices.

This topic will provide an overview of the watershed planning approach in accordance with the U.S. EPA's Handbook for Developing Watershed Plans to Restore and Protect Our Waters being used by agencies, watershed groups, conservation groups, and municipalities. Watershed planning process includes protecting and restoring rivers, lakes, streams, wetlands, and coastal waters and can encompass agricultural, urban, and mixed land use. Strategies for watershed planning and implementation have evolved since the U.S. EPA Handbook was released in 2008, to include enhancement in geospatial and modeling tools for planning, assessment, implementation, and measuring progress. Watershed planning is used in National Pollutant Discharge Elimination System (NPDES) programs, Total Maximum Daily Load (TMDL) process, transportation agencies, natural resources agencies, agricultural agencies, wastewater and drinking water utilities, and others involved in managing the use of surface waters. If you want to gain knowledge of the watershed planning process, new tools and approaches to planning and implementation, lessons learned from sustainable design practices, how to track progress, and funding resources available for watershed management, then this information is for you.

Learning Objectives

- You will be able to describe awareness of practical green infrastructure strategies.
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Join us at the conclusion of the webinar for a live question and answer session.

Register Today

We hope to see you there.

Sincerely,

Lindsay Birt Ph.D.
Engineer at GZA GeoEnvironmental, Inc.

Daniel J. Boudreau Jr., GISP
at GZA GeoEnvironmental, Inc.

Jay Womack ASLA, LEED, AP
Architect at GZA GeoEnvironmental, Inc.

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Sent: 11/8/2017 7:14:19 PM
To: Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Invitation: Western Caucus Foundation Annual Winter Policy meeting Las Vegas, NV, Dec 8th & 9th.

On behalf of our Honorary Co-Chairs Senator Steve Daines (Chairman of the Senate Western Caucus) and Representative Paul Gosar (Chairman of the Congressional Western Caucus), we invite you to join Western Caucus Foundation for our annual winter policy meeting with members of the Senate and Congressional Western Caucuses at the Wynn Hotel in Las Vegas, Nevada, on December 8th and 9th.

Click here for event information on the event, hotel information, and link to the agenda.

The Winter Western Policy Roundtable & Public Lands Forum will promote a dialog with attendees and official policy makers on current and upcoming 2018 Western Caucus priorities. The roundtables will discuss Administration and Congressional priorities, provide information and facts to policy makers, and promote a dialog with attendees and officials on issues related to the various topics on the agenda.

We would like you to provide prepared remarks and participate in a topic discussion with Western Caucus members and staff.

The two day meeting will consist of a staff policy roundtable on Friday morning followed by a Public Lands Summit in the afternoon. On Saturday, there will be a Caucus Member led Western Policy Roundtable in the morning, a key note speech, and an optional field tour in the afternoon. The format is set up so that it will encourage engaging Q&A and cross table dialogue beyond the time slotted for prepared remarks.

Attending the Foundation's events will be Members from the Congressional and Senate Western Caucuses, Congressional Staff, and Foundation stakeholders and guests. To date, we will be joined by Senate Western Caucus Chairman Senator Steve Daines, Senator John Barrasso; Senator Dean Heller, Congressional Western Caucus Chairman Rep. Paul Gosar, Agriculture Committee Chairman Rep. Mike Conaway; Rep. Mark Amodei; Rep. Kristi Noem, Rep. Dan Newhouse, and others caucus members to be announced – plus their staff.

The Western Caucus Foundation (WCF), a non-profit organization that provides education and communications to policy makers and the public to further enhance, sustain, and preserve the West's dynamic and unique culture. The WCF is committed to advancing the following key principles: promoting economic growth; protecting private property; strengthening local control; and increasing America's energy independence and mineral production. The Foundation also assists the efforts of the Senate and Congressional Western Caucuses efforts to enhance, sustain, and preserve the West's dynamic and unique culture.

Please **click here for event information**. You may contact Darrell Henry, Executive Director, Western Caucus Foundation at 202-487-8727 or info@westerncaucusfoundation.org for further information.

Western Caucus Foundation | www.westerncaucusfoundation.org
400 N. Capitol St.| #382B | Washington, DC 20001
Cell: 202.487.8727 | Email: info@westerncaucusfoundation.com
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WESTERN CAUCUS FOUNDATION

This event is planned to fully comply with Congressional Ethics Rules and Other Applicable Laws

The Western Caucus Foundation (WCF) is a charitable and educational organization organized and operated under Section 501(c)(3). It will provide education and communications to policy makers and the public to further enhance, sustain, and preserve the West's dynamic and unique culture.

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Message

From: Lindsay Birt Ph.D. - GZA GeoEnvironmental, Inc. [customerservice@lormanwebinars.com]
Sent: 11/2/2017 12:52:21 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Using the U.S. EPA Handbook for Watershed Planning and Beyond: November 9 - 1 pm ET

LORMAN EDUCATION SERVICES

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From: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Sent: 11/9/2017 1:59:19 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Hey there! Any word on carbon neutrality?

Also...Bill Wherum!

Thanks!!

Luke

Luke Holland
Chief of Staff
Office of U.S. Senator James M. Inhofe
(p) 202-224-4721

Message

From: Kevin Fay [fay@alcalde-fay.com]
Sent: 11/9/2017 3:27:06 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Meeting

Mandy,
When I asked for a meeting tomorrow, I forgot it was a federal holiday. Happy to meet you for coffee at your convenience if that works. I return from Bonn this evening.

In the meantime, it would be helpful to chat in advance of your coming to Montreal. If that does not happen, and you have time in Montreal, we would welcome opportunity to chat then.

All the best ,

Kevin

Sent from my iPhone

Message

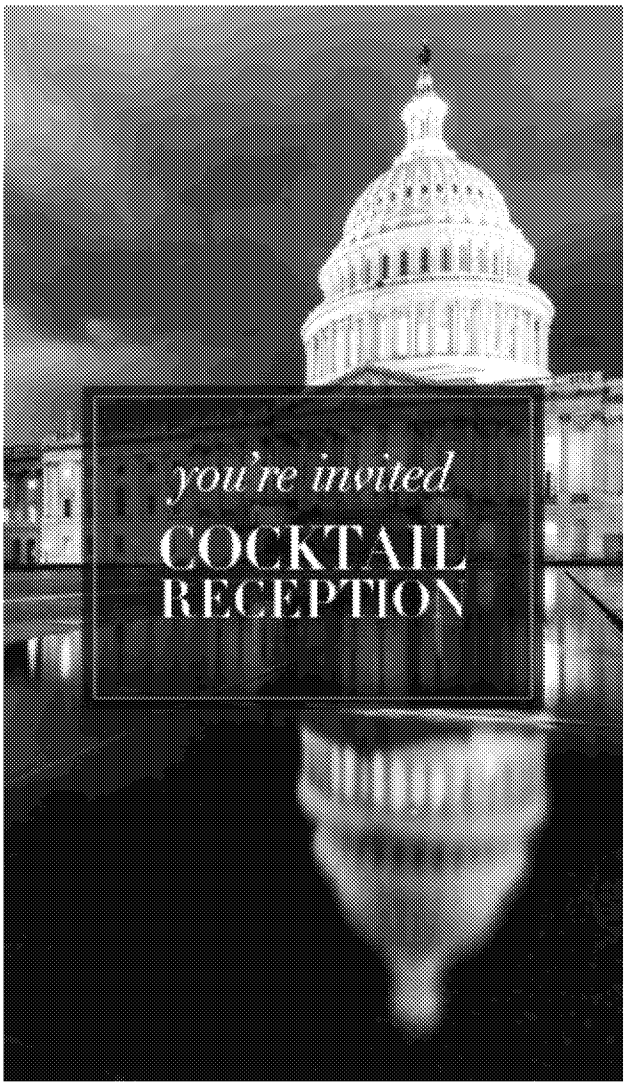
From: Boxerman, Samuel B. [sboxerman@sidley.com]
Sent: 11/8/2017 10:59:44 PM
To: Boxerman, Samuel B. [sboxerman@sidley.com]
Subject: FW: Join Sidley's Newest Environmental Lawyers for a Reception - November 9, 2017

As an extra reminder, I hope you can stop by for our reception tomorrow.
Regards,
-- Sam

SAMUEL B. BOXERMAN

SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
+1 202 736 8547
sboxerman@sidley.com
www.sidley.com

VIEW ON MOBILE DEVICE | VIEW ONLINE



Join us for a cocktail reception with the newest lawyers in Sidley's Environmental Practice:
Richard Alonso, Justin A. Savage, Andrew R. Stewart and Peter Whitfield.

Thursday, November 9
5:30 p.m. – 7:30 p.m.

SIDLEY
1501 K Street, N.W.
Washington, D.C. 20005

RSVP HERE

For questions or additional information, please contact DCEvents@sidley.com.

NEW PARTNERS AND COUNSEL

Rich Alonso	Justin A. Savage	Andrew R. Stewart	Peter Whitfield
Partner	Partner	Counsel	Counsel

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From: Spencer, Stuart [SPENCER@adeq.state.ar.us]
Sent: 10/31/2017 3:26:48 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Coleman, Sam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8246a5315ff54185ac8c8bf90d5a393e-Coleman, Sam]; Stenger, Wren [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c109285f44b14f70a224be41ab99e9e2-Stenger, Wren]; Donaldson, Guy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2a0969773664cc3b6eb1208748f1a5d-Donaldson, Guy]; Medina, Dayana [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddea406f71f24558b60679db3f5ce386-Medina, Dayana]; Nann, Barbara [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b87a421478d34284b483ca215d219e2f-Nann, Barbara]
Subject: FW: AR Regional Haze - Phase II SIP

FYI. ☺

From: Jamie Ewing [mailto:jamie.ewing@arkansasag.gov]
Sent: Tuesday, October 31, 2017 10:07 AM
To: Spence, Samara (ENRD) (Samara.Spence@usdoj.gov); tony.mendoza@sierraclub.org; Matthew Gerhart (megerhart@gmail.com); joshua.smith@sierraclub.org; Charles McPhedran (cmcphedran@earthjustice.org); alan@ppgmrlaw.com; Kim@ppgmrlaw.com; Chad Wood (chad@ppgmrlaw.com); kmcque1@entergy.com; twebster@sidley.com; debra.jezouit@bakerbotts.com; mnasi@jw.com; Jennifer Loiacano (Jennifer.Loiacano@aecc.com); lori.burrows@aecc.com; Stephanie Kodish (skodish@npca.org)
Cc: Spencer, Stuart; Montgomery, William; Sarah Tacker; Nicholas Bronni
Subject: AR Regional Haze - Phase II SIP

Counsel,

Please find below links to the public review draft of the Phase II Regional Haze SIP for Arkansas (due to size, I cannot transmit the documents by email). This draft SIP will be published in the Arkansas Democrat-Gazette today. The public notice and comment period will run until January 2, 2018. A public hearing on the Phase II SIP will also be held on January 2, 2018 at the ADEQ Headquarters in North Little Rock, Arkansas. The public hearing will start at 2:00 pm.

https://www.adeq.state.ar.us/air/planning/sip/regional-haze.aspx
https://www.adeq.state.ar.us/air/planning/sip/pdfs/regional-haze/public-review-package.pdf

Please let me know if you have any questions.

Thank you,
Jamie

Jamie Leigh Ewing
Assistant Attorney General
Office of Arkansas Attorney General Leslie Rutledge

323 Center Street, Suite 200
Little Rock, Arkansas 72201
Office: 501.682.5310 | Fax: 501.682.3895
jamie.ewing@arkansasag.gov | ArkansasAG.gov

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Message

From: Heald, Randy L [Randy.L.Heald@p66.com]
Sent: 11/7/2017 1:05:07 PM
To: 'Gunasekara.Mandy@epa.gov'
CC: Lindstrom, Merl R [Merl.R.Lindstrom@p66.com]
Subject: Presentations on Phillips 66 Air Research
Attachments: 1. 2016_AGU_VOC Emissions in NE Oklahoma.pdf; 2. 2016_AAAR_Influence of Ethanol on SOA Formation.pdf; 3. 2017_AAAR_SOA Formation from Biodiesel Blends.pdf; 4. 2017_CMAS_Model-Experiment Comparison of SOA Formation.pdf

Ms. Gunasekara:

Thank you for the opportunity to speak with you a couple weeks ago and highlight our air and water research programs at Phillips 66. We are looking forward to future discussions with you and your colleagues. As promised, I am following up with copies of materials that were presented by our Air Research Group at scientific conferences over the past two years.

The research described in these four presentations can be summarized as follows:

- **Volatile organic compounds and ozone** - The Air Group at Phillips 66 has conducted field campaigns in Oklahoma and some refinery locations to understand origin, transport, and transformation of volatile organic compounds (VOCs) to criteria pollutants such as ozone and particulate matter. The PDF titled "1. 2016_AGU_VOC Emissions in NE Oklahoma" talks about the field campaign in Oklahoma that identified upstream oil and gas activities as the primary source of observed VOCs in the ambient air. The measured VOC concentration data along with other meteorological data were used to identify approximate location of emission sources and their potential to form ozone.
- **Biofuels and secondary organic aerosol** – Phillips 66 is actively working on understanding the effect of blending of biofuels (ethanol and biodiesel) in transportation fuels on secondary organic aerosol (SOA) formation under realistic conditions. The results in the attached PDFs titled "2. 2016_AAAR_Influence of Ethanol on SOA Formation" and "3. 2017_AAAR_SOA Formation from Biodiesel Blends" show that ethanol, under certain conditions, can increase SOA formation while renewable diesel and biodiesel can lower SOA formation.
- **Understanding and addressing gaps in the Community Multiscale Air Quality (CMAQ) model** – Phillips 66 is utilizing a variety of environmental chambers (temperature controlled, daytime-UV, daytime-outdoor, and nighttime) to understand SOA formation from commercial fuels and compare it with CMAQ model outputs to understand gaps and biases in the model. The results in the PDF titled "4. 2017_CMAS_Model-Experiment Comparison of SOA Formation" indicate that the effect of temperature needs to be incorporated in CMAQ models as it over predicts SOA formation from the tested commercial fuels, especially at temperatures > 100 °F.

Please contact me when you would like to schedule a follow-up meeting with EPA scientists as we discussed during our call.

I look forward to hearing from you soon.

Sincerely,

Randy

Randall Heald, Ph.D.
Manager, Sustainability Research

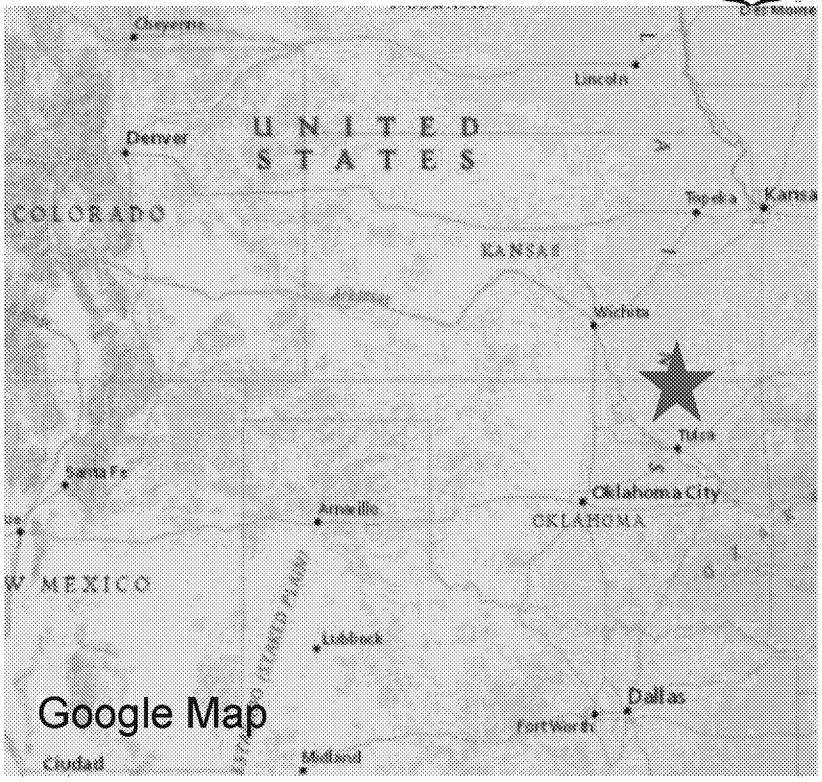
O: (+1) 918.977.4774 | M: (+1) 918.914.1931
RF-256, Phillips 66 Research Center | Highway 60 & 123 | Bartlesville, OK 74003-0670

Hydrocarbon Emissions from Oil and Gas Activity in Northeastern Oklahoma– Wintertime Measurement in 2015 and 2016

Buddhadeb Ghosh (bud.ghosh@p66.com)
Sustainability Research, Phillips 66

MOTIVATION

- Multiple sources for VOC emissions
  - Biogenic vs. fossil fuel methane
- VOC research at Phillips 66
  - Discerning emission sources
  - Studying their air quality impact
- Field studies at Bartlesville, OK
  - February-March, 2016
  - February-March, 2015



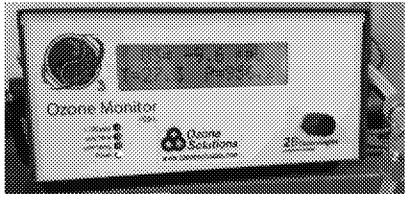
The goal was to understand local/regional emissions and their impact

Overview of Greenhouse Gases', ed. by United States Environmental Protection Agency; http://epa.gov/climatechange/ghgemissions/gases/ch4.html

ONLINE MEASUREMENT AND WHOLE AIR SAMPLING

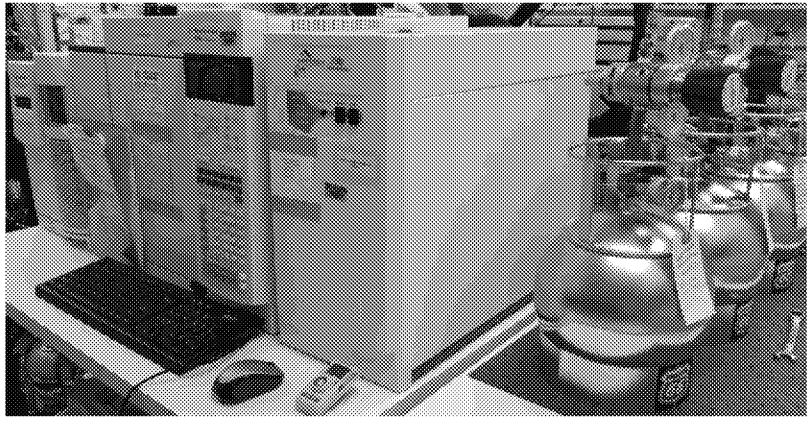
Dual QCL analyzer

CH_4, C_2H_6, CO, CO_2, N_2O, H_2O

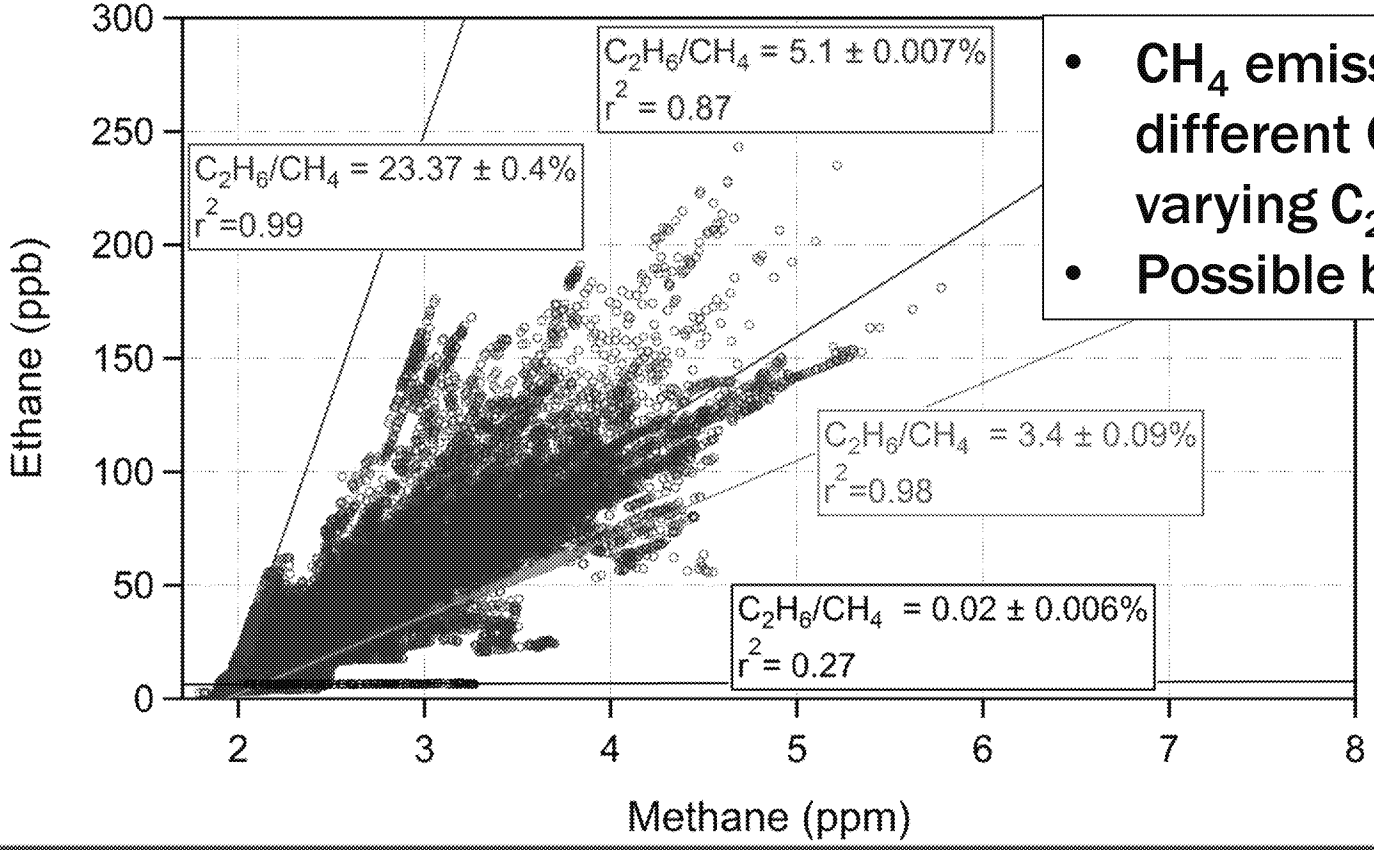


O_3 Monitor

- 2-hr integrated sampling
- 375 samples over 1 month
- 55 VOCs (C_2-C_{12}) measured
  - Preconcentrator-GC/MS

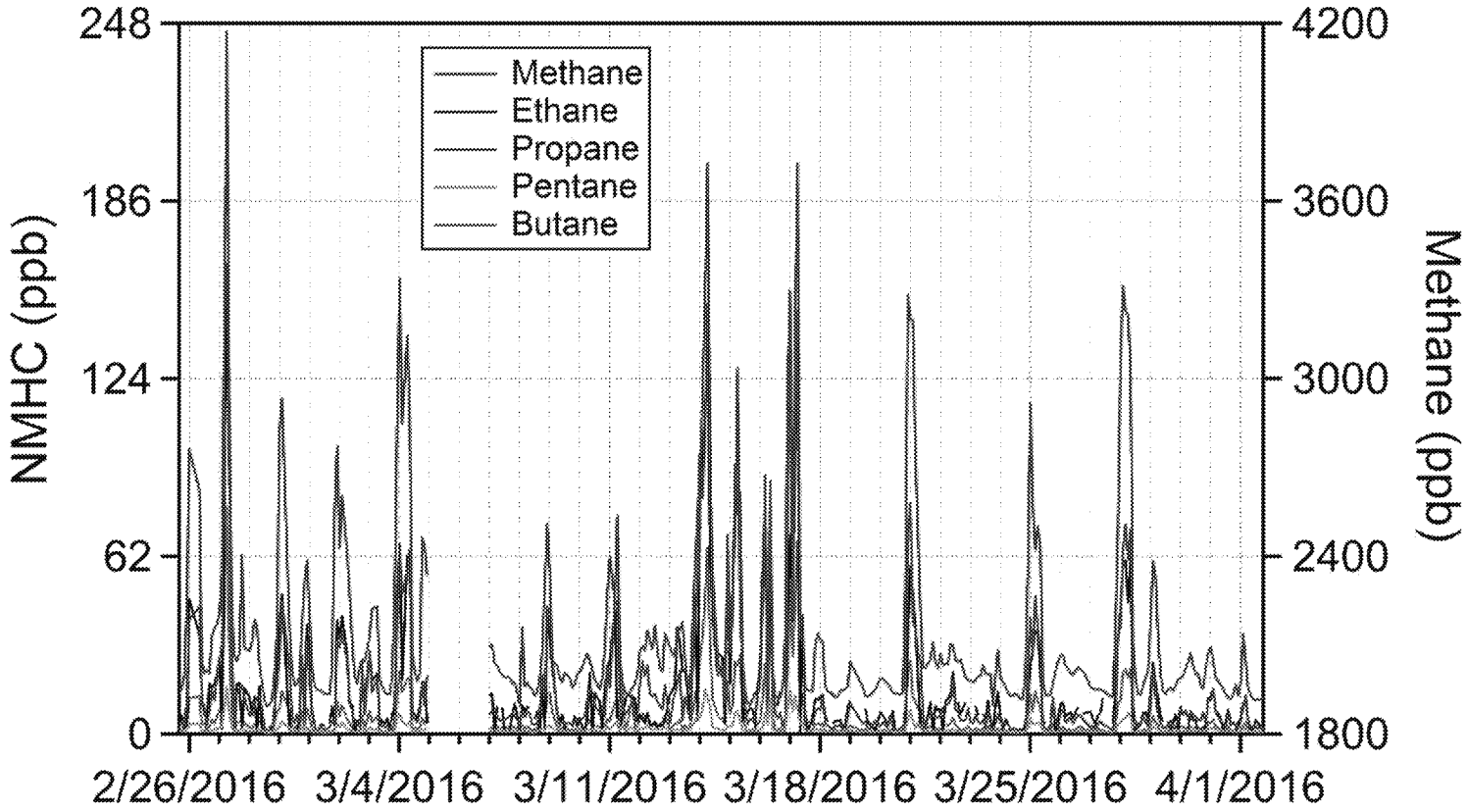


IDENTIFYING METHANE USING ETHANE TRACER

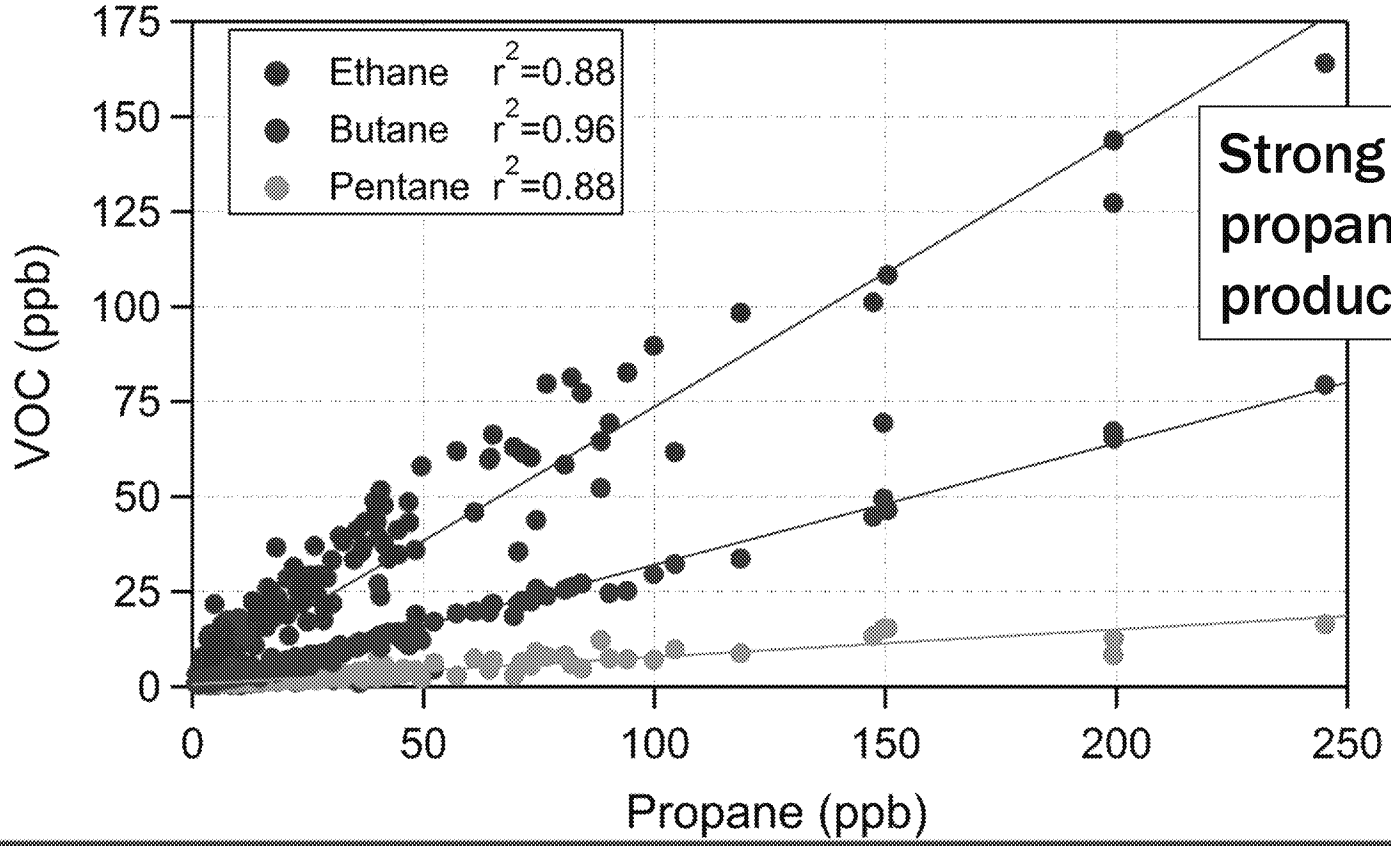


- CH_4 emission likely from different O&G sources with varying C_2H_6/CH_4
- Possible biogenic contribution

TIME SERIES OF MAJOR HYDROCARBONS- C_1-C_5

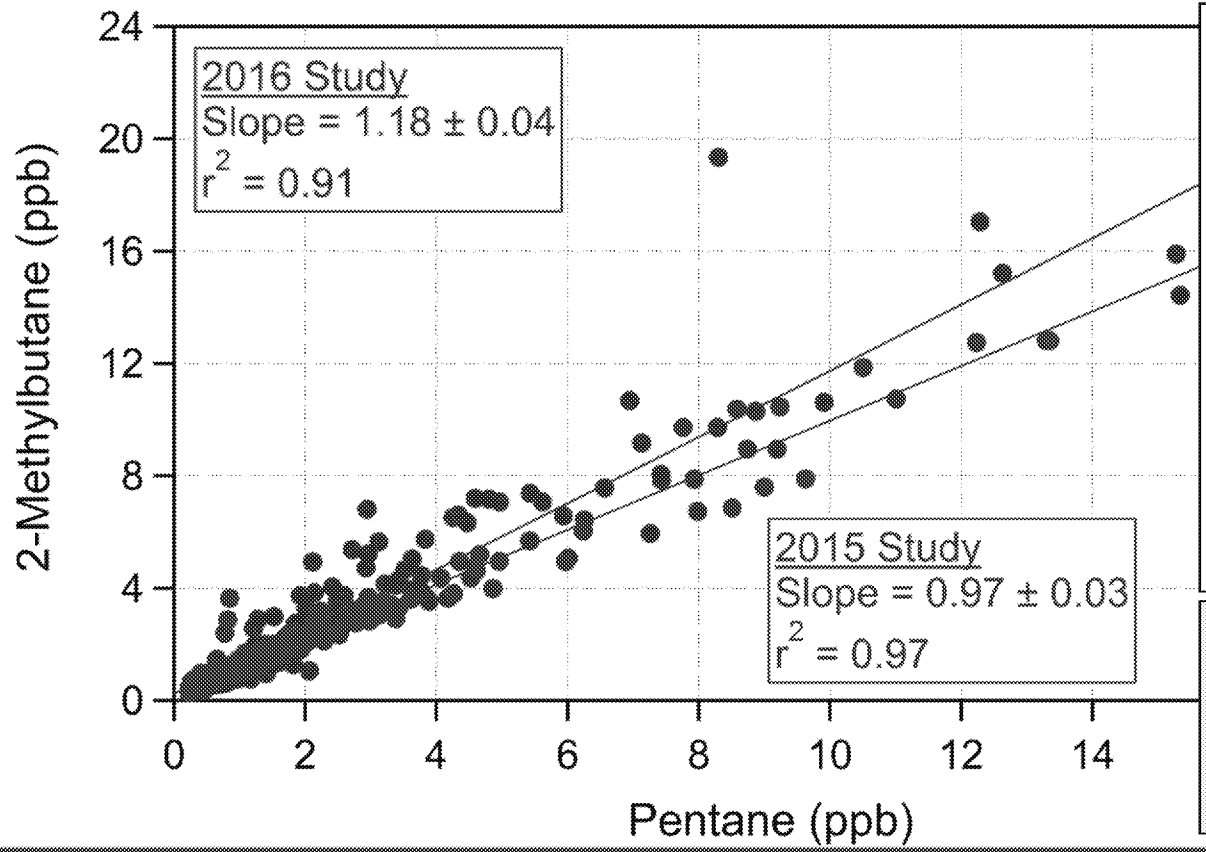


CORRELATION OF HYDROCARBONS WITH PROPANE



Strong correlation with propane, tracer for O&G production sources

ISOMERIC RATIO- PENTANES



$^iC_5/^nC_5$: Oil & Gas Production

1.21 – Alberta Oil Sands[1]
1.1 ± 0.05 – Boulder[2]
1 ± 0.1 – Boulder[3]
1.046 – Boulder[4]
0.957 – Boulder[4]
0.885 ± 0.002 – Boulder[2]

$^iC_5/^nC_5$: Urban Emissions

2.27 – US Cities[5]
2.45 – LA Tunnel Study[6]

1. Simpson et al. *Atmos. Chem. Phys.* **2010**, *10* (23), 11931. 2. Gilman et al. *Environ. Sci. Technol.* **2013**, *47* (3), 1297. 3. Swarthout et al. *J Geophys Res-Atmos* **2013**, *118* (18), 10,614. 4. Petron et al. *J Geophys Res-Atmos* **2012**, *117* (D4), D04304. 5. Baker et al. *Atmos. Environ.* **2008**, *42* (1), 170. 6. Fraser et al. Environ. Sci. Technol. 1998, 32 (14) 2051.

ESTIMATION OF PHOTOCHEMICAL AGE

$$\Delta t = \frac{1}{[OH](k_{Hexane} - k_{Propane})} \times \left[\ln\left(\frac{[Hexane]}{[Propane]}\right)_0 - \ln\left(\frac{[Hexane]}{[Propane]}\right)_t \right]$$

<u>Assumptions</u>

I. VOCs coming from one type of source (O&G production)

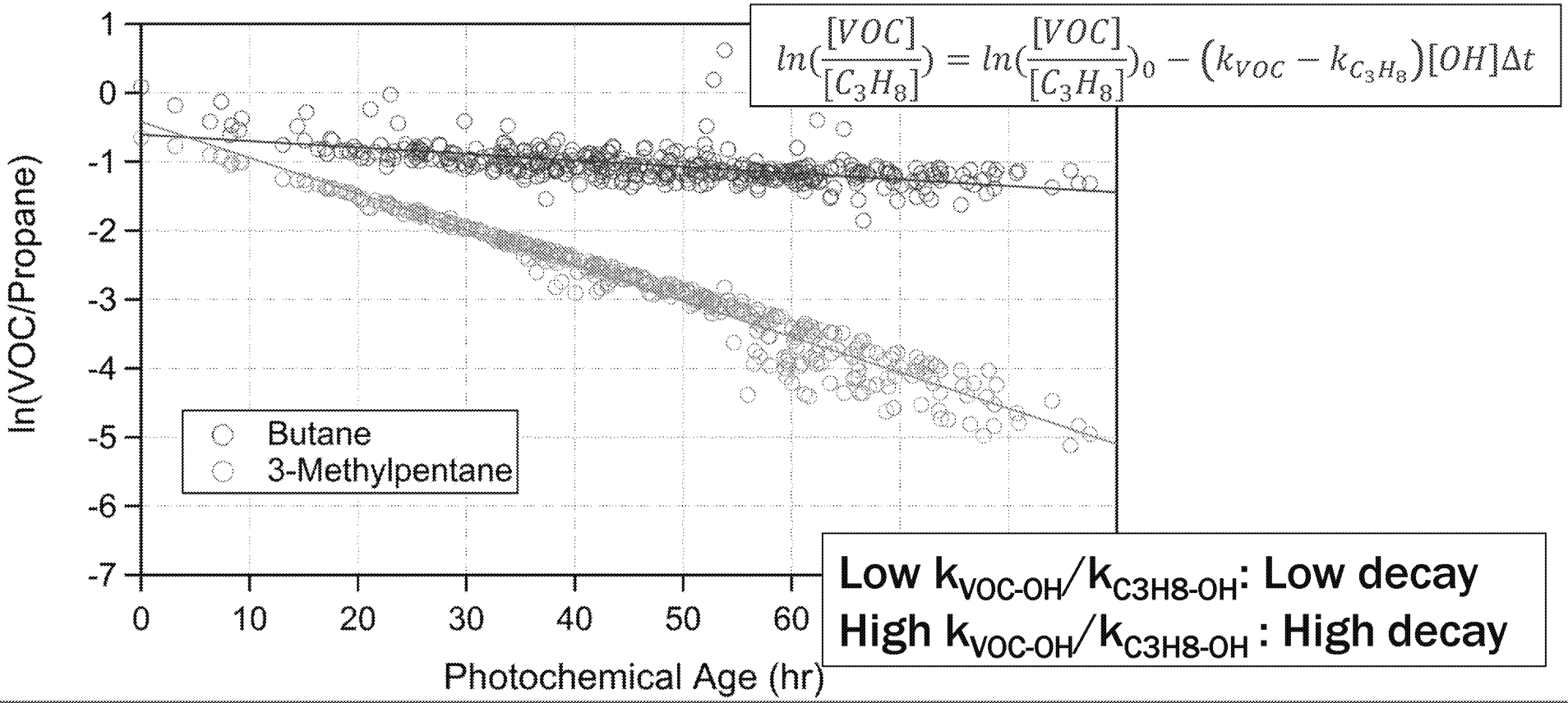
II. Same composition for all the O&G sources

III. OH reaction is the only removal process

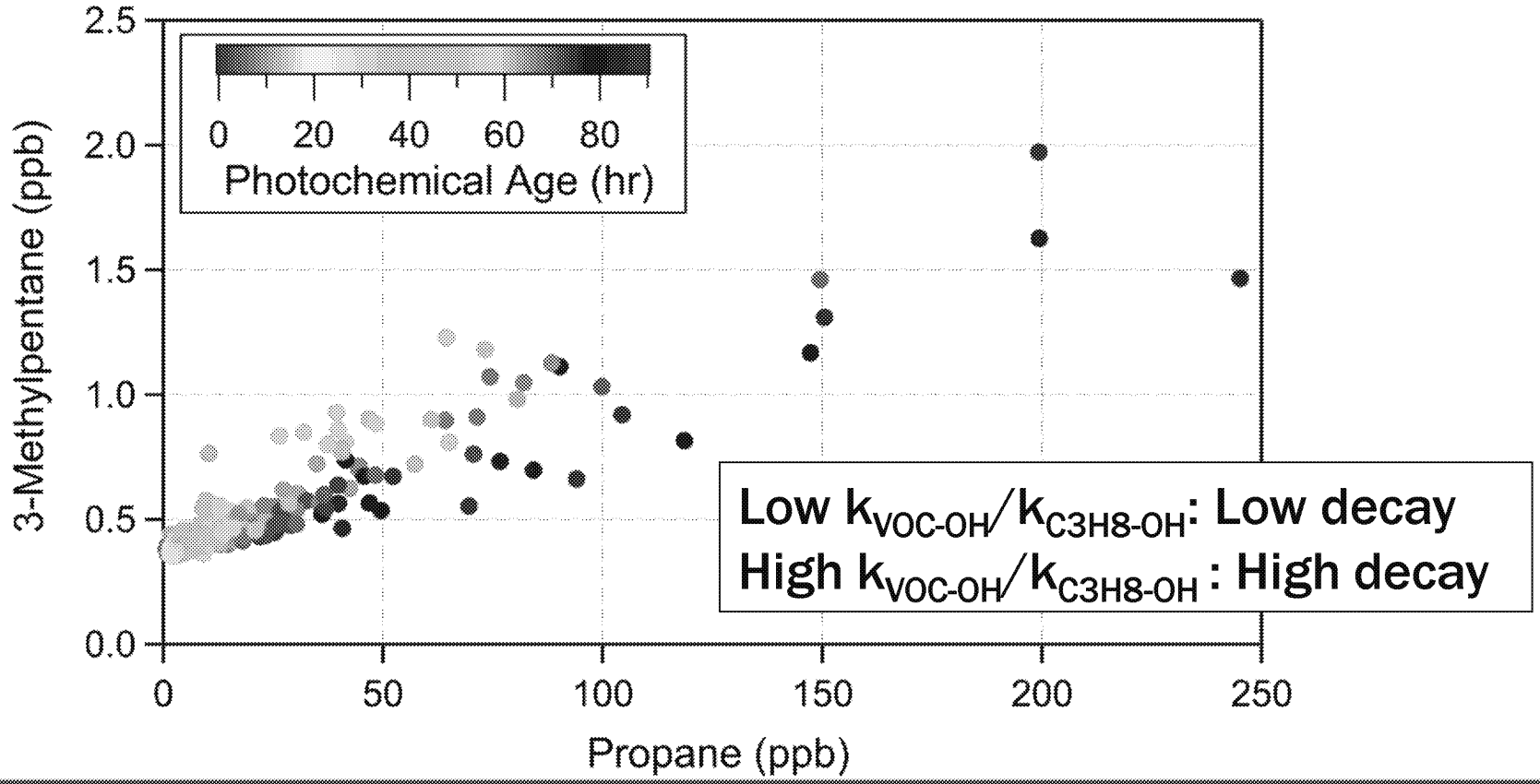
IV. Highest value of $\left(\frac{[Hexane]}{[Propane]}\right)$ used for $\left(\frac{[Hexane]}{[Propane]}\right)_0$

de Gouw, J. A. et al. *J Geophys Res-Atmos* **2005**, *110* (D16), D16305

AGING OF COMPOUNDS WITH VARYING REACTIVITY



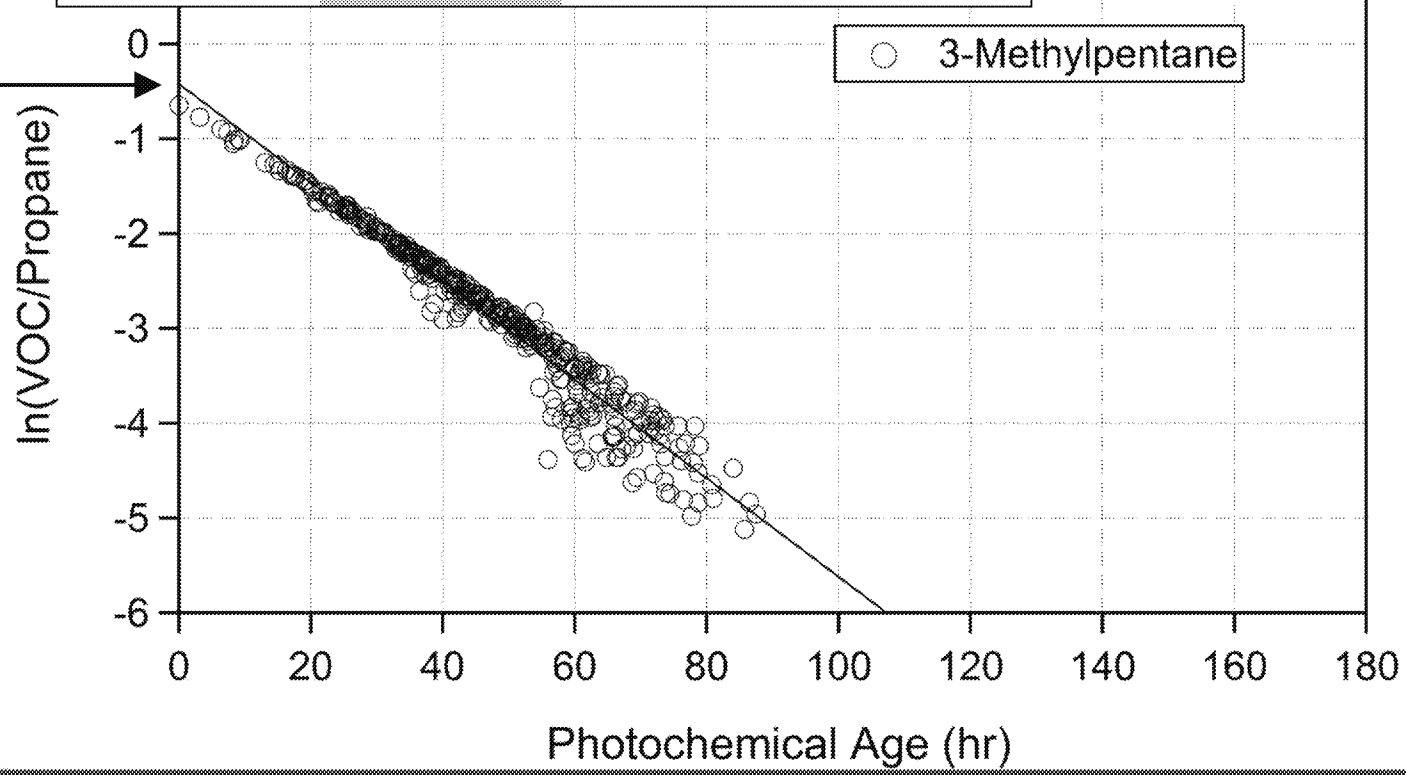
EFFECT OF AGING



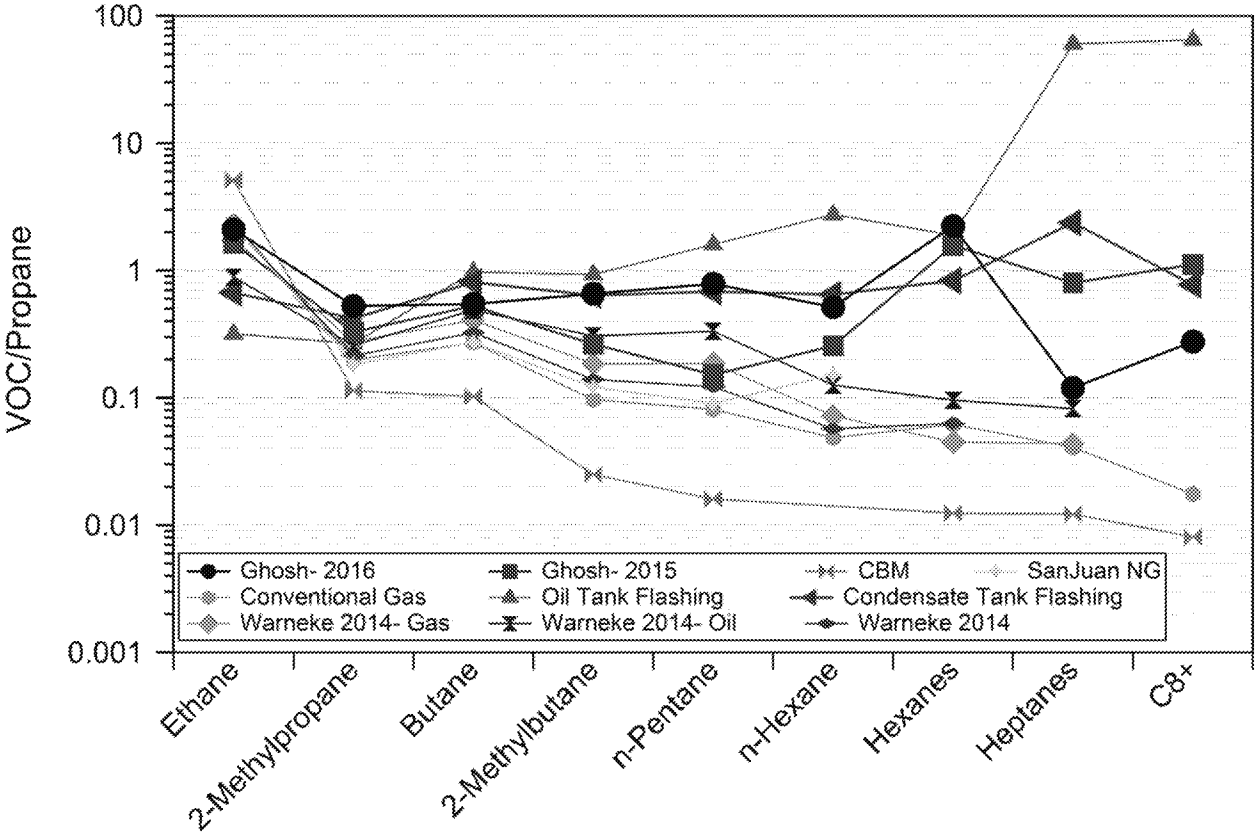
ESTIMATION OF EMISSION RATIO AT SOURCE

$$\ln\left(\frac{[VOC]}{[C_3H_8]}\right) = \ln\left(\frac{[VOC]}{[C_3H_8]}\right)_0 - \left(k_{VOC} - k_{C_3H_8}\right)[OH]\Delta t$$

$ER_0 = 0.66$



SOURCE COMPOSITION



Potential sources

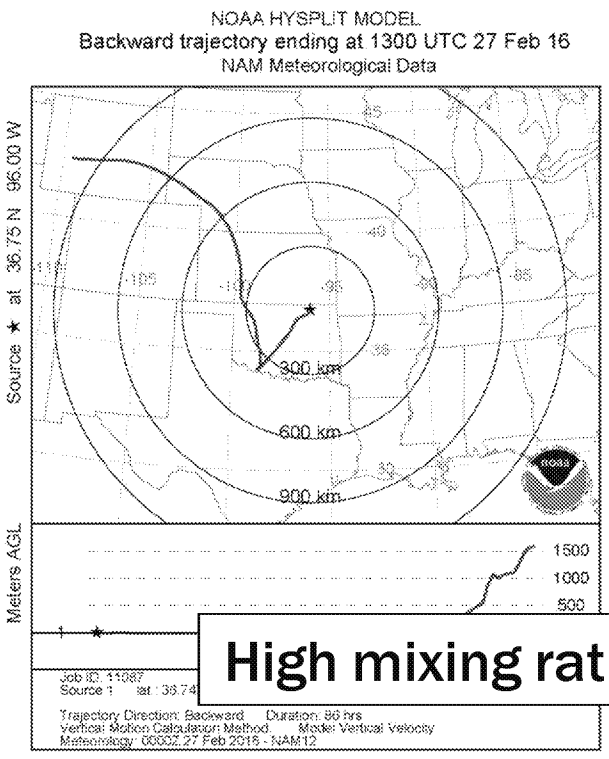
- Condensate tank flashing
- Oil and natural gas production activities

Warneke et al. *Atmos. Chem. Phys.* **2014**, *14* (20), 10977

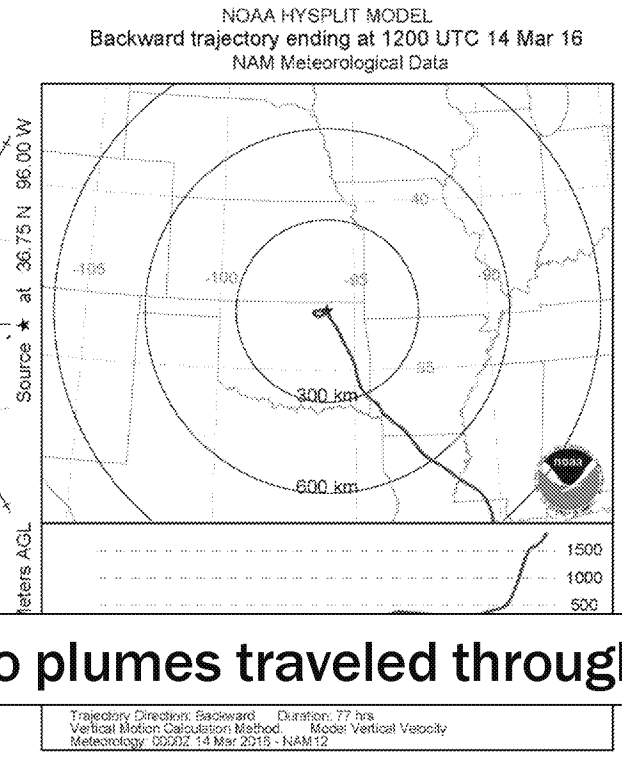
BACK TRAJECTORY ANALYSIS WITH NOAA HYSPLIT

PHILLIPS 66

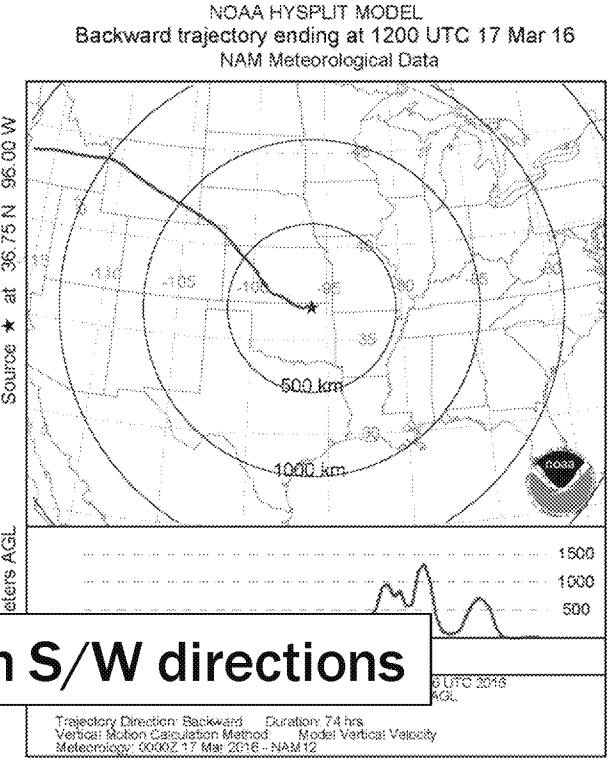
Feb 27, C_2H_6= 164 ppb



March 14, C_2H_6= 144 ppb



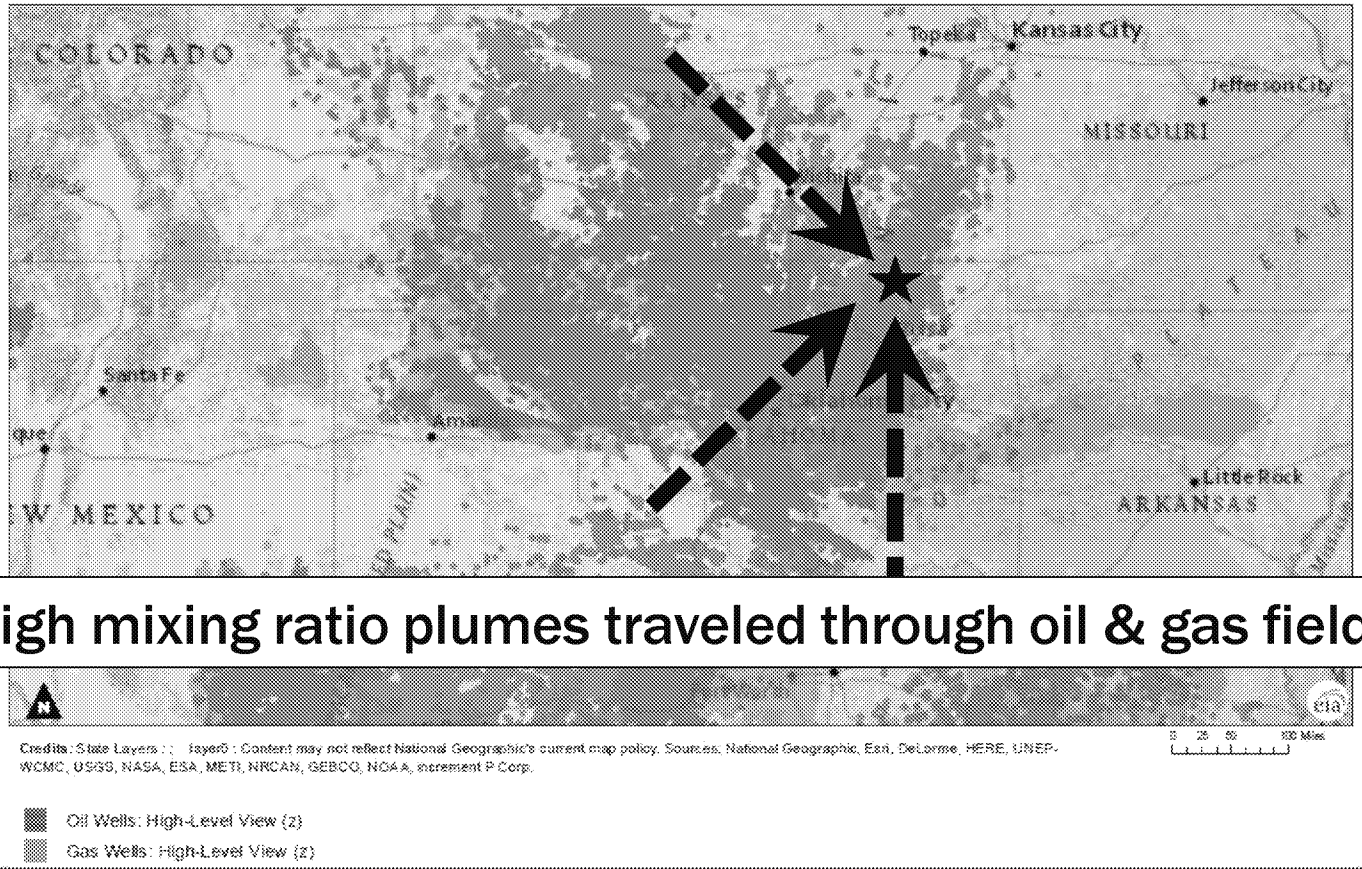
March 17, C_2H_6= 127 ppb



High mixing ratio plumes traveled through S/W directions

1. Stein et al. Bull. Amer. Meteor. Soc., **96**, 2059-2077, http://dx.doi.org/10.1175/BAMS-D-14-00110.1 2. Rolph, G.D. (2016). Real-time Environmental Applications and Display sYstem (READY) Website (http://www.ready.noaa.gov). NOAA Air Resources Laboratory, College Park, MD.

LOCAL/REGIONAL OIL AND GAS DRILLING

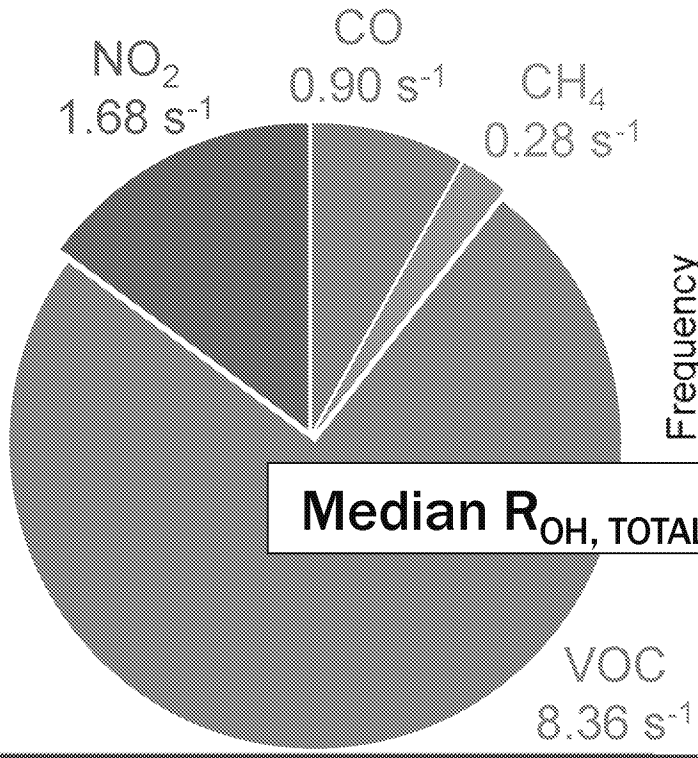


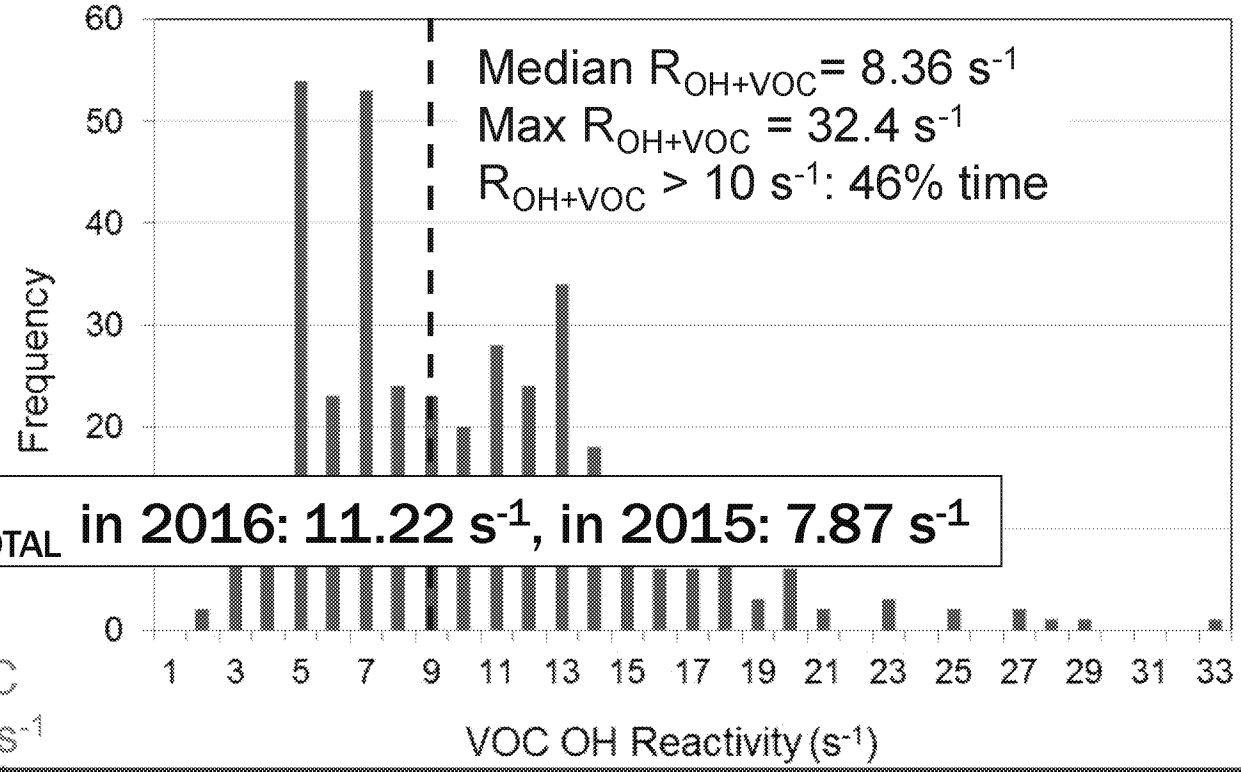
High mixing ratio plumes traveled through oil & gas fields

Energy Information Administration (https://www.eia.gov/state/maps.cfm)

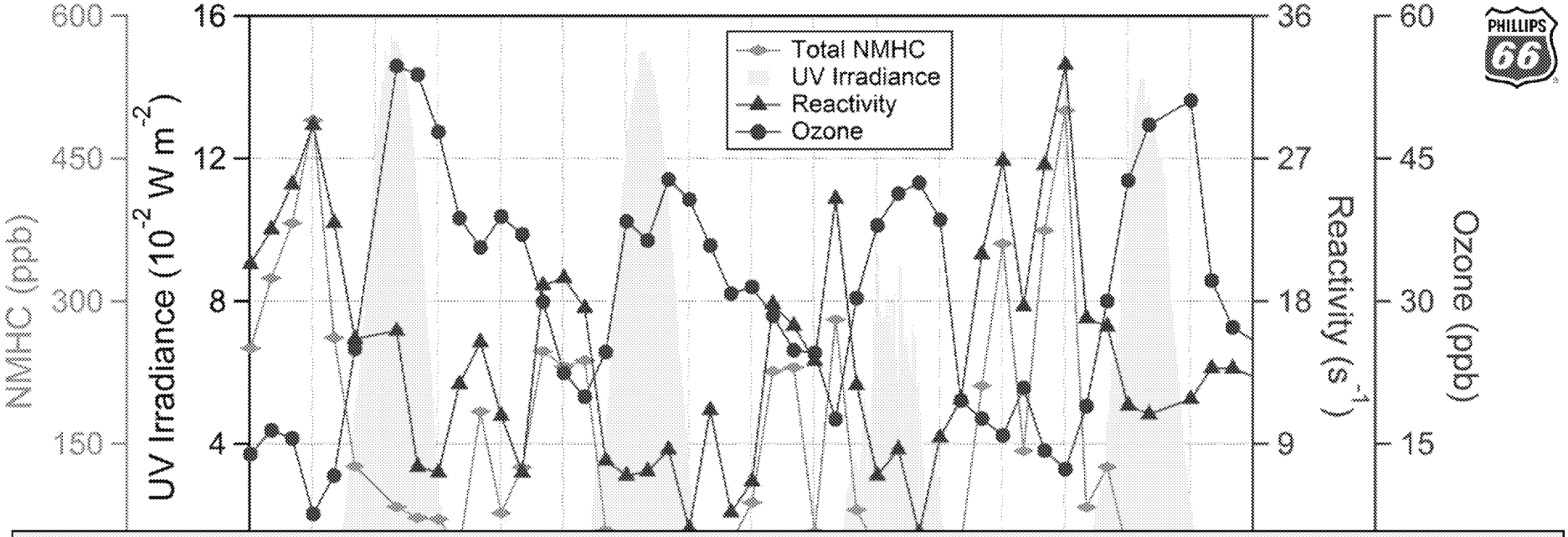
OH REACTIVITY

$$R_{OH,TOTAL} = k_{OH+NO2}[NO_2] + k_{OH+CO}[CO] + k_{OH+CH4}[CH_4] + \sum(k_{OH+VOC}[VOC])$$





Median $R_{OH,\ TOTAL}$ in 2016: 11.22 s^{-1}, in 2015: 7.87 s^{-1}



- Diurnal variation of O_3 suggests photochemical production
- Some data shows correlation among reactivity, UV irradiance, and O_3
- O_3 is produced upwind and needs photochemical modeling to discern

3/14/201 3/15/201 3/16/201 3/17/201 3/18/201

CONCLUSIONS

- Elevated levels of C_1-C_5 alkanes observed
- Chemical signature of oil and gas production activity found in plumes
- HYSPLIT analysis indicates plumes traveled through oil and gas fields
- High levels of VOCs resulted in high OH-reactivity and may lead to substantial production of photochemical ozone

POSSIBLE FUTURE DIRECTION

- Campaign in 2017 with NO_x measurement
- Photochemical modeling of ozone production

ACKNOWLEDGMENTS

- Rebecca McFarland, Phillips 66
- Air Group, Phillips 66
- Phillips 66 Technology Management
- Phillips 66 Research Center Facility Services
- Joost de Gouw, Jessica Gilman- NOAA, Boulder

Enhancement in Nighttime Secondary Organic Aerosol Formation from Petroleum Fuels in the Presence of Ethanol

Shaokai Gao*; Jennifer Murphy; Terry Lathem
Phillips 66 Company, Phillips 66 Research Center, Bartlesville, OK, 74003
*Contact Email: Shaokai.Gao@p66.com

Introduction

The U.S. Renewable Fuel Standard requires that U.S. oil refiners blend biofuels, such as ethanol, into gasoline. Biofuels have long been promoted as 'green' fuels because their combustion tends to produce lower tailpipe emissions of regulated pollutants. However, the impact on air quality due to use of biofuels has been difficult to assess, with different atmospheric chemistry models predicting a variety of consequences.[1]

The goal of this study is to investigate ethanol's effect on nighttime secondary organic aerosol (SOA) formation behavior when blended with petroleum fuels. Ethanol blends of a straight-run gasoline (SRG) and a refinery FCC naphtha (NP) were utilized as fuel samples. A surrogate, which consisted of four compounds (Isoprene, Toluene, Decane, Butyl-Cyclohexane, (3:3:2:2 v/v)) was also used to simulate SOA formation behavior from petroleum fuels in order to better understand any potential interactions between biogenic and anthropogenic VOCs.

Experiment

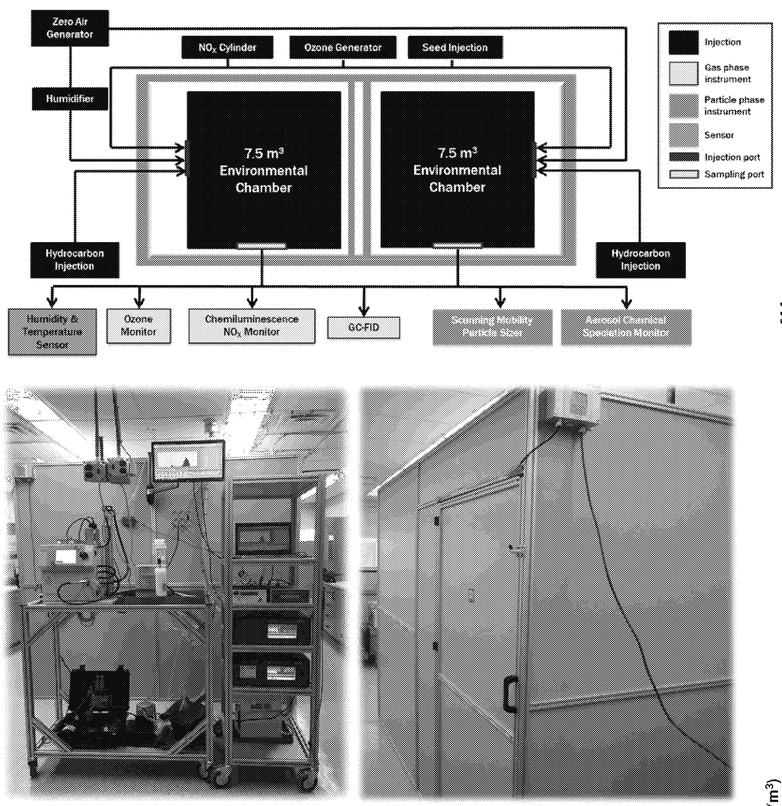


Figure 1. Experimental Setup.

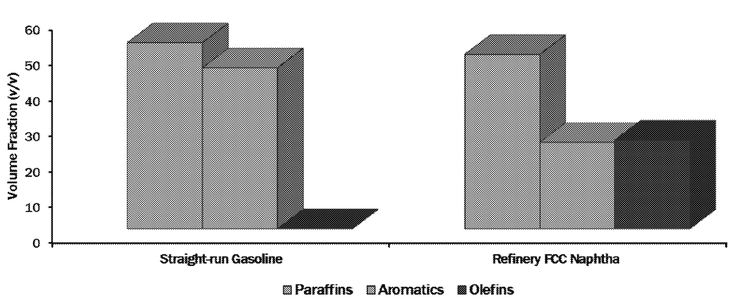


Figure 2. Chemical composition of the straight-run gasoline and refinery FCC naphtha.

Results

Experimental Conditions: Fuel Injection Volume=5 µl, NO_x Concentration=900 ppb, Seed Acidity=0.2 M, RH<5%

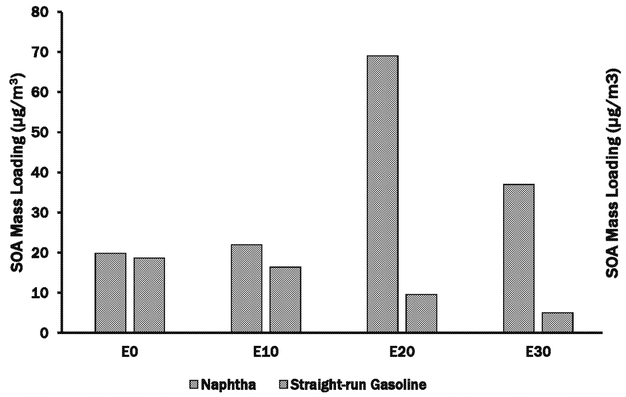


Figure 3. SOA formation from ethanol blends of the refinery FCC naphtha and straight-run gasoline.

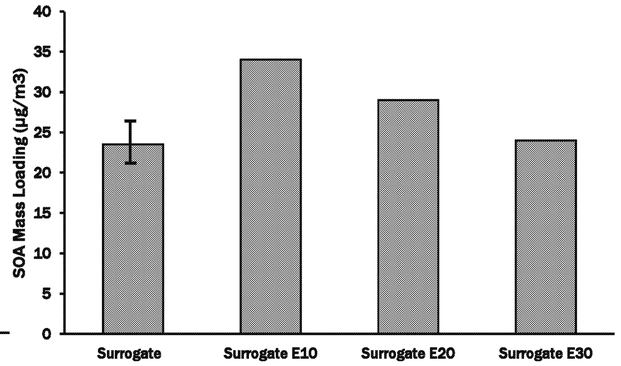


Figure 4. SOA mass loadings formed from the surrogate and its ethanol blends.

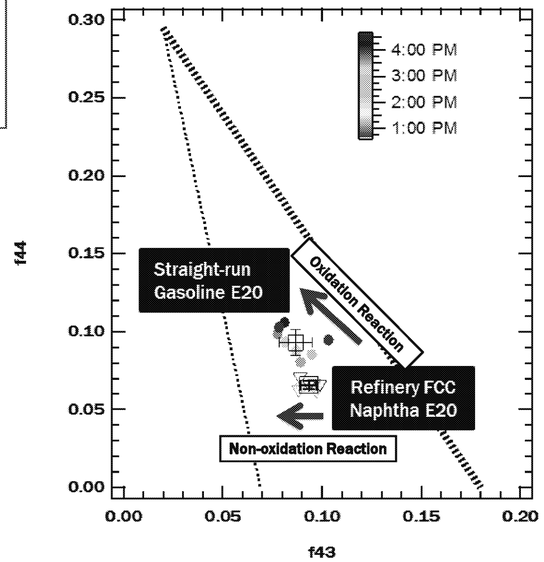


Figure 5. Time evolution behaviors of the oxidation state of the SOA formed from E20 blends of refinery FCC naphtha and straight-run gasoline. Data derived from Aerosol Chemical Speciation Monitor (ACSM).

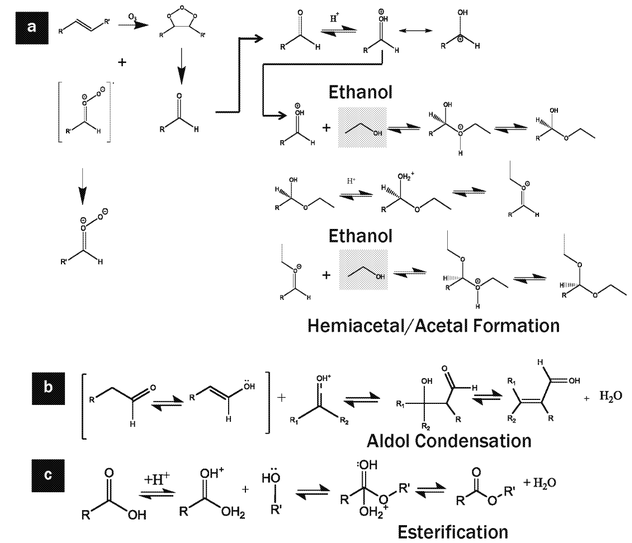


Figure 6. Proposed chemical mechanisms of acid-catalyzed heterogeneous reactions in the particle phase.[2]

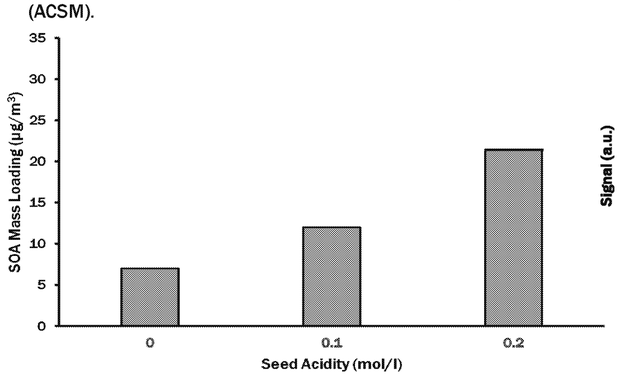


Figure 7. Seed acidity influences on SOA formation from the nighttime chemistry of the E10 blend of refinery FCC naphtha.

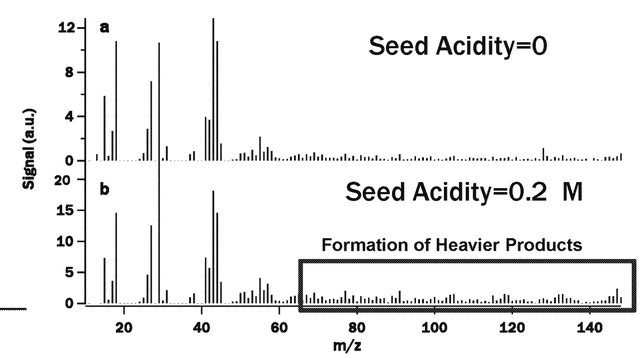


Figure 8. Mass spectra from ACSM of the SOAs formed from E10 blend of refinery FCC naphtha under different seeding conditions.

1. Ethanol can interact with VOC components from refinery FCC naphtha, enhancing nighttime SOA formation under acidic seeding conditions. However, for straight-run gasoline, nighttime SOA formation continuously deceased with the addition of ethanol.
2. In addition to the oxidation reaction in the gas phase, which was previously considered as the driver for SOA formation, it appears that the acid catalyzed heterogeneous reactions in the particle phase could also be important reaction pathways for SOA formation.
3. Biogenic terpenes/sesquiterpenes could play a similar role as that of olefins, the presence of which could promote nighttime SOA formations from small organic molecules (such as ethanol) through the acid-catalyzed heterogeneous reaction pathways in the particle phase.
4. Higher seed acidity leads to the formation of heavier reaction products through the acid-catalyzed heterogeneous reaction pathway in the particle phase.

Conclusions

1. Ethanol can promote nighttime SOA formation under certain atmospheric conditions.
2. Olefins may play an important role in enhancing SOA formation from ethanol blends by promoting acid-catalyzed reactions in the particle phase. Currently, such reaction pathways are not well characterized in the photochemical models, and it could be an important factor influencing the accuracy of the modeling results, which could further influence the effectiveness of particulate matter regulatory policies.
3. Biogenic terpenes/sesquiterpenes can play a similar role as that of olefins, indicating the interactions between biogenic and anthropogenic VOC emissions could influence SOA formation behavior under real-world conditions.
4. Atmospheric conditions, such as particle acidity and particle liquid water content can influence SOA formation behavior and further influence the photochemical modeling accuracy.

Recommendations

1. Considering the combustion products of ethanol are abundant in aldehydes, which are extremely strong ozone precursors during the daytime, it is recommended that the environmental impact of ethanol should be evaluated in greater details.
2. To develop the most efficient future regulatory polices on industrial particulate matter emissions, additional non-oxidation reaction pathways leading to SOA formation need to be better characterized in the photochemical models.
3. Interactions between biogenic and anthropogenic VOCs, as well as their subsequent effects on nighttime SOA formation behavior need to be considered to develop the most cost-effective emission control strategies.

Acknowledgements

The authors would like to thank Phillips 66 for supporting the project, and the Analytical Science department at Phillips 66 for the composition analysis of the petroleum fuels.

[1]Salvo and Geiger, Nature Geoscience, 2014, 7, 450-458; [2]Jang *et.al.*, Environmental Science & Technology, 2003, 37, 3828-3837.

Secondary Organic Aerosol Formation from Biodiesel and Renewable Diesel Blends with Ultra-low Sulfur Diesel

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*Contact Email: Shaokai.Gao@p66.com

Introduction

The Renewable Fuel Standard mandates blending of biofuels, such as ethanol and biodiesel, into transportation fuels.

Since the promulgation of this Standard in 2007, biodiesel use has been increasing in the United States.

However, the impact of use of biodiesel on air quality has been difficult to assess as photochemical models lack parameters for predicting secondary pollutant formation (e.g. ozone and secondary organic aerosol (SOA)) from biodiesel volatile organic compound precursors.

The goal of this study is to investigate effect of biodiesel on SOA formation behavior when blended with petroleum diesel.

Three biodiesel samples obtained from different feedstocks (soybean oil, corn oil, and cooking oil) and a renewable diesel sample were blended with an ultra-low sulfur diesel (ULSD) at different volume ratios (B0, B5, B10, and B15; R5 and R10).

A comparison of SOA mass loadings from the biodiesel blends, renewable diesel blends, and ULSD is presented. The chemical reaction mechanism is discussed.

Experiment

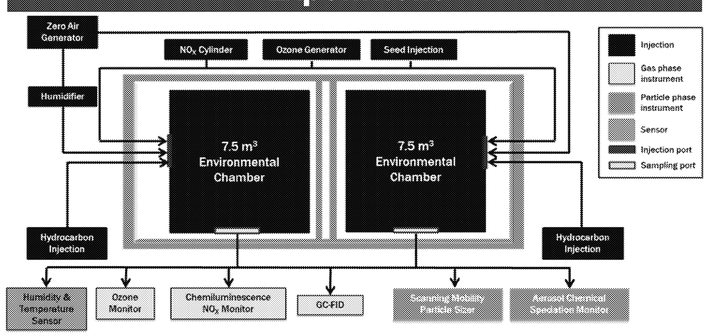


Figure 1. Experimental Setup.

Table 1. Chemical Composition of ULSD, Cooking Oil, and Soybean Oil

Fuel Properties *	ULSD	Renewable Diesel
Aromatics (% vol)	6.5	0.1
Paraffins (% vol)	19.5	85
Iso-paraffins (% vol)	0	15
Olefins (% vol)	0	0
Naphthenes (% vol)	74.0	0
Unidentified (% vol)	0	0
Average MW (g/mol)	200.3	240.3
Average SG (g/cm³)	0.85	0.81

Biodiesel Component	MW	Weight %	
		Soybean Oil	Cooking Oil
$C_{17}H_{34}O_2$	270	13	16
$C_{19}H_{34}O_2$	294	48	25
$C_{19}H_{36}O_2$	296	62	49
$C_{19}H_{38}O_2$	298	6	9
$C_{21}H_{40}O_2$	324	0.01	0.1
$C_{21}H_{42}O_2$	326	0.07	0.1
$C_{23}H_{46}O_2$	354	0.04	0.04

*The fuel composition was obtained through nitric oxide ionization spectrometer evaluation (NOISE)

Results & Conclusions

Experimental Conditions: Fuel Injection Volume=5 µl, NOx Concentration=900 ppb, RH<5% , Dark Condition

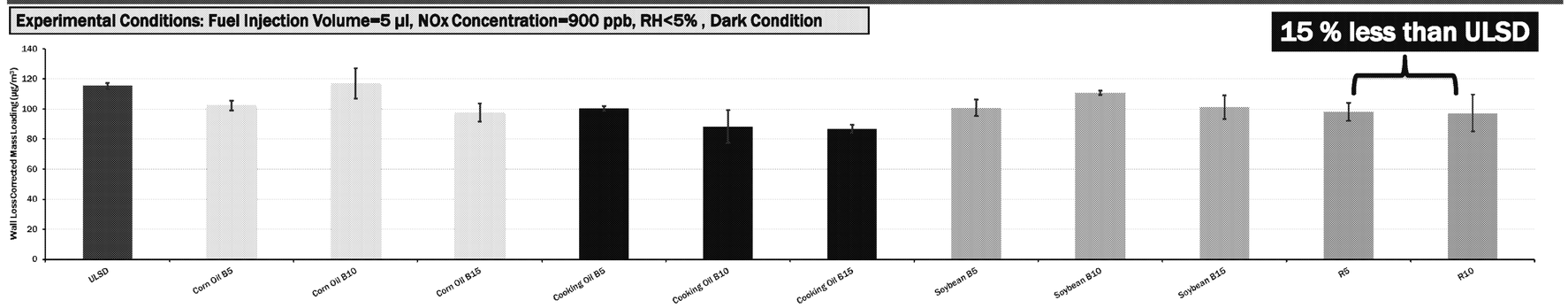


Figure 2. SOA formation from USLD, biodiesel, and renewable diesel blends with nitrate radicals under dark condition.

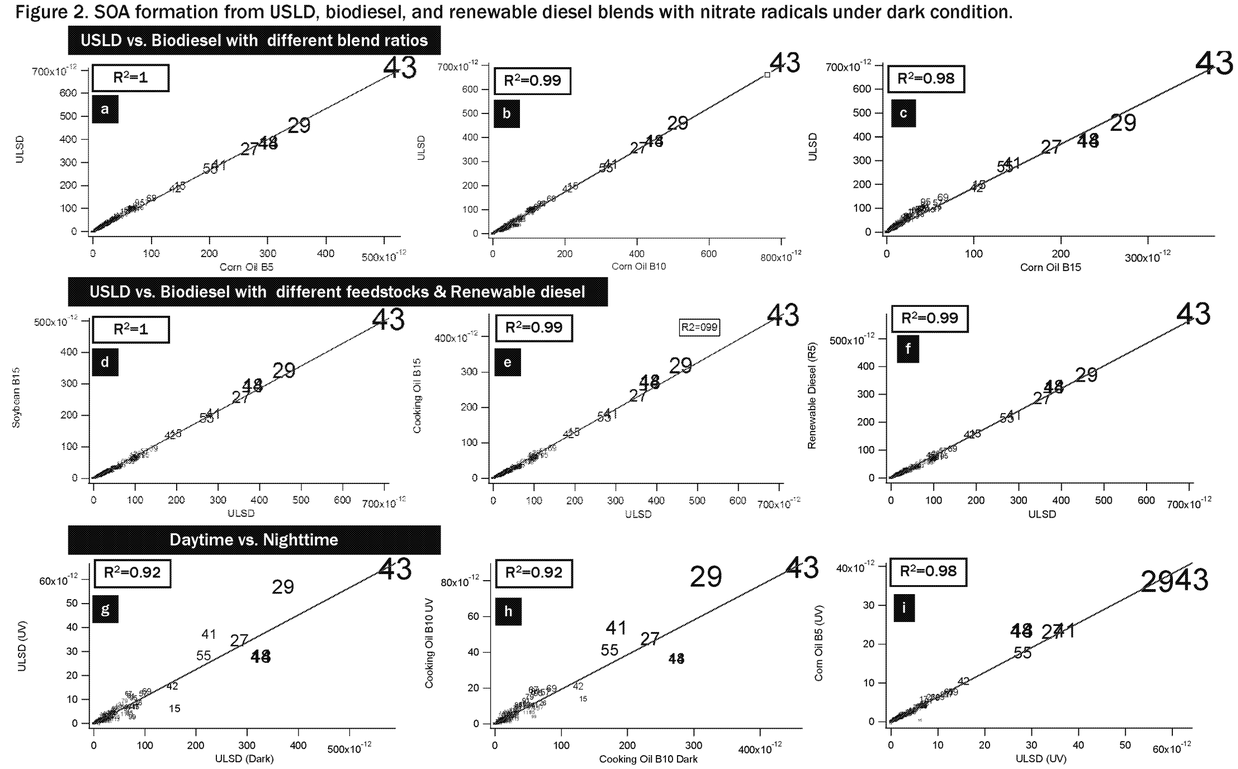


Figure 3. Correlations of SOA mass spectra from different fuels. a-c) correlations of nighttime SOA mass spectra between ULSD and biodiesel with different blend ratios; d-f) correlation of nighttime SOA mass spectra between ULSD, biodiesel with different feedstocks and renewable diesel; g-h) correlations of daytime and nighttime SOA from cooking oil and ULSD, respectively; i) correlation of daytime SOA between corn oil B5 and ULSD. Numbers on X and Y axis represent peak intensities, and units are in amps. The numbers in each figure represent different mass to charge ratios. Marker size is proportional to the mass spec peak intensity of SOA from Y axis fuels.

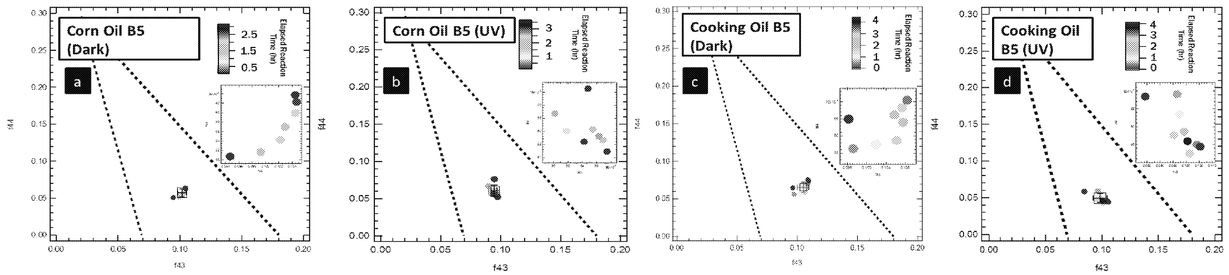


Figure 4. f44/f43 triangle plot of daytime and nighttime SOA from corn oil B5 and cooking oil B5. The SOA evolution during the formation stage between daytime and nighttime were completely different.

1. Renewable diesel blends (R5 and R10) showed 15% lower nighttime SOA formation potential than ULSD.
2. Overall, the addition of biodiesel into ULSD didn't lead to increase in SOA formation as what was previously observed for ethanol blends of refinery FCC naphtha.[1]
3. The mass spectra of nighttime SOA formed from ULSD and biodiesel blends, were similar, indicating low reactivity of biodiesel components (aliphatic esters) with NO_3·.
4. The reduction of nighttime SOA formation from renewable diesel blend compared to ULSD was likely caused by the lack of aromatics and naphthenes.[2]
5. Although daytime and nighttime SOA formation were both driven by oxidation reaction, the reaction pathways were significantly different as characterized by larger differences between daytime and nighttime SOA mass spec, the different SOA composition, and the different SOA evolution behaviors (f44/f43 VS time).
6. Compared to the nighttime SOA mass spec between corn oil B5 and ULSD (Fig. 3a), the slight difference on the daytime SOA mass spec (Fig. 3i) indicated higher reactivity of OH· with biodiesel components than NO_3·.
7. The increase of f43 during the SOA formation stage for both daytime and nighttime chemistry indicated formation of semi-volatile and low oxidized organic aerosol (SV-OOA), and the increase of f44 as observed during the later stage for nighttime chemistry indicated further oxidation of SV-OOA into low-volatile oxidized organic aerosol (LV-OOA).

Recommendations

1. Environmental impact of biodiesel and renewable diesel blends needs to be evaluated in greater details by conducting comprehensive studies on combustion emissions.
2. Better parameters on SOA formation from biodiesel/renewable diesel blends need to be provided to photochemical models for development of more efficient future regulatory polices for PM emissions.

Acknowledgements

The authors would like to thank Phillips 66 for supporting the project, and the Analytical Science department at Phillips 66 for the composition analysis of the petroleum fuels.

Model-Experiment Comparison of Secondary Organic Aerosol Formation from Evaporative Emissions of Commercial Fuels and Aromatics

J. Bean (Jeff.Bean@P66.com), T. L. Lathem, J. Gingerich

Phillips 66 Research Center, Bartlesville, OK

MOTIVATION

Secondary organic aerosol (SOA) can be a large fraction of the observed fine particulate matter ($PM_{2.5}$) mass in the atmosphere.

Regulatory compliance with future National Ambient Air Quality Standards (NAAQS) for $PM_{2.5}$ will require an increased understanding of SOA.

Photochemical models, such as the Community Multiscale Air Quality Modeling System (CMAQ) or Comprehensive Air Quality Model with Extensions (CAMx), are challenged with accurately representing atmospheric SOA for the wide range of ambient conditions observed.

Current State and Challenges

Environmental variables can significantly influence yields of SOA. These effects need to be well understood for accurately modeling SOA.

Temperature has been shown to significantly influence SOA yield, volatility, and particle density from both natural and anthropogenic precursors.[1,2,3]

Research Objective

Use the Statewide Air Pollution Research Center (SAPRC) box model to simulate indoor and outdoor chamber experiments and compare the measured vs. model predicted SOA yields to quantify the impact of environmental variables.

MODEL AND FUEL SPECIFICATIONS

The SAPRC box model was used to model experiments. The SAPRC07 chemical mechanism was modified to include the AERO6 mechanism for SOA formation, similar to CMAQ. Experiments were modeled using the real-time temperature and NO_2 photolysis rate (j_{NO2}) to compare model predictions with experimental results.

A commercial gasoline sample was studied, in addition to single component aromatics. The composition of the commercial gasoline sample was determined using Detailed Hydrocarbon Analysis (DHA). Composition was converted to a model input and the model was then used to predict SOA formation from each component as shown below and in Figure 1.

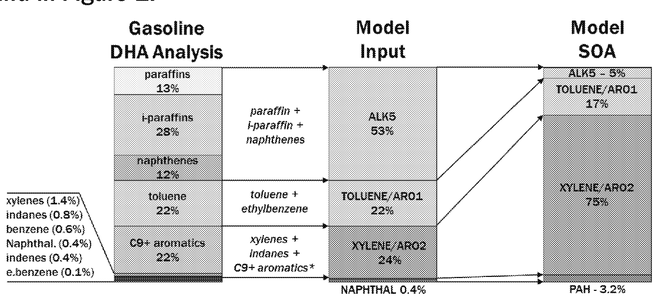


Figure 1: Gasoline composition from Detailed Hydrocarbon Analysis (DHA) and how each fuel component contributes to SOA formation

EXPERIMENTAL DESIGN

Identical 7.5 m^3 chambers were utilized for both indoor and outdoor experiments. The indoor chamber can be temperature controlled within a range of 0 to 120°F.

All experiments were conducted under low-NO_x conditions with H_2O_2 as the •OH precursor and $(NH_4)_2SO_4$ as seed particles.

Ultraviolet (UV) light was generated indoors with black lights (Sylvania 350BL) and natural sunlight was used outdoors.

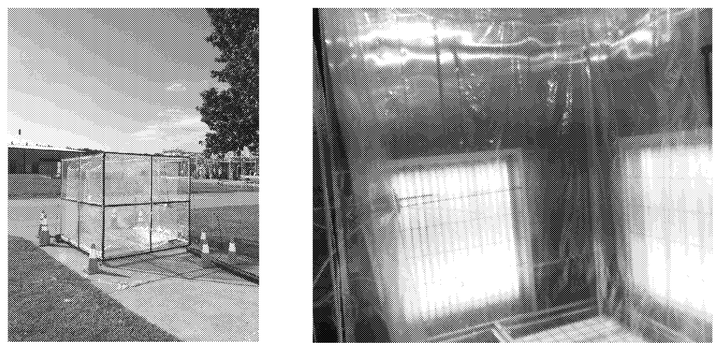
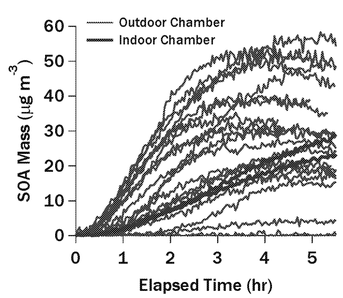


Figure 2: Outdoor and indoor environmental chambers

CHAMBER AND MODEL OBSERVATIONS

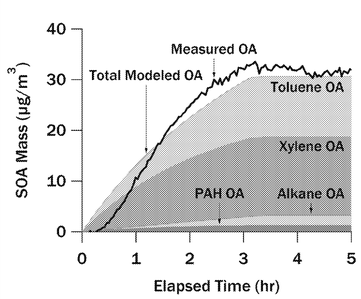


Effect of Environmental Variables

Replicate experiments of gasoline and aromatics were conducted outdoors under varying environmental conditions.

UV intensity and temperature significantly affected the kinetics and magnitude of SOA formation.

Figure 3: Variations in SOA formation from gasoline sample in outdoor chamber experiments



Model Observations

The AERO6 mechanism treats SOA formed from aromatics under low-NO_x conditions as non-volatile, and thus unaffected by temperature.

Experiment-model comparisons, as show in Figure 4, were used to test the model across a range of temperatures.

Figure 4: Sample experiment and model comparison

MEASUREMENT VS. MODEL RESULTS

Outdoor Chamber Experiments

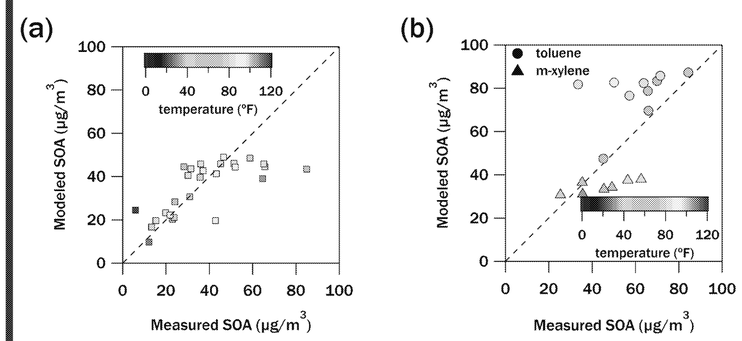


Figure 5: Measured vs. SAPRC modeled SOA mass for outdoor chamber experiments for (a) gasoline and (b) single aromatics

Temperature Controlled Indoor Chamber Experiments

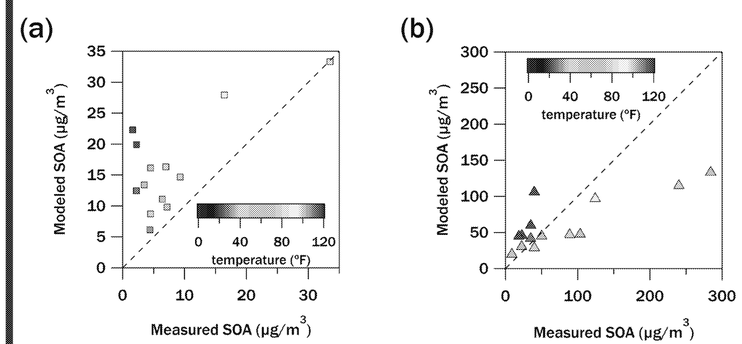


Figure 6: Measured vs. SAPRC modeled SOA mass for temperature controlled chamber experiments for (a) gasoline and (b) m-xylene

CONCLUSIONS

For outdoor experiments, the box model predicts SOA formation from evaporated gasoline to generally within 30% (Figure 5a), but has a tendency to overpredict SOA formation from toluene and underpredict SOA formation from m-xylene (Figure 5b).

For indoor, temperature-controlled experiments, the box model generally overpredicts SOA concentrations from gasoline, especially as experiment temperature is increased (Figure 6a).

Under low-NOx conditions, SOA formed from aromatics is treated by the AERO6 mechanism as completely non-volatile. Results from the current study suggest there is a temperature effect that should be captured in the model.

Experiments utilizing a thermal denuder are being planned to obtain additional data on particle volatility as a function of temperature.

[1] Clark *et al.*, Environmental Science & Technology, 2016, *50* (11), 5564-5571; [2] Qi *et al.*, Atmospheric Chemistry & Physics, 2010, 10, 3847-3854; [3] Sheehan and Bowman, Environnemental Science & Technology, 2001, 35 (11), 2129-2135.

Acknowledgements: The authors thank the Phillips 66 Analytical Sciences Group for fuel compositional analysis and Engineering and Site Operations and Health, Safety and Environment Groups for assistance with chamber development.

Message

From: Southern Company [rsvp@smartsource-reg.com]
Sent: 11/7/2017 4:33:04 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Southern Company Holiday Reception Confirmation

Dear Mandy Gunasekara,

Thank you for your response.

We look forward to seeing you at our Holiday Reception on

December 6, 2017 I East Hall at Union Station I 6:30 – 8:30 pm

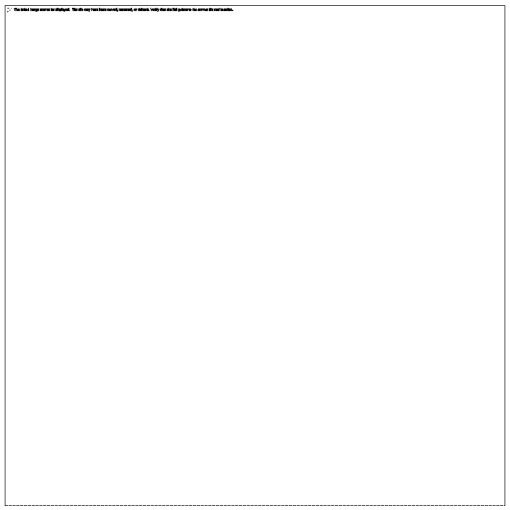
Please bring an early reader book and/or children's hat & gloves or gift card to benefit Horton's Kids.

Sincerely,

Your Friends at Southern Company

Bryan Anderson I Anne Asher I Noel Black I Melissa Horton I
Adam Lawrence I Martha Lushington I Olivia Lute I
Jim McCool I Dan Murray I Maggie Newton I Leroy Nix I
Mike Riith | Jeff Sharkey | Jeanne Wolak

Please present the barcode below to expedite your entry into the reception.


The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

Message

From: Chris Sarley [csarley@cgagroup.com]
Sent: 10/31/2017 3:14:59 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Kirby update

Hey Mandy - wanted to update you on Kirby and see if you had anything you can share on your end.

Last night, Kirbys environmental manager got an inquiry from EPA regarding the flex program in 2011. As of this morning, they are working on the details of the request to send answers to the questions asked back to EPA ASAP.

Wanted to see if you had any further information or sense of where things are headed? And sorry for the back to back days of emails. I know there is probably many other things your dealing with that you are slotting this in around.

As you know, Kirby is under the deadline at the end of the month here to make decisions on 200 jobs so there is a lot of pressure internally to get some further information and that is being funneled my direction. All that to say thanks again for all your efforts and help. I really appreciate it and anything further information you can share would be great.

Thanks again,

Chris

Message

From: Lafferty, Susan [susanlafferty@eversheds-sutherland.com]
Sent: 11/6/2017 6:14:11 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: McCullough, David [davidmccullough@eversheds-sutherland.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Montauk Request for Meeting: Cellulosic Fuel
Attachments: Montauk Energy Meeting with EPA November 6 2017 DC Call.PPTX

Hello Mandy and Alex – attached is a short overview for the call we are having with you at 2 pm.

Talk to you shortly – Susan

Susan Lafferty | Partner | T: +1.202.383.0168

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Thursday, October 19, 2017 4:49 PM
To: Lafferty, Susan <SusanLafferty@eversheds-sutherland.us>
Cc: McCullough, David <DavidMcCullough@eversheds-sutherland.us>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Montauk Request for Meeting: Cellulosic Fuel

Susan,

We could do a call Monday, November 6th at 11:30AM or 2:00PM or the 7th at 2:00PM - other than that we are looking at the beginning of December right now.

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Lafferty, Susan [mailto:susanlafferty@eversheds-sutherland.com]
Sent: Thursday, October 19, 2017 2:11 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: McCullough, David <davidmccullough@eversheds-sutherland.com>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Montauk Request for Meeting: Cellulosic Fuel

Mandy – thank you . Alex – if there are a few dates that might work, we can take those to Montauk. Thank you – Susan

Susan Lafferty | Partner | T: +1.202.383.0168

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Wednesday, October 18, 2017 2:29 PM
To: Lafferty, Susan <SusanLafferty@eversheds-sutherland.us>
Cc: McCullough, David <DavidMcCullough@eversheds-sutherland.us>; Dominguez, Alexander

<dominguez.alexander@epa.gov>
Subject: RE: Montauk Request for Meeting: Cellulosic Fuel

Thanks, Susan. I'm looping in Alex to help organize the logistics.
Best,
Mandy

From: Lafferty, Susan [mailto:susanlafferty@eversheds-sutherland.com]
Sent: Wednesday, October 18, 2017 2:19 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: McCullough, David <davidmccullough@eversheds-sutherland.com>
Subject: Montauk Request for Meeting: Cellulosic Fuel

Hello Mandy -- We are writing on behalf of Montauk Energy Holdings, LLC, which is responsible for more than one-fifth of all cellulosic RINs generated in 2016 and 2017. Montauk would like to meet with you to introduce you to the company and the cellulosic biogas industry. Given the current discussions regarding annual standards and a possible reset of the volumes, such a discussion would be timely and we believe useful to the agency as it moves forward on RFS issues. We have also requested a meeting with relevant staff (Paul Machiele and Dallas Burkholder), but we very much believe that we can add value to Administrator Pruitt's efforts on RFS through a meeting with you.

Please see the attached comments the Company submitted to EPA for more information about Montauk and cellulosic fuel.

Are there dates that would be best for you and your team? We will be as flexible as possible as Montauk is very eager to meet with EPA.

Best regards – Susan

Susan Lafferty | Partner | Eversheds Sutherland (US) LLP

T: +1.202.383.0168
Biography | vCard

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EVERSHEDS SUTHERLAND

Montauk Energy:
Montauk and RFS Biogas Regulatory Matters

November 6, 2017

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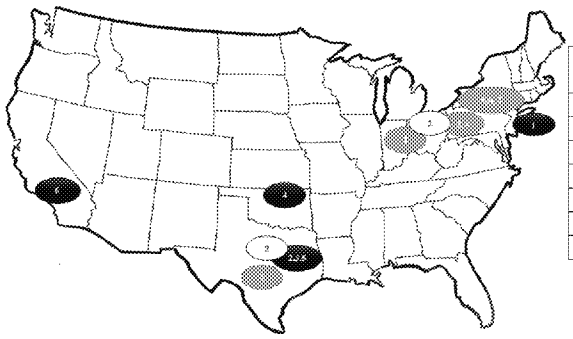
Company Background

- Based in Pittsburgh, Pennsylvania, for over 20 years.
- Develops, owns and operates large scale renewable energy projects using methane from landfills.
- 100 employees throughout the U.S. with 7 operating RNG projects and 2 RNG projects under development, primarily in rural communities.
  - Pennsylvania, Ohio, Oklahoma, California, New Jersey, and Texas.
- Leader in the use of methane for renewable and green energy with 13 operating renewable energy projects.



Renewable Natural Gas	Renewable Electric	Renewable Natural Gas Development Projects
1 Rumpke	1 Monmouth	1 Apex
2 McCarty	2 Atascocita	2 Atascocita
3 Monroeville	3 Coastal Plains	
4 Valley	4 AEL	
5 Shade	5 Security	
6 Southern	6 Bowerman	
7 Raeger Mountain		

Leading Cellulosic RIN Generator

- Active in the RFS program since 2015; verifiable record of RIN generation.
- In 2016, generated over 35.6 million D3 RINs, nearly 19% of all biogas D3 RINs.
- Through August 2017, generated 30.4 million D3 RINs, 20% of all biogas D3 RINs.
  - Projects an additional 9.7 million RINs for a total of 40.1 million RINs in 2017.
- In 2018, estimates that its facilities will generate approximately 66 million D3 RINs.[1]
  - Based on two additional domestic projects coming online, which will be the result of a combined investment of $56 million.

	2016	2017	2018
Montauk D3 Generation	35.6 Million	40.1 Million (Projected)	66 Million (Projected)
RFS Cellulosic Standard	230 Million	311 Million	238 Million (Proposed)
Montauk Share of Standard	15.4%	12.9%	28%

1. Includes 1 facility which Montauk owns and operates, but another entity will be RIN generator.

RFS and Need for Certainty in a Robust Cellulosic Market

- Without a robust cellulosic standard, investment in biogas projects will falter resulting in less investment in rural communities and less buildout of natural gas fueling and distribution infrastructure.
  - Biogas projects can take 18 months to come online.
  - Biogas projects are very sensitive to potential changes in government incentives.
  - Regulatory uncertainty has created market volatility resulting in difficulties obtaining financing for biogas projects.
- Case law supports a cellulosic standard that reflects actual production.

RIN Generation Data Supports a Higher D3 Standard

- EPA is predicting that only 18 million more cellulosic RINs will be generated in 2018 than 2017, which is a 9% increase.
  - EPA's proposal used a methodology based on a 9.28% growth rate.
- EPA's own data shows that cellulosic production is increasing at dramatically higher rates.
  - June 2017 D3 RIN production was 60% more than June 2016.
  - July 2017 D3 RIN production was 33% more than July 2016.
  - August 2017 D3 RIN production was 28% more than August 2016.
  - First 9 months of 2017 had a cumulative growth rate of 21.93% as compared to 2016, which is over twice the rate used by EPA.
- Montauk alone anticipates that it will generate 26 million more RINs in 2018 than it did in 2017.

Biogas Plays Key Role in Meeting Congressional Goals

- Congress intended for cellulosic fuel to be a significant part of the transportation fuel market (7 billion gallons by 2018).
- Biogas has played a key role in meeting congressional intent.
  - Beginning in 2014, the use of biogas has allowed cellulosic fuel to go from zero to increasing volumes each year.
- Biogas also serves Congress's goal of energy independence.
  - Biogas, another source of methane (natural gas), is typically produced domestically.
    - All of Montauk's production (*i.e.*, landfill locations) are in the U.S.
  - Generation of RINs on biogas incentivizes the further buildout of natural gas distribution and fueling infrastructure, which also furthers the use of fossil sources of methane.
  - Planning, developing and operating U.S. facilities and projects creates domestic jobs.

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Message

From: Amy Harder [amy@axios.com]
Sent: 11/8/2017 12:24:23 AM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
CC: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: EPA at Bonn?

Hi Liz, thank you so much! Brittany and Mandy, good to connect with you. I land late Thursday afternoon and will be there through Nov. 15. Hope to catch up at some point. You can reach me at Personal Phone / Ex. 6

Thanks!

Amy

On Tue, Nov 7, 2017 at 6:58 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:
Mandy and Brittany will go going and can talk with you there. They are copied here so please reach out to them when y'all get there. Please just check w them about attribution (or by name, EPA official, etc.).

Sent from my iPhone

> On Nov 7, 2017, at 10:53 AM, Amy Harder <amy@axios.com> wrote:
>
> Hi Liz, I hope you're doing well. I would very much appreciate meeting up with the EPA folks on the ground in Bonn while I'm there. I'll be there Nov. 9-15. Would you be able to connect me with them, if it's not you?
>
> Thanks much,
>
> Amy
> Personal Phone / Ex. 6

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/25/2017 11:23:19 PM
To: Traci Kraus [traci.kraus@cummins.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Thank you and follow up- Cummins and EMA

Traci - unfortunately we are unable to make the 9th work Mandy. She is going to be on travel the following week and there are several mandatory meetings she must attend beforehand.

Alex

Sent from my iPhone

On Oct 25, 2017, at 2:13 PM, Traci Kraus <traci.kraus@cummins.com> wrote:

> Thank you Mandy and Alex, appreciate the help! We can be flexible if needed. Let me know what works on your end.
>
> Sent from my iPhone
>
> On Oct 25, 2017, at 11:08 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:
>
> External Sender
>
> Hi Traci,
> I apologize for the delayed response. I do not believe I am available during that time. I'm looping in Alex to help see if we can make it work. We will follow-up in a few.
> Best,
> Mandy
>
> **From:** Traci Kraus [mailto:traci.kraus@cummins.com]
> **Sent:** Tuesday, October 10, 2017 3:37 PM
> **To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> **Subject:** RE: Thank you and follow up- Cummins and EMA
>
> Hi Mandy,
>
> Hope all is well. I wanted to follow up on the invitation to speak to the EMA/ DTF joint meeting on November 9th. We have separately confirmed that Mike Catanzarro will also be speaking on the Administration's energy and environment priorities, and it would be great to get the EPA perspective.
>
> Specifically we are looking at **1:45 pm- 3:00 pm on November 9th**. Please let me know if you might be available.
>
> Thanks so much for your help.
>
> Best,

Traci Kraus
Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

From: Traci Kraus
Sent: Tuesday, September 26, 2017 10:04 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Thank you and follow up- Cummins and EMA

Hi Mandy,

I wanted to thank Administrator Pruitt, you and your team for meeting with the principals of the Truck and Engine Manufacturers Association last week. I know the group really appreciated it and thought it was a great and informative meeting.

I know there was a particular follow up regarding the opportunity for a low-NOx rulemaking and streamlining of the heavy duty truck program. Our technical teams are working on follow up information and data and would like the opportunity to present it to you late next month or early November. I wanted to see if we could get something on the schedule. Please let me know what works for you.

I also wanted to extend an invitation for you to address a joint meeting between the Diesel Technology Forum (DTF) and Truck and Engine Manufacturers Association (EMA) on **November 9th or 10th.**

Attendees will be primarily government affairs, engineering and federal and state policy representatives of engine and truck manufacturers, off-road equipment makers, suppliers and emissions control technology companies and some fuel interests as well. Among the companies expected to attend are Caterpillar, Cummins, Daimler, Deere, CNH, Volvo, GM, Ford, Isuzu, Bosch, Delphi, AGCO, MTU, Navistar and several others. We expect an audience of about 50 people from those companies all with a substantial interest in both domestic energy and environmental policy as well as international issues. The meeting is private and not open to members of the public or press. It will be held at the law offices of Crowell and Moring, located at 1001 Pennsylvania Avenue NW.

We would love to hear you speak about EPA's priorities and how the industry can continue to work collaboratively with the Administration. We have availability in the schedule on the afternoon of Thursday, November 9th, or the morning of Friday, November 10th. Please let me know if you might be available, or if there is a more formal channel through which I should make the request.

Again, thanks so much for all of your help!

All the best,

Traci Kraus
Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

Message

From: Leslie Sue Ritts [lritts@rittslawgroup.com]
Sent: 11/2/2017 3:36:37 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: NEDA/CAP NSR Issue Paper: "Begin Actual Construction"
Attachments: Begin Actual Construction.pdf

Dear Alex,

Amy Dewey will drop off the notebook with you that has a hard copy of this and all (and there are a lot of them) references for you, Mandy and Justin. Let me know if you have questions and when it is possible to discuss it.

My best,

Leslie Sue Ritts
Ritts Law Group, PLLC
620 Fort Williams Parkway
Alexandria, VA 22304
(703) 823-2292 (office)
(703) 966-3862 (cell)
lritts@rittslawgroup.com

Please note new email address

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"BEGIN ACTUAL CONSTRUCTION"

PROBLEM TO BE ADDRESSED – It is unclear what types of preparatory work may be undertaken at a NSR applicant's own risk before a PSD or Nonattainment NSR (NNSR) permit is issued. NSR regulations use the term "begin actual construction" to denote activities that may be undertaken, but Agency interpretations and EPA Regional enforcement actions have created a confusing and inconsistent web of guidelines that frustrate business efforts to ready a site for installation of an "emitting unit" so that it can begin construction of a "major source" or "major modification" when the permit is issued.

The Clean Air Act prohibits the "construction" of a "major emitting facility"[1] in an attainment area, and the "construction. . . of new or modified stationary sources anywhere in the nonattainment area" unless a permit has been issued for a NSR-affected major source or major modification. CAA §§ 165(a)(1), 172(c)(5); 42 U.S.C.§ 7475(a)(1), 42 U.S.C. § 7502(c)(5). The Act, however, did not define "construction."[2] In 1978, EPA defined "construction" in the context of the statutory prohibition.[3] As discussed in the "*History*," below, EPA defined the term "begin actual construction" in 1980 regulations. Over the past decade, it has been interpreted in such an inconsistent and unnecessary restrictive manner that it poses a burden and legal hurdle for industry to bring new products to market.

PRACTICAL ILLUSTRATION OF THE PROBLEM – A company undergoing NSR review for a proposed new process line in a chemical plant wants to prepare for the new NSR-regulated emission units in order to construct or install those units as soon as the NSR permit it is issued. Such preparation is critical for expediting entry of innovative products into the economy once a company receives its NSR permit and may be especially important for facilities in States with harsh winters (necessitating the completion of as much preparatory work as possible during the summer and fall). Before it receives its NSR permit, may the company demolish the process line that is currently at the site, install electric conduits for new lighting, install or extend the concrete slab on which the new emission units will be placed, and pour footings for a building that will house some of the new emission units?

HISTORY – Congress made clear in the 1977 Clean Air Act Amendments that NSR review and issuance of a PSD and/or NNSR permit are required before "construction" of a proposed new major source or major modification of a pre-existing major source. Because the Act did not define the word "construction" and there is no legislative history on Congress's intent regarding that term or the scope of prohibited pre-permit construction, EPA concluded in 1978, that "we are not bound by it in deciding what activities may be conducted prior to receiving a necessary PSD permit." E. Reich, Dir., Stationary Source Compliance Division (SSCD), "Interpretation of 'Constructed' as it Applies to Activities Undertaken Prior to Issuance of PSD Permit" (Dec. 18, 1978). Thereafter, EPA promulgated a definition of "begin actual construction" to define the line between allowed pre-permit activity, and prohibited construction:

> *Begin actual construction* means, in general, initiation of physical on-site construction activities *on an emissions unit* which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and

---

[1] The Act defines "construction when used in connection any source or facility, to include the modification (as defined in CAA Section 111(a), 42 U.S.C. § 7411(a) [of the New Source Performance Standards]) of any source or facility." CAA § 169(d)(C), 42 U.S.C. § 7479 (2)(C).

[2] The term "construction" is also used in the Act's definition of the PSD definition of "commenced," which Congress defined "as applied to construction of a major emitting facility means that the owner or operator has obtained all necessary permits or approvals and "either has (i) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed within a reasonable time." In short, the CAA definition was used to grandfather certain types of sources from the PSD regulations and is repeated verbatim in the NSR regulations. See, e.gg. 40 CFR § 52.21(b)(9)(ii).

[3] 43 Fed. Reg. 26,380 (June 19, 1978).

> construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

See 45 Fed. Reg. 52,676 at 52,731, 52,736, 52,743, 52,745 & 52,748 (Aug. 7, 1980) (*emphasis added*); codified at 40 C.F.R. §§ 40 C.F.R. § 51.166(b)(11)(PSD), 40 CFR 52.21(b)(11) (PSD), 40 C.F.R. 51.165(a)(1)(xv) (NNSR), and at Part 51 Appendix S II.A.17 (NNSR)

Initially, States and EPA officials were directed to undertake a case-by-case approach in applying this definition, but a 1986 EPA Memorandum reflects blowback from the states on the administrative burden of a case-by-case approach, and after consulting with EPA General Counsel, the Director of Stationary Source Enforcement Mr. Reich offered the following "revised policy" regarding the meaning of "begin actual construction:"

> All on-site activities of a permanent nature aimed at completing a PSD source for which a permit has yet to be obtained are prohibited under all circumstances. These prohibited activities include installation of building supports and foundations, paving, laying of underground pipe work, construction of permanent storage structures, and activities of a similar nature.

EPA Memo Re: "Construction Activities Prior to issuance of a PSD permit with Respect to 'Begin Actual Construction'" (March 28, 1986). The "revised policy" banned all "on-site activities of a permanent nature aimed at completing a PSD source," and emphasized all other activities are undertaken at the owner's or operator's risk. Notably, the revised policy failed to meaningfully discuss the regulatory language limiting the prohibition of pre-permit construction to activities "on an emission unit." Apparently unsatisfied with even this broad prohibition, additional EPA guidance further expanded the scope of prohibited activities as follows:

> Prohibited (permanent and/or preparatory) preconstruction activities ... would include any construction that is costly, significantly alters the site, and/or permanent in nature.

J. Sietz to C. Williams (Dec. 13, 1995). Not only does the 1995 guidance again fail to meaningfully address the focus of the regulatory language on construction activities "on an emission unit," it allows the magnitude of the cost of the activities, the degree to which the activities alter the site, OR the permanence of the activities to be the sole criterion triggering the pre-permit activity prohibition.

By 1993, the policy had been revisited by EPA and the States a number of times and began to focus on significant economic loss to the owner or a permanent change in the use of the property if a NSR permit eventually was not issued. A 1993 interpretation emphasized. "*Any activities undertaken prior to the issuance of a PSD permit, although solely at the owner's or operator's risk, should minimize or avoid any equity arguments at a later time that the permit should be issued.*" J. Rasnic, "Construction Activities at Georgia Pacific" (May 5, 1993). Another applicability determination dated eight months later allowed "certain limited activities that do not represent *an irrevocable commitment to the project.* D. Howkamp, "Preconstruction Review and Construction Activities Prior to Permit Issuance" (Nov. 4, 1993). On December 13, 1995, EPA offered "a clarification" on the meaning of "construction-related activities," that concluded that "preconstruction activities that are permanent in nature and an integral part of the PSD source are prohibited prior to receiving a PSD permit." J. Seitz, (untitled) (1995); *see also Hempstead Co. Hunting Club v. Southwestern Electric Power Co.,* 2008 WL 2705570, *6 (W.D.AR 2008). Yet again, none of these guidance documents or determinations focused on the regulatory requirement that prohibited pre-permit activities must be "on an emissions unit"; instead, they appear to let an activity's cost and/or permanence alone drive the prohibition.

While federal EPA interpretations of prohibited pre-permit activity became broader, especially in Notices of Violation, State interpretations in EPA-approved State "Minor NSR programs" are much narrower and focus on prohibiting construction of proposed new and modified emissions units themselves and not on any other preparatory activities. Examples from Michigan and Ohio are attached to this Issue Paper. For instance, in Ohio, OAC rule 3745-31-33(F) allows "minor NSR" sources to undertake any activity at the owner's own risk so long as the source does not begin to operate. Ohio, OAC rule 3745-31-33(E) lists for "major NSR Sources," the construction activities, such as site clearing, utility lines, foundation work, etc., can be completed before prohibiting the source from making the utility connection and beginning to operate, until receiving a final air permit-to-install (PTI).

HOW TO FIX IT – EPA should issue an interpretative guidance of "begin actual construction" that allows all pre-permit activities, including construction activities that are not "on an emission unit"[4] for which an NSR application has been submitted because its construction would result in a net emission increase of one or more pollutants that trigger NSR for the project. Any prior EPA policy or guidance documents inconsistent with this new policy statement should be rescinded or modified.

Such policy would prohibit the "installation of building supports and foundations" only if the building in question is itself an "emission unit," for example a stand-alone spray coating building (but not an assembly building that would eventually house a paint booth, curing oven or other emission unit). Similarly, the construction of a "permanent storage structure[]" would be prohibited only if the storage structure is itself an "emission unit," such as a petroleum or volatile organic liquid storage tank or vessel (but not an equipment storage building). Likewise, with regard to laying underground pipework, only the laying of pipework that would carry a liquid or gaseous air pollutant (such as heating oil or natural gas) and that is designed solely to serve one or more new or modified emission units to be included in the new source or modification (such as a new or modified boiler) would be prohibited -- while the digging of trenches for such pipework, the installation of common utilities (e.g. water, sewer, steam, electricity, communication, compressed air) or relocating existing utilities (including those serving existing emission units not included in the new source or modification) in preparation for installing a boiler would be allowed. All demolition, excavation and other site preparation activities (including, but not limited to the construction of retaining walls and roadways would also be allowed.

REFERENCES

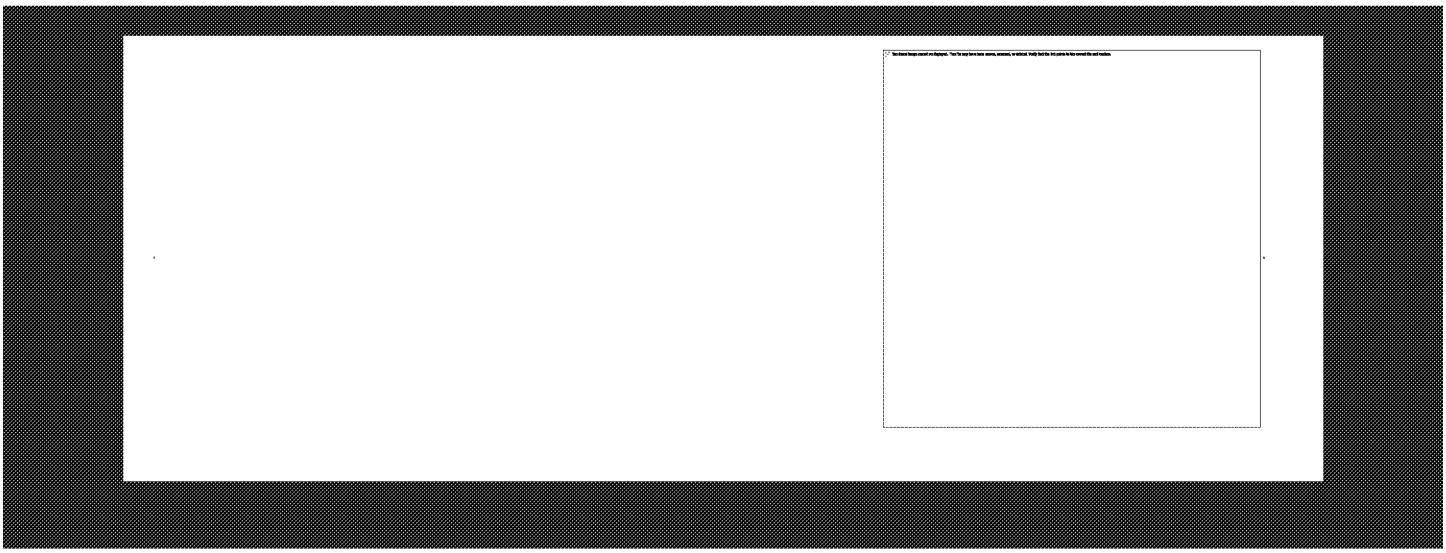
- 42 U.S.C. §§ 7470-7479 (CAA Title 1, Part C – Prevention of Significant Deterioration of Air Quality;
- 42 U.S.C. §§ 7501-7506 (CAA Title 1, Part D – Plan Requirements for Nonattainment Areas) of Title 1- Prevention of Significant Deterioration in Attainment Areas);

[4] Because the definition of "emission unit" in the NSR regulations is very general -- "any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant" – permit applicants and permitting authorities need more specific guidance on what constitutes an emission unit for the purpose of applying the "begin actual construction" test. For the limited purpose of determining whether a construction activity is "on an emissions unit," EPA should adopt the approach developed by the Michigan DEQ, that distinguishes among "devices" (i.e., process devices, control devices, and stacks), "emission units" (i.e., one or more process devices, zero or more control devices, and all related stacks), and a "stationary source" (i.e., the buildings and structures that house the emission units). *See, e.g.*, Michigan Guide to Environmental, Health, and Safety Regulations – 9th Edition (June 2016), http://www.michigan.gov/deq/0,4561,7-135-3308-15820--,00.html, at pages 1-3 through 1-4. Applying this approach to the "begin actual construction" question, only physical on-site construction activities of a permanent nature on a "device" that is a component of an "emissions unit" would be prohibited, while construction on a "building or structure that will house the emission units" would not be prohibited. Permit applicants and permitting authorities should also be encouraged to refer to Michigan DEQ AQD Operational Memorandum #6 (January 2014) (Procedure for Determining Emission Units), http://www.michigan.gov/documents/deq/DEQ-AQD-PP-006_447000_7.pdf, for additional guidance on determining what constitutes an emission unit for this purpose.

- 40 C.F.R. §§ 40 C.F.R. 51.166(b)(11) (*PSD)*, and 40 C.F.R. 51.165(a)(1)(xv); Part 51 Appendix S:II.A.17; 45 Fed. Reg. 52,676 at 52,731, 52,736, 52,743, 52,745 & 52,748 (Aug. 7, 1980)
- 43 Fed. Reg. 26,380 (June 19, 1978).
- *Hempstead County Hunting Club v. Southwestern Electric Power Co.*, 2008 WL 2705570, 68 ERC 1027 (W.D. AR 2008)
- J. Seitz, (untitled) (Dec. 13, 1995)
- D. Howekamp, "Preconstruction Review and Construction Activities Prior to Permit Issuance" (Nov. 4, 1993)
- J. Rasnic, "Construction Activities at Georgia Pacific" (May 13, 1993)
- E. Reich, "Construction Activities Prior to Issuance of a PSD Permit with Respect to 'Begin Actual Construction'" (Mar. 28, 1986)
- E. Reich, "Interpretation of "Constructed" as it Applies to Activities Undertaken Prior to Issuance of PSD Permit (Dec. 18, 1978).
- Michigan Guide to Environmental, Health, and Safety Regulations – 9th Edition (June 2016), http://www.michigan.gov/deq/0,4561,7-135-3308-15820--,00.html, at pages 1-3 through 1-4; Michigan DEQ AQD Operational Memorandum #6 (January 2014) (Procedure for Determining Emission Units), http://www.michigan.gov/documents/deq/DEQ-AQD-PP-006_447000_7.pdf.
- OHIO - OAC Rule 3745-31-33
- EPA Reg. 5, Notice of Violation to Conoco Phillips (Sept. 4, 2008)
- EPA Reg. 5, Notice of Violation to Steel Dynamics East, IN (Feb. 16, 2001)

Message

From: Courtney Cook [CCook@alec.org]
Sent: 10/28/2017 3:16:38 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Will you be in Nashville?



Senator Mark Green

2017 States and Nation Policy Summit

December 6 - 8, 2017

Senator Mark Green of Tennessee will welcome attendees to the ALEC 2017 States and Nation Policy and Music City at the Opening Lunch session on Wednesday, December 6, 2017. Keep your playlist going and join us for the Tennessee Welcome reception that evening!

Economist Steve Moore Invites You to Nashville

Early bird registration ends **November 9**.
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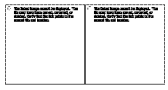

This message was sent to gunasekara.mandy@epa.gov from CCook@alec.org

Courtney Cook
ALEC
2900 Crystal Drive, 6th Floor
Arlington, VA 22202

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Message

From: The Washington Post [washpostlive@washpost.com]
Sent: 11/6/2017 5:50:47 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: You're invited - A World in Balance: Solutions for Sustainability event at The Washington Post

Humans are changing the Earth in unprecedented ways. Global population growth, changes in behavior and migration, and new trends in industry and technology may leave lasting impacts on natural resources and the environment.

On **November 16**, **The Washington Post** will bring together policymakers,

business leaders and experts in the sustainability and conservation community to discuss new approaches for a sustainable future and assess the relationship between humans and the environment.

Speakers will debate the tradeoffs involved in conserving Earth's natural resources, discuss new models for sustainable business practices and examine the relationship between democracy and sustainable development.

REGISTER

Thursday, November 16
Doors open for a light breakfast reception - 8:30 a.m.
Program - 9:00 - 10:30 a.m.
Free to attend. Pre-registration is required.

The Washington Post
1301 K Street NW
Washington, D.C. 20071

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Message

From: Kevin Fay [fay@alcalde-fay.com]
Sent: 11/4/2017 4:30:22 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: HFC Fix

Mandy,

As you know, we have been working on an HFC legislative fix that allows the industry to move forward together. The Alliance has reached consensus on a short fix and think we have significant bipartisan support. Administration view is important to us. Do you have time for a quick discussion on this on Monday, before 3 pm. Was hoping to talk with you before I get on plane to Europe Monday evening.

All the best,

Kevin

Kevin Fay
Vice Chairman and Chief Executive Officer
Alcalde & Fay
2111 Wilson Blvd., 8th Floor
Arlington, VA 22201

(703) 841-0626 (office)
(703) 801-3233 (cell)

fay@alcalde-fay.com

Message

From: AMAZING [info@314action.org]
Sent: 11/3/2017 12:31:21 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: gop rep. JUST announced:

BREAKING: ANTI-SCIENCE CRUSADER LAMAR SMITH RETIRING FROM HOUSE OF REPRESENTATIVES

We have AMAZING news, Amanda: **GOP Rep. Lamar Smith, the climate-denying CHAIR of the House Committee on Science, just announced his retirement from Congress!!**

On behalf of scientists everywhere, we'd like to thank Rep. Smith for NOT running again in 2018! *Let's just say we're NOT sorry to see him go.*

Chip in $3.14 right now to tell Lamar Smith: "GOOD RIDDANCE"

Chip in $3.14 immediately →

Chip in $31.41 immediately →

Chip in $50 immediately →

Chip in $100 immediately →

Chip in $250 immediately →

Or donate another amount →

YES!! We've called Lamar Smith science's Public Enemy Number One -- and for good reason.

For FAR too long, he has been the nemesis of good science and the greatest champion the oil and gas industry could wish for.

In fact, he's accepted more than $700,000 dollars from the oil and gas industry, and he's issued dozens of subpoenas to scientists who contradict his backwards views on climate change.

So, as a going-away present, we want to give Lamar Smith a little something to remember us by.

Chip in $3.14 or more to tell him: "GOOD RIDDANCE!"

Chip in $3.14 immediately →

Chip in $31.41 immediately →

Chip in $50 immediately →

Chip in $100 immediately →

Chip in $250 immediately →

Or donate another amount →

https://secure.314action.org/Donate

Thanks for standing with us,

314 Action

This message was sent to: Gunasekara.Amanda@epa.gov
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Message

From: COTTINGHAM, Anne [awc@nei.org]
Sent: 10/26/2017 2:57:15 PM
To: ELMORE, Baker [mbe@nei.org]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: NEI speaking engagement

Hello everyone—

I echo Baker's email and thank Mandy for offering to find another speaker for the NEI Legal Advisory Committee (LAC) meeting on November 14. To provide a bit of background, NEI's LAC is comprised of in-house legal counsel from NEI member companies, including several general counsel, and attorneys from NEI member law firms with a nuclear energy practice. Collectively, these lawyers form a substantial part of the U.S. "nuclear bar." NEI's Legal Division hosts 3 annual LAC meetings, which typically draw around 50 lawyers or more, and often others who are interested in a particular topic. The meetings are not open to the public. I believe we can promise you a collegial, informed, and engaged audience of nuclear lawyers.

We customarily invite an array of speakers from diverse backgrounds. In addition to hearing from NEI subject matter experts, we regularly feature speakers from the NRC (Commissioners, NRC General Counsel, NRC Solicitor, NRC Regional Administrators, officials from the Office of New Reactors, the Office of Nuclear Reactor Regulation, the Office of Enforcement and Office of Congressional Affairs). We also like to go further afield from purely nuclear matters and hear from officials from the Administration and other federal agencies, *e.g.*, the DOE General Counsel, the Federal Aviation Administration OGC, Council on Environmental Quality, the National Security Council, Congressional staff, and other federal and state officials.

The meeting will be held at NEI's office, located at 1201 F Street NW, Suite 1100. (We are directly across the street from Metro Center station.) The speaker time slot we have in mind would be from about 1:45 pm – 2:15 or 2:30 pm, including both time for speaker remarks and audience questions.

We look forward to hearing from EPA and do hope you can join us – and in any event thank you for considering our invitation.

As Baker mentioned, feel free to contact either Ellen Ginsberg or me.

Cordially,

Anne Cottingham

ANNE W. COTTINGHAM | ***Associate General Counsel***
1201 F Street, NW, Suite 1100 | Washington, DC 20004

P: 202-739-8139
M: 202-497-7425
E: awc@nei.org

From: ELMORE, Baker
Sent: Thursday, October 26, 2017 10:32 AM
To: Gunasekara, Mandy; Dominguez, Alexander
Cc: COTTINGHAM, Anne; GINSBERG, Ellen
Subject: RE: NEI speaking engagement

Mandy- we would really appreciate the offer for one of your deputy general counsels to come speak to our group. An overview of the key items that EPA is focusing on would be much appreciated by this group.

I'm going to link y'all with our associate general counsel, Anne Cottingham, who is heading up this meeting and our general counsel, Ellen Ginsberg, for next steps. Also, Ellen said to feel free and call her at 202.739.8140 with any questions.

Thanks again!

Baker

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Tuesday, October 24, 2017 9:55 PM
To: Dominguez, Alexander
Cc: ELMORE, Baker
Subject: Re: NEI speaking engagement

Hey Baker, Following up to Alex's note- would you be interested in hearing from one of our deputy general counsels? They may be a good fit considering the audience. We are happy to help make the connection us know.

Please do keep me in mind for future opportunities.

Best,
Mandy

Sent from my iPhone

On Oct 24, 2017, at 5:09 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

> Hey Baker,
>
> Thank you very much for extending Mandy the invitation. Unfortunately she is going to be on work-related travel November 11th through the 17th and will be unable to attend. Happy to set up a meeting between you and Mandy but we are currently looking at December due to travel. If you want to touch base and send me a reminder mid-November, that would be appreciated. Anything else just let me know.
>
> Best,
> Alex
>
> **Alex Dominguez**
> *Policy Analyst to the Senior Advisors to the Administrator for Air and Water*
> U.S. Environmental Protection Agency

From: ELMORE, Baker [mailto:mbe@nei.org]
Sent: Tuesday, October 24, 2017 4:30 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: NEI speaking engagement

Hey Alex-

I hope this finds you well. I'm a friend of Surya's and I wanted to reach out on behalf of NEI. I've been meaning to try to come in and chat but it's been crazy times in the nuclear industry of late. The reason I'm reaching out is that my general counsel is hosting our Legal Advisory Committee (LAC) meeting at our office (1201 F Street NW) on Tuesday, November 14th, and we would love to have Mandy as a guest speaker to update our member companies on all things happening on the EPA front.

The LAC is comprised of in-house legal counsel from NEI member companies and attorneys from law firms with a nuclear energy practice. Collectively, these lawyers form a substantial part of the U.S. "nuclear bar."

The timeslot we would propose would be from 1:45-2:15 on Tuesday, November 14th, but we are flexible any time after 1:45 if it fits Mandy's schedule.

Thanks for considering and I'm happy to chat further and answer any questions you may have.

Best regards,

Baker

Baker Elmore
Director, Federal Programs
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004
www.nei.org
P: 202-739-8064
E: mbe@nei.org

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From: Wilcox, Jahan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=88FD588E97D3405D869BCAE98D391984-WILCOX, JAH]
Sent: 10/31/2017 3:03:40 PM
To: Eric Wolff [ewolff@politico.com]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]
Subject: RE: RFS meeting

Deliberative Process / Ex. 5

From: Eric Wolff [mailto:ewolff@politico.com]
Sent: Tuesday, October 31, 2017 11:00 AM
To: Press <Press@epa.gov>
Subject: RFS meeting

Hi all,

Last week Sen. Ted Cruz sent a letter to the White House asking for a meeting brokered by the White House between 9 oil state senators and 7 midwestern senators.

Today he told a colleague that discussions are ongoing to set up the meeting.

Is Administrator Pruitt part of those discussions? I.e. is he planning on attending the meeting?

Thanks,

Eric

--
Eric Wolff
Energy Reporter
POLITICO
760-303-1927
ewolff@politico.com
@ericwolff

Message

From: Blockchain for Gov - Executive & Manager's Primer [PotomacForum@BlockchainInGov.org]
Sent: 10/26/2017 5:35:04 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Early Bird Registration Until Nov 6:-Blockchain for Execs & Managers Training with Gov Use Cases

Important Blockchain Workshop for Government Executives, Managers and Staff
Blockchain Technology is Often Called the "New Internet"
Important to Learn About Blockchain and Its Potential Uses
- No Sales - No Marketing - Useful Information for Government -

Blockchain and its Potential in Government Training Workshop:

A Primer for Government Executives, Managers, and Staff
Demystifying Blockchain: What You Need to Know About Blockchain,
the Use Cases Being Explored, and How it May be Used in Government
to Securely Meet Business Needs
What Executives, Managers and Staff Need to Know

New Date: November 29, 2017

Willard InterContinental Hotel
Washington, D.C.

Link to Potomac Forum Website: www.PotomacForum.org

Government & Industry Invited to Attend
No Press Permitted to Encourage Candid Discussion

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Government Speakers

Craig Fischer
Innovation Program Manager
Department of the Treasury

Chris Robey
Blockchain and Procurement Consultant
(Former Procurement Analyst of DHS/U.S. Customs and Border Protection)

Bo Shevchik, MBA, CGFM, PMP
Co-Chair
Association of Government Accountants (AGA)
Blockchain Working Group
(awaiting agency approval)

Justin Herman
Emerging Citizen Technology Inter-Agency Program Lead
General Services Administration (GSA)
(awaiting agency approval)

Combiz Abdolrahimi
Treasury Representative to the
FedID Planning Committee & Senior Policy Advisor
Department of the Treasury
(invitation extended)

Additional Government Speakers Awaiting Confirmation

Overview:
Commonly described as the "next great disrupter," Blockchain technology is the "new Internet". While there are challenges associated with widespread use, its potential is drawing heavy interest and investment from both commercial and government leaders around teh world. Primarily known as the technology underlying Bitcoin, the strengths of Block's "distributed ledger" include increased transparency, speed, increased security.

Federal agencies are currently funding and building use cases to explore the potential of blockchain technologies. Potential applications continue

to expand as government moves toward adoption of the technology to increase efficiencies, trim costs, and increase transparency, and improve security in their operations.

Driven by the advantages of Blockchain and efforts for government transparency and the DATA Act, there are numerous Blockchain use cases that agencies are considering that touch many parts and processes of an organization, including:

- Financial management and services
- Procurement
- IT asset and supply chain management
- Smart contracts
- Patents, Trademarks Copyrights, Royalties
- Identity management and government-issued credentials like visas, passports, SSN and birth certificates
- Federal personnel workforce data
- Appropriated funds
- Federal assistance and foreign aid delivery

Government & Industry Partners Invited to Register
This Workshop is for Government Executives, Managers and Staff and Industry Partners to Understand Blockchain Technology and its use and potential use for Government.

What You Will Learn:

- **Fundamentals of Blockchain and Distributed Ledger Technology**
- **How blockchain works, and how it applies to government processes**
- **Key opportunities to use Blockchain**
- **Examples of blockchain use "outside the beltway" (including other Governments) and why**

Why You Should Attend:

- Understand Blockchain and how it can be used in government
- Improve your knowledge of an exploding technology
- Be better equipped to support acquisition decisions
- Build communities of interest in your agency and across agencies
- Craft new strategies for improving business processes and government operations

Who Should Attend:

- **Federal Government Executives, Managers and staff who are interested in learning about Blockchain and how it can be used in government**
- **Government Executives, Managers and staff responsible for implementing Agency restructuring plans**
- **Federal employees or members of employee affinity groups**
- **Technology leaders and technology implementers**
- **CIOs, CFOs and other CXOs**
- **Procurement Personnel**
- **Records Managers**
- **IGs and Staff**
- **State and local Government Executives, Managers and staff**
- **Industry Partners who support the government**

Workshop for Government and Industry Partners
Press is NOT Permitted to Permit Candid Discussion

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Workshop for Government and Industry Partners

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400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Laurie Holmes [lholmes@mema.org]
Sent: 11/8/2017 6:52:36 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Auto Suppliers Call Tomorrow at 1:00 on Midterm Evaluation of Vehicle GHG Emission Standards
Attachments: MEMA Pruitt Call Nov 9_ Final.pptx

Mandy and Alex,
We are looking forward to our call tomorrow at 1:00pm. Thank you for agreeing to speak with us. Attached are a few slides we put together that provide visuals of the points we will touch on tomorrow.

Our members that will be joining us on the call include AISIN, Arconic, Robert Bosch, BorgWarner, DENSO, MAGNA, SABIC, and Umicore.

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: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Wednesday, October 25, 2017 6:12 PM
To: Laurie Holmes <lholmes@mema.org>
Subject: RE: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

Great – Confirmed for Thursday, November 9th at 1:00PM.

Conference Line: Personal Phone / Ex. 6
Passcode: Personal Phone / Ex. 6

From: Laurie Holmes [mailto:lholmes@mema.org]
Sent: Wednesday, October 25, 2017 6:04 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

Alex,
Ok, let's schedule a call for November 9th at 1:00pm.
You'll send call information?

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Wednesday, October 25, 2017 4:02 PM

To: Laurie Holmes <lholmes@mema.org>
Subject: RE: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

She is unfortunately unavailable the rest of the day on the 9th.

From: Laurie Holmes [mailto:lholmes@mema.org]
Sent: Wednesday, October 25, 2017 11:49 AM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Catherine Boland <cboland@MEMA.ORG>
Subject: RE: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

Alex,
Is there any way possible we could do something the morning of the 9th?

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Wednesday, October 25, 2017 11:32 AM
To: Laurie Holmes <lholmes@mema.org>
Cc: Catherine Boland <cboland@MEMA.ORG>
Subject: RE: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

Would a 1:00 call on the 9th work?

From: Laurie Holmes [mailto:lholmes@mema.org]
Sent: Tuesday, October 24, 2017 4:28 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Catherine Boland <cboland@MEMA.ORG>
Subject: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

Alex,
Unfortunately we can't do either of those days. Do you have any availability on the 9th?

Laurie

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Tuesday, October 24, 2017 2:58 PM
To: Laurie Holmes <lholmes@mema.org>
Cc: Catherine Boland <cboland@MEMA.ORG>
Subject: RE: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

Laurie – Apologies I was notified a few hours ago Mandy is going to be on work-related travel the week of the 13th.

Could you all do:

7th at 9:30 or 10:00
8th at 9:00 or 1:30

Alex

From: Laurie Holmes [mailto:lholmes@mema.org]
Sent: Monday, October 23, 2017 6:19 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>

Cc: Catherine Boland <cboland@MEMA.ORG>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

Alex,
Can we do Wednesday, November 15th at 2:00pm.
It will be MEMA staff and several of our members.

Best,
Laurie

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Monday, October 23, 2017 11:04 AM
To: Laurie Holmes <lholmes@mema.org>
Cc: Catherine Boland <cboland@MEMA.ORG>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

Laurie,

Would you be available for a call on Friday, November 10th at 11:00AM or the 15th at 2:00PM?

Best,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Laurie Holmes [mailto:lholmes@mema.org]
Sent: Wednesday, October 18, 2017 2:43 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; Catherine Boland <cboland@MEMA.ORG>
Subject: Meeting Request - Auto Suppliers on Midterm Evaluation of Vehicle GHG Emission Standards

Mandy:
I wanted to circle back on MEMA's request for a meeting on the midterm evaluation on vehicle greenhouse gas emission standards.
Since motor vehicle suppliers play a major role in developing the technologies necessary for vehicle emission reduction, suppliers have a strong interest in the midterm evaluation and the standards.

It would be helpful if we could discuss with your office the impact the program has had on our global competitiveness, job growth and U.S. technological innovation.

Look forward to hearing from you.

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: Laurie Holmes
Sent: Tuesday, October 10, 2017 4:17 PM
To: 'gunasekara.mandy@epa.gov' <gunasekara.mandy@epa.gov>
Cc: 'dominguez.alexander@epa.gov' <dominguez.alexander@epa.gov>
Subject: Request for Meeting - Auto Suppliers on Midterm Evaluation of GHG Vehicle Emissions

Mandy:

I would like to request a meeting in the coming weeks to discuss EPA's reconsideration of the midterm evaluation of the vehicle greenhouse gas emission standards.
As vehicle suppliers we have a strong interest in the midterm evaluation and the vehicle emissions standards. Our position is also not identical to the vehicle manufactures on this issue.
It would be helpful if we could discuss our position and concerns with your office as this process is getting started.

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

DRIVING THE FUTURE
U.S. Environmental Protection Agency
Office of the Administrator
November 9, 2017
MEMA

Agenda

I. Introductions
- A. MEMA: Who We Are
- B. Introduction of Represented Suppliers

II. Supplier Economic Impacts

III. Supplier Investment Risks and Need for Certainty

IV. Long-term Targets Drive Technology Innovation

V. Support of Off-Cycle Technology Credits, Other Flexibilities

VI. MEMA Priorities

MOTOR VEHICLE PARTS SUPPLIERS ARE THE **LARGEST** SECTOR OF **MANUFACTURING JOBS** IN THE **U.S.**

871,000 AMERICANS **EMPLOYED** IN **2015**

4.26 MILLION

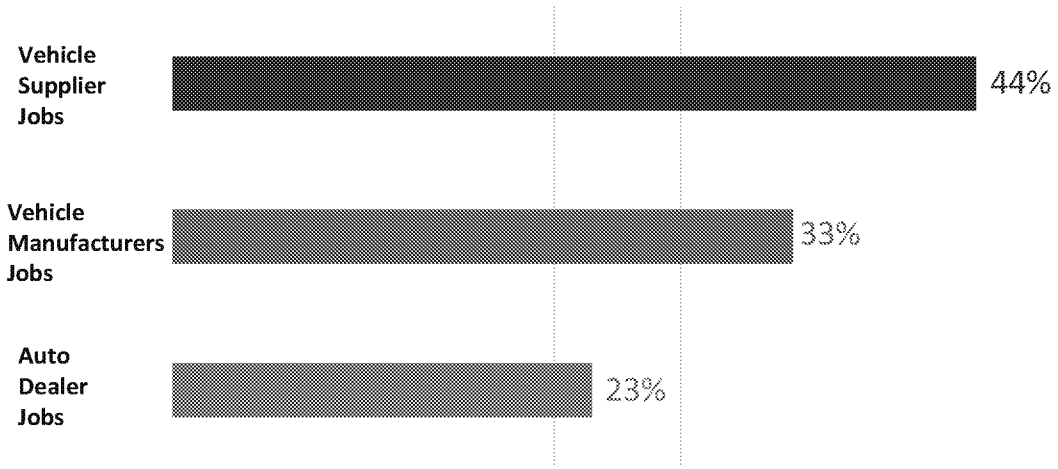
Total employment impact of the motor vehicle parts manufacturing industry in the U.S. – rising nearly 18% from 3.62 million in 2012

MOTOR VEHICLE MANUFACTURING JOBS GREW MORE THAN **19%** SINCE **2012**

All data from "The Employment and Economic Impact of the Vehicle Supplier Industry in the U.S." based on research undertaken by IHS Markit on behalf of MEMA

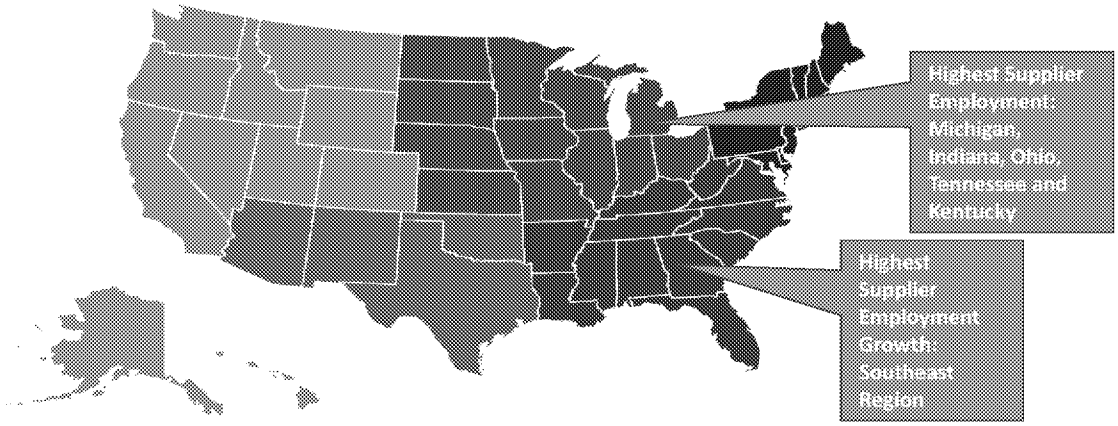
3

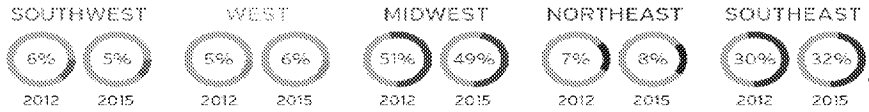
Suppliers Make Up the Largest Portion of Auto Sector Jobs*



Source: https://autoalliance.org/economy/
Alliance of Automobile Manufacturers' *Cars Move America: State of the Auto Industry*
* Out of the total 7.5 million auto sector jobs - includes direct and indirect jobs

Suppliers Employ Workers in All 50 States

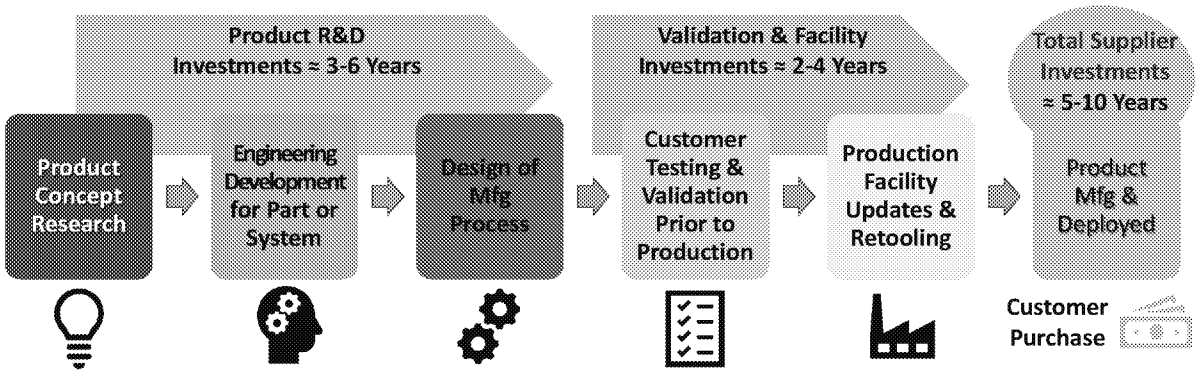




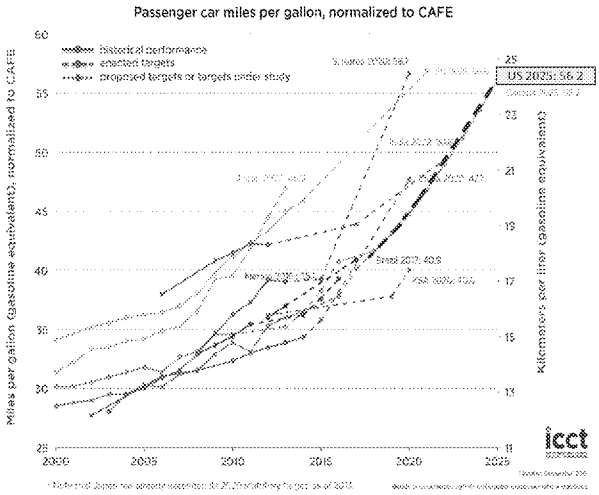
"Driving the Future: The Employment and Economic Impact of the Vehicle Supplier Industry in the U.S." MEMA and the Boston Consulting Group, January 2017

5

Need for Certainty:
Significant Risk for Supplier Investments



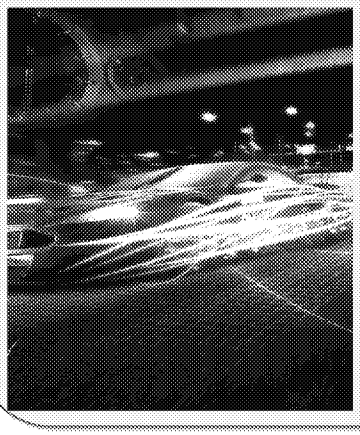
Long-Term Targets Drive Technology Innovation



Significant Changes to the Standards Would:

- Put U.S. companies at a competitive disadvantage
- Increase the likelihood that work and investments on these emissions-reducing technologies would shift to other markets
- Tilt the balance away from American innovation, and result in a loss of U.S. jobs

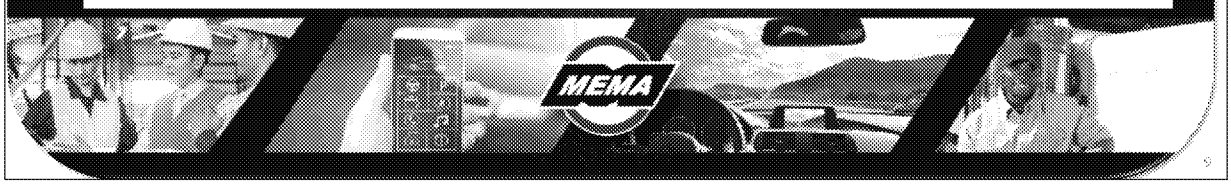
Suppliers Support Further Off-Cycle Technology Credit Opportunities and Flexibilities



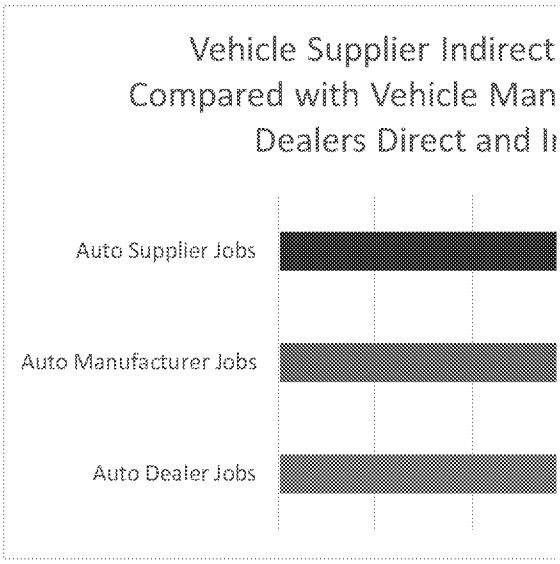
- Off-Cycle Technologies Offer Real-World Emissions-Reductions
- Off-Cycle Credits Incentivize Vehicle Manufacturer Adoption of Technologies
- Preserves Long-term Supplier Technology Investments

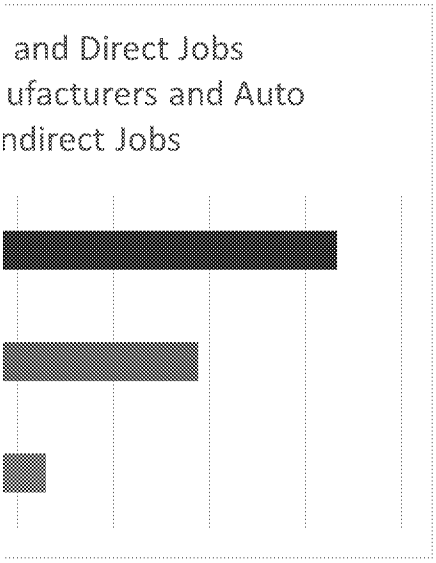
MEMA Priorities for Midterm Evaluation

- Forward progress on the standards
- Regulatory certainty through 2025 and post-2025
- One National Program stays intact
- Preserve American leadership for technology innovation
- Further opportunities for off-cycle technologies to be recognized



Auto Dealer Jobs	1,650,000
Auto Manufacturer Jobs	2,440,000
Auto Supplier Jobs	3,160,000
Total Direct and Indirect Auto Industry Jobs	7,250,000




and Direct Jobs
ufacturers and Auto
ndirect Jobs

Message

From: Kelly, Kerry [KKelly5@wm.com]
Sent: 10/26/2017 8:27:44 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Traylor, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6d06c6b766c4b4b8bfdf6b0fea4b998-Traylor, Pa]
CC: Tsirigotis, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d19c179f3ccb4fadb48e3ae85563f132-PTSIRIGO]
Subject: Thank You

Importance: High

Dear Brittany, Mandy and Patrick:

I am writing to thank you for your continued interest in the reconsideration of the MSW landfill rules and give you an update since Waste Management, Republic and SWANA had the opportunity to meet with OAQPS and OGC late last week. We had a very productive meeting. OAQPS is planning to propose the NESHAP RTR for landfills at the same time as they propose the reconsideration and rulemaking for the NSPS/EG for landfills – around March of 2019.

We did not discuss reconsideration issues, but instead focused on implementation of both the existing NESHAP and new NSPS and EG rules (Subparts XXX and Cf) during the interim period when the Agency is engaged in the reconsideration process. We also discussed our common view and interpretation that Subpart XXX provides a 30-month compliance path with submission and approval of reports and new design plan elements prior to initiating new operational recordkeeping and monitoring requirements. These discussions are particularly important to us in light of some confusion and questions raised by states and regulated sites as a result of apparent inconsistencies and overlaps among the original rules, new rules and the NESHAP. OAQPS and OGC understood our concerns and seem willing to address the overlap as well as the compliance pathway confusion we have seen amongst the regulators and regulated community. We also appreciated their understanding of our view of the need for some clarifying communication about implementation during the interim reconsideration period to the states, Regions and regulated community.

We and OAQPS staff are planning to have a conference call in another 10 days or so to discuss the Agency's final thinking on the matter.

We came away from the meeting with the sense that we can work in a positive, straightforward and constructive way with OAQPS and OGC as we embark on both the NESHAP RTR and reconsideration and rulemaking effort.

Thank you for your help in getting the process started.

Warm regards,
Kerry

Carter Lee "Kerry" Kelly
Senior Director, Federal Affairs

Kkelly5@wm.com
WM Waste Management
701 Pennsylvania Ave., NW, Ste 590
Washington, DC 20004
202.639.1218 office
571.377.9202 cell

Recycling is a good thing. Please recycle any printed emails.

Message

From: Braniff, Mimi P [mimi.braniff@delta.com]
Sent: 10/20/2017 9:27:55 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: Waiver Petition
Attachments: 10.20.17 - Trump RFS RIN Letter from Gov.pdf

Ryan, Mandy and Erik- Attached is a letter the Governor of PA sent to the President today seeking a severe and economic harm waiver. Please let me know if you have any questions.

Thanks. Mimi

Mimi Braniff | DELTA | Managing Director–Government Affairs
P: 202.243.3580 | 1212 New York Ave NW Ste 200 Washington, DC 20005

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

October 20, 2017

The Honorable Donald J. Trump
President of the United States
The White House
Washington, DC 20001

Dear Mr. President:

I write to ask your assistance in protecting hundreds of good paying energy sector jobs in Philadelphia and the surroundings area. Specifically, I bring to you my concern that the high cost of compliance with the Renewable Fuel Standard (RFS) Renewable Identification Number (RIN) credit is undermining the continued viability of the oil refining sector in the Northeast. I would like to work with your Administration to develop a path forward that lowers the compliance costs and protects these good paying, family sustaining jobs.

As you are aware, obligated parties, such as oil refiners are required to submit RIN credits in to the EPA to demonstrate compliance with the RFS. However, the merchant refiners of the Northeast are not able to acquire enough RIN credits to meet their RFS obligations because they have limited blending capacity. Therefore, they must purchase RINS on the secondary market, where prices have increased significantly.

What was once envisioned as a low to zero cost tool necessary to measure compliance with the RFS, has increased dramatically in cost due to speculation and trading on an unregulated market. In the years following passage of the RFS, RIN prices held steady at approximately 10 cents per RIN. However, in recent years, RIN prices have skyrocketed, dramatically increasing costs for northeast merchant refineries and putting their economic viability, and thousands of good paying jobs, at risk. According to Philadelphia Energy Solutions, the cost of purchasing sufficient RINs to comply with the RFS now exceeds its total payroll costs. Clearly, this was not anticipated when the RFS was conceived and passed into law. I am concerned that high RIN prices and the volatile market may lead to the closure of one or more of these merchant refiners, which would be devastating to the regional economy.

In Pennsylvania, Philadelphia Energy Solutions employs 1,200 people and Monroe Energy employs nearly 500. According to a Pennsylvania Department of Labor study, these direct jobs support nearly 30,000 indirect jobs in Southeastern Pennsylvania. In addition, refineries like Philadelphia Energy Solutions serve a vital national security interest. If these Northeast refiners were to close, the refiners of the U.S. Gulf Coast, which already produce 50% of the nation's refining fuel, would have to increase capacity. As demonstrated after Hurricane Harvey, these refiners being knocked offline will lead to price spikes. Therefore, it is in the national interest of the United States that the country's refining sector not become too regionally concentrated in the Gulf of Mexico region.

The EPA has the legal authority under the Clean Air Act to waive, in whole or in part, renewable volume obligations, where the Administrator determines that implementation of the requirement would severely harm a state or regional economy, or would severely impact the United States' economy, CAA Section 211(o)(7)(A)(i). By this letter, I specifically request that you ask Administrator Pruitt to waive the renewable volume obligation for Northeast refiners until or unless the market prices deflate. Absent this waiver, the Northeast and specifically Pennsylvania will experience significant economic impacts, in that the nation's refinery sector may be almost eliminated in this region of the country, negatively affecting the manufacturing sector, the Commonwealth and regional economies, and the area where majority of our population lives and works. Such sector impact will also have a direct effect on our country's resiliency and ability to produce refined product in the wake of catastrophic events

The issues surrounding the Renewable Fuel Standard are complex, but the need to save good-paying, family sustaining jobs is not. I urge you to do all that you can to take steps to ensure that the refineries and their jobs are not jeopardized or eliminated. Over the years, I have worked hard to protect refinery jobs. I hope that the men and women working at these refineries can count on you to do the same.

Sincerely,

Tom Wolf

TOM WOLF
Governor

Message

From: Smith, Robert L. [RLSmithII@Venable.com]
Sent: 11/7/2017 11:29:37 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Follow-Up

Mandy:

I represent Minnesota-based PolyMet and their NorthMet mine project and understand your colleague (and my fellow Oklahoman) Sarah Greenwalt has shown recent interest in the project. We are thrilled to know of her interest and would like to come in to brief her on the current status of the project sometime next week. (Note: We met with Ken Wagner on the project in the spring.)

Can you introduce me? Thanks very much! --rob

Rob Smith | Venable LLP
t 202.344.4077 | f 202.344.8300 | m 202.258.5486
600 Massachusetts Ave, NW, Washington , DC 20001

rlsmith@venable.com | www.Venable.com

****
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Message

From: Michael Falcone [washpostlive@washpost.com]
Sent: 11/9/2017 1:02:18 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Speakers Announced: A World in Balance-Solutions for Sustainability event at The Washington Post, 11/16

Dear Amanda,

Please join us at The Washington Post **next Thursday, November 16** at 9:00 a.m, for "A World in Balance: Solutions for Sustainability," a live news event that will bring together leaders in the sustainability and conservation community to explore new approaches for a sustainable future and assess the relationship between humans and the environment. Speakers will debate the tradeoffs involved in conserving Earth's natural resources, discuss new models for sustainable business practices and examine the relationship between democracy and sustainable development.

Speakers include:

- **Catherine Coleman Flowers**, Founder, Alabama Center for Rural Enterprise Community Development Corporation
- **Dune Ives**, Executive Director, Lonely Whale
- **Lisa Jackson**, Vice President, Environment, Policy and Social Initiatives, Apple; former Administrator U.S. Environmental Protection Agency
- **Syd Kitson**, Chairman and CEO, Kitson & Partners
- **Sophia Mendelsohn**, Head of Sustainability, JetBlue Airways
- **Vien Truong**, CEO, Dream Corps; Director, Green For All

… more to be announced.

The program will also include a segment presented by Lockheed Martin featuring **Leo S. Mackay, Jr.**, Senior Vice President of Internal Audit, Ethics and Sustainability at Lockheed Martin.

We hope you can join us for what promise to be dynamic and insightful conversations on sustainability. To register, please click here or reply directly to this email and feel free to share this invitation with others in your network.

Best,

Michael

Michael Falcone
Executive Producer, Washington Post Live
(202) 334-8364

A World in Balance: Solutions for Sustainability is presented by Lockheed Martin with support from University of Virginia Darden School of Business.

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Message

From: Bolen, Brittany [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31E872A691114372B5A6A88482A66E48-BOLEN, BRIT]
Sent: 11/1/2017 7:27:29 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dimitri.Karakitsos@hklaw.com
Subject: Re: Auto follow-up

Thanks, Dimitri!

Sent from my iPhone

On Nov 1, 2017, at 2:53 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Great – thank you

From: Dimitri.Karakitsos@hklaw.com [mailto:Dimitri.Karakitsos@hklaw.com]
Sent: Wednesday, November 1, 2017 12:29 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Auto follow-up

Great seeing you both a few weeks ago and very much appreciate you all taking the time to meet with us. I know we left you with some slides but wanted to share a revised and more focused/abbreviated version of what we left behind.

Hope this is helpful and please let us know if there is anything we can do to be supportive going forward.

Thanks,

Dimitri

Dimitrios Karakitsos | Holland & Knight
Partner
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006
Phone 202.469.5132 | Fax 202.955.5564
dimitri.karakitsos@hklaw.com | www.hklaw.com

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Major Economies Business Forum
on Energy Security and Climate Change
www.majoreconomiesbusinessforum.org

Major Economies Business Forum
COP-23: Vision, Engagement, and Implementation

Key Messages

- At the UN Framework Convention on Climate Change (UNFCCC) COP-23 meeting, negotiators should work to complete preparations for the Facilitative Dialogue in 2018 and make progress towards agreement on guidelines to implement the Paris Agreement, notably those for transparency.

- Development of guidelines should include participation by non-state actors, especially the full range of businesses, which have important perspectives and experience to share and a significant interest in seeing that implementation is efficient and credible.

- The Major Economies Business Forum (BizMEF) partners are committed to sharing insights, experience, and expertise to promote the most effective ways to mitigate and adapt to climate change. Parties to the Paris Agreement therefore should establish a more effective channel to solicit the full range of business input.

- As nations undertake the Facilitative Dialogue in 2018, BizMEF recommends that:
    - Assessments should examine progress in the context of each nation's Nationally Determined Contribution (NDC);

- NDCs and national reports should address mitigation, adaptation, and means of implementation, including finance and capacity building, and should include performance metrics.
- Future NDCs should reflect progress to achieve national goals and agreed procedures in light of political and economic circumstances.
- The Paris Agreement should recognize and support the opportunity for nations to use co-operative approaches to fulfil their NDCs.

- BizMEF partners welcome the openness of the Fijian Presidency to work with the business community. BizMEF intends to be a resource across the stated priority themes of the Fijian presidency, as well as more specific topics of technology and energy innovation, energy security, job creation, and capacity building.

- The Paris Agreement adds to the already large expectations of business. UNFCCC institutions must engage in substantive dialogue with business of all sizes, sectors, and nationalities at every step of the implementation process. The Global Action Agenda, while welcome, cannot be expected to catalyse the broader business community.

- Nations will need to develop procedures to measure progress on their NDCs, including for transparency, that respect national circumstances.

- The Paris Agreement should recognize and support the opportunity for nations to employ mutually agreeable co-operative approaches in their NDCs.

- Emissions reductions generated through co-operative approaches should be quantified and have environmental integrity, and care should be taken to avoid double-counting.

Introduction

BizMEF members look for Parties at the COP-23 meeting in Bonn to make progress in developing implementation guidelines—the essential methodologies and procedures needed to monitor progress and guide future actions. While the spectrum of issues being added or considered for COP attention is expanding, at COP-23, BizMEF recommends prioritizing and making progress on the guidelines called for to implement the Paris Agreement and to outline the conduct and timing of the Facilitative Dialogue.

Two years after being agreed at COP-21, the Paris Agreement remains incomplete. To implement the agreement fully, Parties must pick up the pace and stay focused if they are to complete new processes at COP-24. In particular, the Agreement should be elaborated to deliver agreed tools to measure, report, and review national progress toward meeting their NDCs and to take stock of overall progress to deliver global outcomes. Developing these tools,

especially those for transparency and taking stock of progress, will be essential to demonstrate real progress, maintain momentum for the Agreement, and build the trust necessary to take on ambitious future efforts.

While the focus is on developing and adopting technologies and systems to mitigate emissions, BizMEF partners believe greater attention should be dedicated to adaptation and resilience. Good governance, infrastructure investment, energy diversity, multi-stakeholder partnerships, and planning are essential ingredients to improve resilience to climate change risks now and in the future. This will allow Parties to deliver more practical and meaningful outcomes, especially before the facilitative dialogue has been designed, let alone delivered.

Transparency, National Priorities, and Circumstances: NDCs and associated transparency processes should reflect national circumstances, capabilities, priorities, and, as needed, sectoral assessments and roadmaps. A one-size-fits-all approach is neither appropriate nor desirable.

BizMEF does not envisage a single, comprehensive set of all-encompassing rules and approaches to measuring, reporting, and verification (MRV). Rather, MRV guidelines need to help Parties assess progress in achieving national commitments in the context of national circumstances. Allowing Parties to tailor their procedures to their circumstances should help them reliably and efficiently track and report progress and trends towards achieving contributions as specified in their NDC.

- BizMEF urges Parties to establish and implement the transparency regime as soon as possible and to improve it over time based on experience

Assessment and Improvement of NDCs: While nearly all nations have submitted NDCs, many do not describe the policies they will use to achieve state goals, and those not based on economy-wide outcomes—and even some that are—lack clarity on metrics to evaluate outcomes. Moreover, few NDCs provide any information on finance: neither the amounts to be supplied nor how they will measure concepts such as "mobilizing" from public and private sources. It is clear that over time many NDCs will need to be revisited, updated, and clarified. In that regard, the actions of many developing nations, especially least developed nations, will depend on aid. It is difficult to see how they can plan long-term response without better information on finance.

- BizMEF members encourage all nations to engage business, academia, and other stakeholders to provide informed input concerning NDCs, their environmental, economic and social consequences, and progress to achieving goals.

- BizMEF members intend to develop and participate in forums to help inform national and international processes, regarding not only domestic but also international implications of NDCs.

Assessing Global Progress through the Facilitative Dialogue: The Paris Agreement calls for a Facilitative Dialogue in 2018 to assess collective progress. This will be followed by a series of global stocktakes at

five-year intervals. Going forward, business will need to account for domestic and international effects of the entire portfolio of NDCs (and other developments) on their operations, investments, and supply and value chains. Consequently, business has unique insights relevant to this assessment.

- BizMEF recommends that the Technical Expert Meetings process and in-session workshops should request this information from representative business groups on specific topics. Major representative business organizations accredited to UNFCCC should be invited to co-organize such workshops, whether in-session or inter-sessionally between COP-23 and COP-24.

BizMEF intends to continue working with a range of entities within our network to provide such input both through processes under the Paris Agreement and in complementary, less formal processes convened by credible, authoritative institutions.

Clarify Approaches for Cost-Effective Mitigation: The Agreement should support and promote a range of bilateral or multilateral approaches that might be used to address mitigation among voluntarily co-operating nations. Currently, it is unclear, even bewildering, for businesses to understand how the wide variety of existing approaches under the Kyoto Protocol and those being developed under the Paris Agreement and other initiatives will fit together.

- BizMEF intends to share views on those approaches and processes that may be most effective and efficient in allowing business to contribute to solutions and those that may be inefficient. BizMEF has provided governments with consensus views on a broad array of topics, including on such issues as carbon pricing, new mitigation options, and GHG markets in Article 6 of the Paris Agreement.

Build Capability for Technology Adoption: BizMEF members are encouraged by the interfaces for business to work with new institutions, including the Green Climate Fund, Climate Technology and Centre and Network, and the Technology Executive Committee, and we are participating in those activities.

BizMEF believes the most effective way for business to engage with these and other entities that will emerge as part of the Paris Agreement is through a single business channel through which businesses around the world could interact with the UNFCCC (see the section on enhanced business engagement below).

Work with Existing Processes to Promote more Resilient Development: Achieving the ambitious long-term goals in the Paris Agreement will require that efforts to address climate change become mainstreamed business practices involving small and medium companies, as well as multi-national enterprises, across the entire spectrum of suppliers, producers, and customers in a globalized economy. Multiple existing domestic and international processes already provide capabilities and support that can help in achieving the objectives of the UNFCCC in both mitigation and adaptation.

Overall, the Paris Agreement must not try to build a separate, comprehensive framework that encompasses every aspect of dealing with climate change and sustainable development. Rather, it should work to complement and leverage ongoing mainstream approaches that are already used by business and governments every day to address environmental protection and development needs (see especially BizMEF's 2013 issue paper on finance).

Enhanced Business Engagement: Business appreciates the opportunities provided to interact with the UNFCCC and associated institutions. Business has unique experience and insights that can help to inform processes to assure transparency of action and to understand implications of the overall portfolio of actions in NDCs. These insights, together with various technologies for mitigation and adaptation, can assist in identifying more efficient and effective ways to implement the Agreement through domestic and global actions. See, for example results of a 2016 survey of BizMEF member's interactions in the preparation of NDCs, and a workshop at the Organisation for Economic Co-operation and Development (OECD) convened jointly with the Business and Industry Advisory Committee to the OECD.

This is a moment to widen and upgrade the circle of stakeholder engagement and discussion in support of the Paris Agreement and the UNFCCC. Arbitrary categories for discrimination and disqualification have no place in this historic framework. All aspects of good governance matter in the UNFCCC, and we are ready to exercise stewardship and good governance to ensure comprehensive inclusion, transparency, self-selection, self-organization, and accountability.

To contribute more effectively to the Paris Agreement, BizMEF members continue to encourage Parties to create ways to improve business input to the process through enhanced, recognized, distinct channels, rather than as one component of vastly inclusive multi-stakeholder consultations. Business does not wish to participate directly in negotiations-that is the obligation and prerogative of governments. The fundamental concept is that business itself would establish a forum based on national affiliates open to all business groups involved in the international climate process. This would provide a means to develop responsible, representative business views across the full range of relevant issues, and to provide and exchange business views more efficiently and comprehensively with the many actors and activities within the UNFCCC, including parties, regional groups and the Secretariat, as well as associated institutions.

Business is also interested in working with "champions" to contribute to their work program: in particular, how to monitor progress of voluntary initiatives by non-state actors and ways to enhance their effectiveness.

Simplify and Encourage Flexibility: Business is concerned that the UNFCCC process has become far too complex. Flexibility and streamlining the implementation-related elements will be essential to involve the broadest possible range of sectors and actors in diverse political and market settings, and to support the need for rapid action.

Circumstances have changed considerably since the 1990s, and they continue to evolve. The global economy and roles of various nations have shifted dramatically. Unanticipated changes in technologies and resource availability have made clear our limited ability to forecast changes; these underscore the need for flexibility to take advantage of real-world developments. Certainly, in coming decades, innovation, evolving scientific understanding, and experience with policies will provide us insights in ways to address climate change.

Protect Intellectual Property Rights: The success of the Paris Agreement will be influenced to a large degree by the pace and extent of technology innovation. Innovation requires substantial investment and risk-taking by the private sector and researchers that can occur only under stable legal and regulatory regimes that include, among other things, respect for Intellectual Property Rights (IPR). There is overwhelming evidence that effective IPR protection is a key enabling factor for this investment, making it worthwhile for companies to develop technologies of broad social value, use them commercially, and share them with others in global technology value chains and through trade and foreign direct investment.

Successful technology transfer will be stimulated where companies can operate within a legal framework which secures the protection of intellectual property and the application of rules compatible with the World Trade Organization (WTO). The Paris Agreement envisions rapid global adoption of technology. Global rules on IPRs have proved their worth, and Parties at COP-23 should resist proposals to weaken IPRs in the Paris Agreement. The UNFCCC should rely on existing competent institutions to ensure that IPRs are fully protected within the current and future climate change agreements. In instances where IPR is seen as a potential obstacle, it will be important to bring together the owners of the IP, national governments, and different climate financing mechanisms to identify means to accelerate the transfer consistent with national law and global IPR rules.

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- share these views with governments, international bodies, other business organizations, the press, and the public.

Organizations that have participated in BizMEF meetings represent business groups in Australia, Brazil, Canada, China, the European Union, Denmark, France, Germany, India, Italy, Japan, Mexico, Morocco, New Zealand, South Africa, South Korea, Turkey, the United Kingdom, and the United States, as well as five international sectoral associations. Collectively, BizMEF organizations represent more than 25 million businesses of every size and sector. Because BizMEF partnering organizations represent a broad range of companies and industries—including energy producing and consuming companies as well as energy technology and service providers—the partnership is able to provide robust and balanced views on a range of issues.

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Major Economies Business Forum
Building Foundations: Rules, Reporting, Progress Reviews and Implementation of the Paris Agreement

Key Messages

- **Establish rules and procedures soon.** Business need clarity and a predictable environment in which to make plans and investment decisions. It is important, therefore, that Parties to the Paris Agreement establish and clarify the rulebook and other foundations necessary for its implementation so that business can, where necessary, review and prepare strategies and plans to adjust to these new circumstances.

- **Start with existing approaches and improve them based on experience.** Rules should build from years of experience to develop and improve existing methods, such as those from Intergovernmental Panel on Climate Change for measuring and reporting greenhouse gas (GHG) emissions inventories. However, new methods will be required to address new concepts and commitments, such as those to "mobilize finance" and to drive improved performance with respect to "business as usual" by highlighting such things as technology deployment and system transformation. As with developing inventories, we encourage negotiators to proceed in steps allowing them to establish procedures soon and improve them based on experience, for example, through updates as part of the five-year cycles established under the Paris Agreement.

- **Involve business.** Business has valuable experience and information to inform domestic and international processes. Parties and the UN Framework Convention on Climate Change (UNFCCC) should encourage input and participation by business to inform, assess, and improve these procedures. BizMEF intends to continue efforts to share experience and views through parallel activities and platforms that can inform negotiators, governments, business and other non-state actors. In the near term these include informing the 2018 facilitative dialogue and the review and update of NDCs.

Introduction

It is important for business to understand fully the contours of the Paris Agreement. Last year before COP-22, BizMEF provided views and recommendations with respect to Transparency, Measurement, Reporting and Verification and future GHG markets. We recognize that complete solutions to establish rules and procedures will take time and will need to be improved based on experience. This provides a useful opportunity to build foundations for MRV, transparency, and other procedures, e.g. for GHG markets, in stages, starting soon and improving them going forward.

Rules, Reports and Assessing Progress

As an Agreement based on progressive voluntary contributions from all Parties, progress under the Paris Agreement must rely on trust among Parties and encouragement and support from stakeholders to take on ever more ambitious efforts. This will require credible, effective domestic and international procedures that provide timely information on national and overall progress of current and future efforts. Time to implement effective procedures is short: Parties agreed next year to conduct a facilitative dialogue to assess collective progress and to agree on many aspects of the transparency process.

Some key issues to consider:

- **Timing in Reports and Transparency:** The availability of properly vetted information to inform the official transparency framework and broader transparency regime for governments and stakeholders may not align with expectations or current practice. For example, official national inventories for a given year are typically not available until 16-18 months after year's end, e.g. spring 2018 for year 2016. It will be important to account for these lags in five-year cycles to review and renew NDCs. This challenge provides an opportunity for business, academics and other non-state actors (NSAs) to contribute more up-to-date information on progress and trends that can help fill that void with authoritative, albeit unofficial input.

- **Contributing to Progress Assessments:** Business has important information and experience to contribute to assessments of national and global progress and options for future steps. Through reports, publications, workshops and dialogues, business (and other NSAs)

can contribute information on trends and progress and provide perspectives that will inform governments and citizens. Experience can also help to improve national efforts and the transparency framework under the Paris Agreement. For example, BizMEF has undertaken a survey of ways that governments consulted with domestic business in preparing their NDCs, published our experience, and organized dialogues (at recent UNFCCC meetings and the Organisation for Economic Co-operation and Development); these involved delegates from business, academia, negotiators, the UNFCCC secretariat and national governments to discuss national and global progress and business engagement.

- **Methodologies for Means of Implementation:** Parties have not yet agreed how they will measure means of implementation, which covers a range of issues. For example, the commitment by developed countries to mobilize USD 100 billion annually from public and private sources for climate finance by 2020 poses several difficult methodological questions. Technology transfer and capacity building are two other important issues that raise difficult methodological questions. Developing countries will be looking for better information on these items so they can plan their long-terms responses. All of these have implications for business, and it will be challenging to resolve these issues by 2020 when next pledges are due.

- **Environmental Integrity and Double Counting:** Parties must develop ways to assure environmental integrity and avoiding double counting in mitigation efforts, especially through cooperative actions between nations. Issues that may give rise to double counting can be in the form of "double claiming" (whereby several signatories claim the same emission reduction to comply with their NDCs) and "double issuance" (whereby signatories register the same emission reduction under several mitigation mechanisms). International transfers that involve markets established by sub-national entities, present additional challenges. It is difficult to see how they can be compatible with the Paris Agreement unless national procedures explicitly recognize and account for the actions of sub-national participants in international exchanges.

- **Accounting for Differences Among Nations:** NDCs provided a creative way for nations voluntarily to submit contributions based on national priorities and circumstances, and to self-describe why their commitments were appropriate. Going forward BizMEF appreciates that not all nations have adequate capacity now to adopt common MRV practices. We recommend that the Paris Agreement should actively seek to build capacity so that all nations can follow appropriate standards for MRV consistent with national circumstances. This will be essential to promote transparency and for governments and stakeholders to assess comparability of efforts to address climate risks while taking account of differing capacities for action.

- **Long-Term Strategies to Manage Risks:** The Paris Agreement contains ambitious goals to limit climate risks (limiting global temperature rise, peaking national emissions as soon as possible, and achieving net zero emissions in the second half of the century) and invites Parties to communicate mid-century strategies for low GHG development. Achieving these goals will require transformational change in technologies, facilities, infrastructure, and supply chains across multiple sectors of the economy. As actors and sources of information, business will be an essential participant in discussions concerning the approaches to drive such massive change, and their potential consequences for the environment, economy, and society.

The Role of Business

With other stakeholders, business will be an important producer and consumer of information through national and international processes. Like Parties, business has an essential interest in assuring credibility and integrity of plans and actions in all nations. As well, business has significant experience and insight concerning both national and international transparency procedures and MRV, and of the magnitude of the effort required for rapid transformational change. For example, in many nations business must file reports on emissions and other activities, such as emissions trading, emissions reporting, or actions taken through voluntary action plans, as part of national procedures.

For business, it is important to assure that procedures are efficient as well as reliable. Many companies have direct experience undertaking emissions offset projects under CDM and JI mechanisms; they are likely to participate in activities under the Paris Agreement, including those like the Joint Crediting Mechanism based on voluntary agreements among nations. Moreover, businesses conduct or support a large share of the R&D being done on new energy and other technologies, and many advances occur in the private sector. Through their own R&D and planning processes and extensive links to academic and national laboratories, businesses are deeply immersed with, and affected by, issues concerning research, development, and deployment of advanced technologies and associated infrastructure.

In many nations, business and other stakeholders participate directly in consultative processes to develop NDCs and to assess progress. They also contribute by producing relevant, independent information based on well-established methods—*e.g.*, through company reports and trade associations—and by organizing and participating in workshops and other activities, *e.g.* with government officials, academia, other stakeholders, and think tanks. These provide valuable input and perspectives to inform official transparency processes, information that also may be more up-to-date than official government sources.

Conclusion

BizMEF supports the prompt establishment of procedures and methods to underpin efficient, credible transparency processes and other elements of the rulebook. These will be essential for business to prepare strategies and identify opportunities for

action under the Paris Agreement. Parties and business have decades of experience and well-established procedures for many elements that support MRV, especially for greenhouse gas emissions, and the transparency regimes of nations and the Paris Agreement. These should provide a sound basis to underpin a prompt start to energize early actions and develop markets. Through these efforts and experience business will be active contributing to and assessing progress and options for future effort. The UNFCCC and governments should encourage and value these contributions to help assure the credibility of transparency processes and to improve them in the future.

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Major Economies Business Forum
Business Input, "Conflict of Interest," and Implementation of the Paris Agreement

Key Messages

- The Paris Agreement cannot succeed without the meaningful participation of business at every step. Business and industry has distinct valuable experience and capabilities to share and ultimately will be largely responsible for delivering on a lower-carbon economy.

- With the Paris Agreement having entered into force, it is important for business to serve as: (1) an integral part of domestic consultations regarding national commitments; and (2) a key resource of expertise to the international negotiation process.

- At the national level, experience has shown that Nationally Determined Contributions (NDC) are likely to be more durable and predictable when business is a full partner in their development.

- The many facets of Paris Agreement implementation will require Parties to create effective and credible engagement and transparency systems that include a role for business. This will be especially important, in particular, for the facilitative dialogue that will take place in 2018 and the global stocktake beginning in 2023.

- Given the important role of business, BizMEF is concerned about calls for banning business groups from the UN Framework Convention on Climate Change (UNFCCC) because of supposed "conflicts of interest." BizMEF recommends instead building on the progress within the UNFCCC and its institutions for engagement with business and other stakeholders.

Introduction

With the entering into force of the Paris Agreement, the focus now turns to implementation and all that entails for government—and business. Effective implementation of the Paris Agreement should provide opportunities for global cooperation in mitigation, adaptation, and the development, financing and commercial use of lower-emitting technologies. Its bottom-up structure offers flexibility that allows Parties to develop, in consultation with business and other stakeholders, commitments that reflect their priorities and circumstances. This individualized approach is much different than that taken by the Parties in the Kyoto Protocol.

In addition to these features, the Paris Agreement also incorporates institutional innovations, reflecting the extraordinary challenge of climate change as well as the recognition by most, but by no means all, Parties that the UNFCCC should strengthen its interactions with business and other non-state actors. To a degree, it is already happening. As the UNFCCC has grown and evolved, so too have the business interactions with it and its appendages, such as Technology Executive Committee, Climate Technology Centre and Network, Green Climate Fund, and the Adaptation Committee.

It is unfortunate, then, that the Paris Agreement fails to recognize explicitly business in any way (although the Paris Decision does). We see this as a lost opportunity. Stimulating ambitious efforts to make the Paris Agreement a success cannot be accomplished without the business community. Of all the stakeholders, at the end of the day it will be the business community that will do nearly all of the heavy lifting—mobilizing the resources, making the investments, developing the advanced technologies, building and operating the new infrastructure—that will make or break the commitments made by Parties.

Need for Business Input

Climate change is one of the most complex issues facing governments and business, with issues cut across every economic sector. National and international programs have the potential to impact economies in significant and often unpredictable ways, affecting operations, supply and value chains, planning, trade, and investment.

The advantages of greater interactions with the business community are many. Business has relevant, unique experiences and insights that can help ensure that emerging challenges and opportunities can be shaped to benefit and preserve more competitive, clean, and efficient energy and industrial

sectors, necessary precursors to economic growth and poverty eradication.

All of business will be affected by decisions taken under the Paris Agreement and all have an interest in contributing their views and expertise on its implementation and development. With the Paris Agreement having entered into force, it is important for business to serve as: (1) an integral part of domestic consultations regarding national commitments; and (2) a key resource of expertise to the international negotiation process.

BizMEF members interact with their respective governments in their capitals and internationally. At the national level, engagement with the business community has been uneven, as a survey of BizMEF partners conducted by the U.S. Council for International Business revealed. Many governments have done a reasonably good job of consulting with business in developing their NDCs. NDCs developed through an inclusive and open process, with significant consultation with their legislatures, will prove to be more durable both economically and politically.

This is important because business is intrinsic to NDC implementation at the national level. In general, NDCs implementation often will require legislative and regulatory measures to achieve pledged outcomes. Each national business community is expected to comply and implement those government policies. In addition, many governments already require business to report emissions and disclose other climate-change relevant data and information through regulatory channels.

Moreover, current NDCs are just the first of a series of pledge envisaged by the Paris Agreement. The Paris Agreement establishes a process to assess progress and for Parties to update their NDCs at five-year intervals. In such a constantly-evolving landscape, it will be very important to build trust among Parties and stakeholders that nations are implementing their pledges and considering new commitments that set realistic and ambitious goals, attract investment, and build thriving, competitive economies.

To do this, Parties will need to create effective, efficient, and credible engagement and transparency systems—both domestically and internationally—including with business. In particular, the UNFCCC should consider ways to invite and incorporate the perspectives of business (and other stakeholders) into the facilitative dialogue that will take place in 2018 and the global stock-take in 2023.

While we have been encouraged by the reception this idea has received by some Parties, there is still a long way to go to make this a reality.

"Conflict of Interest"

Considering the increased need for business input into the UNFCCC and it processes, we are concerned by efforts of some Parties and non-governmental organizations to restrict or even ban business access to the UNFCCC talks based on claims of "conflict of interest."

We are confident that UNFCCC Parties recognize the irreplaceable role of the private sector and understand that, ultimately, it will be the private sector that

develops, finances, builds, and operates the new energy and other technologies of the future.

Business should be invited to provide governments with a broad array of responsible views on matters such as greenhouse gas markets, transparency, technology, finance, national pledges, collective progress, and adaptation, among other issues. Governments should seek out the value of this input, even if they do not always agree with it. As the experience with NDCs has shown, decisions arrived at with business input are more informed and more enduring.

We should also note that the business community has championed the greater input from all stakeholders—even those who may not agree with us—because we believe that a truly open process leads to better outcomes.

Considering the important role of business, BizMEF believes a productive approach would call on the extensive experience and knowledge in the business community and build on the progress made thus far within the UNFCCC and its institutions for greater engagement with business and other stakeholders. BizMEF recommends that reforms should be implemented so that the international process can take better and more explicit advantage of the range of technical expertise and policy advice that business can provide.

BizMEF has called for a more formal role in the UNFCCC similar to the role that the Business and Industry Advisory Committee plays in the Organisation for Economic Co-operation and Development. The establishment of such a "multi-tasking" business channel could consolidate current channels of communication with existing and emerging UNFCCC institutions and function as a resource for work across the entire UNFCCC process, and related international institutions. This would be especially important as implementation of the Paris Agreement begins in earnest on such items as transparency, implications of collective actions, markets, finance, and technology. This also provides access to business-led processes to improve outreach to the enormous range of businesses that lack the means to participate directly in UNFCCC processes. This includes literally millions of small and medium sized enterprises that are affiliated with BizMEF members.

We urge UNFCCC Parties, therefore, to work with BizMEF partners and other business groups to establish a formal platform where business can share its valuable experience and capabilities. In the meantime, BizMEF and its partners will continue to build confidence, identify areas of shared understanding, generate innovative solutions, and provide valuable and practical input to the international negotiations.

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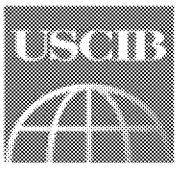

UNITED STATES COUNCIL FOR INTERNATIONAL BUSINESS

Peter M. Robinson
President & CEO

November 6, 2017

Under Secretary Thomas A. Shannon, Jr.
U.S. Department of State
2201 C St, NW
Washington, DC 20520

Dear Mr. Under Secretary:

On behalf of the United States Council for International Business (USCIB), we write to share U.S. and global business views and recommendations on the 23rd Conference of the Parties of the UN Framework Convention on Climate Change (UNFCCC). As we have stated in previous letters to the Administration, USCIB members regard continued U.S. government engagement in the UNFCCC as indispensable to advancing U.S. economic competitiveness, and protecting American economic interests at home and overseas.

Bearing in mind the President's announcement on June 1, we also encourage the Administration to actively further U.S. interests in the Paris Agreement discussions at COP23 wherever important technical or economic matters impacting American businesses are being addressed. This is necessary to maintain a level playing field with other competitive, non-U.S. companies who will benefit from access to the process.

We wish to highlight for your consideration the following priorities of our members for the upcoming meetings in Bonn:

1) **We ask the Administration to support inclusive involvement of representative business organizations as appropriate in the UNFCCC deliberations, especially to inform the Facilitative Dialogue next year.** The UNFCCC has broadened its scope, and potentially expanded opportunities for business and industry involvement to observe and inform discussions concerning progress and implementation. We welcome this and see it as a necessary evolution of the UNFCCC and its approaches to promote multilateral cooperation on climate that are sound from economic and energy security perspectives. We expect some countries and interest groups to voice opposition to business involvement, and we ask you to continue to resist any discussion of "guidelines" for conflict of interest, as these are attempts to restrict the access of business sectors and business in general. This is not just a matter of principle; business has already been barred from weighing in on Article 6 discussions on market-based approaches based on this specious COI argument.

2) **We ask the Administration to emphasize progress on transparency arrangements as a priority outcome of COP23.** U.S. businesses need clarity and a predictable environment in which to plan and make investment decisions. It is important, therefore, that Parties establish and clarify the implementation guidance and other foundations necessary in a consistent way across all countries for implementation so that business can review and prepare strategies and plans to adjust to these new circumstances. Any rules that emerge should build from years of experience to develop and improve existing methods, such as those from Intergovernmental Panel on Climate Change for measuring and reporting national and sectoral greenhouse gas (GHG) emissions inventories. However, new methods will be required to address new concepts and commitments, such as those to "mobilize finance" and to drive improved performance with respect to "business as usual" by highlighting such things as

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Global Business Leadership as the U.S. Affiliate of:
International Chamber of Commerce (ICC)
International Organization of Employers (IOE)
Business and Industry Advisory Committee (BIAC) to the OECD
ATA Carnet System

technology deployment and system transformation. Even as these emerge, USCIB members underscore the need to get underway and improve over time in setting procedures and institutional infrastructure for transparency procedures and the Facilitative Dialogue that will draw on business expertise at national and international levels.

3) **We encourage the Administration to keep the focus on enabling frameworks for investment, technological innovation in all sectors and deployment of technologies and know-how through strong IP protection and multilateral trade.** USCIB members believe that technology innovation and deployment are critical to advance energy security, U.S. market opportunity and competitiveness and creating jobs at home. We ask the Administration to prioritize technology-neutral policy options and advocate for recognized involvement of business in technical workshops, work-streams and other UNFCCC deliverables. We look forward to working with the Administration to facilitate opportunities for U.S. manufacturers, energy and infrastructure firms to benefit from emerging climate policies and market opportunities.

USCIB advances the global interests of American business, and has represented those interests in the UNFCCC since 1993. Our policy positions are developed by our membership, encompassing more than 300 U.S. based global corporations, professional firms and industry associations, who work through our committees to provide business input for USCIB to convey to policymakers at home and abroad. USCIB is the U.S. affiliate of the International Chamber of Commerce (ICC), and is a partner of the Major Economies Business Forum (BizMEF).

We are pleased to convey ICC and BizMEF papers for COP23, endorsed by USCIB, that provide more detail and specific recommendations on these and other critical areas for business.

We express our strong appreciation to the dedicated members of the U.S. delegation to COP23, who have consistently maintained a diligent and ongoing dialogue with American business to defend U.S. business from discriminatory or restrictive outcomes in these complex and economically vital negotiations. USCIB members will be on hand during COP23, and look forward to working with you and in support of the Administration and the U.S. delegation.

Sincerely,

Peter M. Robinson

Cc: **George David Banks**, Special Assistant to the President for International Energy & Environment, White House
Trigg Talley, Director, Office of Global Change, U.S. Department of State
Mandy Gunasekara, Senior Advisor to the EPA Administrator, U.S. Environmental Protection Agency
Brittany Bolen, Senior Deputy Associate Administrator for Policy, U.S. Enviornmental Protection Agency

International Chamber of Commerce
Policy and Business Practices

ICC PERSPECTIVE ON UNFCCC CLIMATE NEGOTIATIONS AT COP23

Prepared by the ICC Commission on Environment and Energy

Key issues for business at COP23:

- Business engagement
- Facilitative Dialogue and nationally determined contributions
- Article 6 of the Paris Agreement and its implementation in the Rulebook
- Adaptation, resilience and capacity building
- Climate finance
- Employment and re-skilling/transitions

INTERNATIONAL CHAMBER OF COMMERCE
The world business organization

213/8
MD – 31 October 2017

Since the United Nations Framework Convention on Climate Change (UNFCCC) was established over 20 years ago, business has been actively engaged in the process, contributing both technical and operational expertise. Following two decades of climate negotiations, adoption of the 2015 Paris Agreement marked an historic breakthrough that engages both Parties and non-Party stakeholders, including the business community, to work together to do more to combat climate change and address its unavoidable consequences.

The Paris Agreement provides business with the kind of long-term certainty it needs to plan future sustainable growth. Indeed, more companies are committing to leadership on climate action than at any other time in history. For business to go even further, COP23 must build on the work started at COP22 to implement the Paris Agreement and deliver greater certainty on long-term climate policies, transparency and market frameworks, as well as the design of other instruments through the Rulebook. COP23 must also establish the rules for non-Party stakeholder engagement in future climate negotiations and the 2018 Facilitative Dialogue (FD2018).

ICC commends the Fijian Presidency for consulting with business to explore ways to augment private sector involvement in policy and action at COP23 and beyond. ICC intends to be a resource across the stated priority themes[1] and work with the Fijian Presidency on the key areas of priority for global business.

ICC is uniquely positioned to contribute to the business perspective on issues of climate change. As the world's largest business organisation with a network of over 6 million members in more than 100 countries, we have a broad view on the business response to climate change. Moreover, ICC is the global Focal Point for business and industry to the UNFCCC and, earlier this year, ICC was granted Observer Status at the UN General Assembly – the first time that a private-sector organisation has been admitted formally into the UN system.

Key issues for business at COP23 include:

1. Business engagement

The goals of the Paris Agreement can only be achieved through on-going dialogue and deep collaboration with a wide range of stakeholders, including business. **Businesses of all sizes and from all sectors, around the globe, are offering innovative and practical ideas to tackle climate change and are taking bold climate action.**

Business sees both the risks of climate change and the opportunities of climate action. On one hand, business recognises that, left unchecked, climate change will contribute to geopolitical, social and economic instability – disrupting the supply chains and power supplies on which private sector operations depend. On the other hand, business also recognises that taking action on climate change is part of a winning business model. Achieving global sustainable development objectives opens up USD 12 trillion of market opportunities in various sectors and markets specifically aligned with the UN's 'Global Goals' have the potential to grow three times faster than average GDP over the next five years.[2]

[1] See https://cop23.com.fj/fijis-vision-cop23/

[2] Report on the private sector's role in delivering on the SDGs - "Better Business, Better World" (Business and Sustainable Development Commission, 2017). See http://report.businesscommission.org/uploads/BetterBiz-BetterWorld_170215_012417.pdf

ICC believes that business is an indispensable interlocutor at national and international levels in developing climate policy and the enabling frameworks for business investment and innovation to tackle climate challenges while also increasing competitiveness, creating jobs and promoting sustainable economic growth. **ICC is committed to the UNFCCC and the Paris Agreement – We call on all governments to keep climate change issues high on the political agenda and to engage business in developing appropriate climate-related policies.**

2. Facilitative Dialogue and nationally determined contributions

The purpose of FD2018 is to take stock of the collective progress towards achieving the goals of the Paris Agreement and to inform the nationally determined contributions (NDCs), notably the forthcoming five-year review cycles of NDCs from 2020 onwards.

NDCs provide an overview of country level climate pledges and actions. We realise that the aggregate ambitions in the initial NDCs are not enough to get the international community on track to achieving the goals of the Paris Agreement. FD2018 therefore represents an opportunity for the global community to work together to determine the ways in which ambition can be increased.

ICC encourages Parties to take full advantage of the depth and breadth of business engagement and experience with climate change issues to help inform FD2018. This, for example, includes dialogue with government on expectation and ambition setting, and on the type of framework conditions necessary for business to invest and innovate, but should also include an assessment of the results of implementation. We have seen that in countries where business has had the opportunity to provide inputs on NDCs, the process can already be seen to have benefited from such business engagement.

Business very much welcomes the opportunity to contribute to FD2018 and calls for an on-going open and inclusive dialogue with Parties and non-Party stakeholders and an effective procedure for business contributions to be taken on-board. To ensure that the international community is successful in achieving the long-term goals of the Paris Agreement, it is imperative that business be a true partner – reporting on business initiatives or inputting at the margins of the climate discussions will not be enough to get us there.

3. Article 6 of the Paris Agreement and its implementation in the Rulebook

Article 6 of the Paris Agreement looks to increase ambition through, *inter alia*, international cooperation on the use of market-based approaches, such as emissions trading and carbon pricing. **Business strongly supports the use of market-based approaches and calls on Parties to progress with establishing guidance on Article 6 of the Paris Agreement through the Rulebook** – the rules that will attempt to define *how* the goals of the Paris Agreement will be implemented and that will measure, account for and review global climate action.[3]

Such guidance will not only permit Parties and non-Party stakeholders, including business, to identify and enable the most cost-effective options to meet mitigation challenges[4] facing society at large but, if well-designed, will also create new channels for climate finance, lead to technology transfer and

[3] The Rulebook is expected to be adopted by the Parties at COP24 in December 2018.
[4] See Articles 2 and 4 of the Paris Agreement.

capacity building and hence support sustainable development in many areas. This in turn will help Parties to increase their level of ambition.

Business stands ready to inform the process of identifying the best ways forward to build-up a framework for the Article 6 mechanisms at COP23. ICC's recommendations are outlined in "Business Views on Market Mechanisms – Articles 6(1) to 6(7) of the Paris Agreement"[5] and include:

- Building a framework for measuring, reporting and verification (MRV) of emissions that takes into consideration generally accepted existing international and national MRV frameworks[6] and that is linked to the transparency framework which is being developed under Article 13 of the Paris Agreement.
- Creating ambition and predictability by developing comparable and measurable standards for emission reduction for NDC reviews so as to allow evaluation of mitigation actions, raise ambition over time and understand and avoid impacts such as carbon leakage.
- Consulting with experts of specific economic activities to establish further global emission reduction approaches on a sectoral basis.

4. Adaptation, resilience and capacity building

The Paris Agreement recognises the need for adaptation and resilience – responding to the impacts of climate change that are already being felt and preparing for the future effects of climate change.

From the business perspective, climate change is already having an impact on business operations, infrastructure, supply chains, customers and the people and communities where they operate. Companies around the globe are responding by developing technologies, products and services to adapt to the effects of climate change and by building resilience into their operations, supply chains, policies and risk management strategies.

Coordinated action with all stakeholders is imperative if we want to build more resilient economies and communities. **Business stands ready to collaborate and partner with governments, and indeed all stakeholders**, including on holistic adaptation and resilience planning. This can include knowledge-sharing; modelling; research; technology development and transfer; finance; insurance; capacity building and public-private partnerships.

5. Climate finance[7]

The mitigation and adaptation strategies necessary to transition to a low carbon economy and manage the impacts of climate change will require access to finance beyond 'business as usual'. While governments have committed to mobilise USD 100 billion annually from 2020, the 2017 OECD

[5] See https://cdn.iccwbo.org/content/uploads/sites/3/2017/01/ICC-Business-views-on-market-mechanisms-2016.pdf
[6] e.g. Kyoto mechanisms; Intergovernmental Panel on Climate Change methodologies; and the UNFCCC inventories.
[7] Climate finance refers to local, national, or transnational financing, which may be drawn from public, private and alternative sources of financing. Climate finance is critical to addressing climate change because large-scale investments are required to significantly reduce emissions, notably in sectors that emit large quantities of greenhouse gases. Climate finance is equally important for adaptation, for which significant financial resources will be similarly required to allow countries to adapt to the adverse effects and reduce the impacts of climate change (UNFCCC Climate Finance Portal. See http://unfccc.int/focus/climate_finance/items/7001.php#intro).

report[8] for the German G20 presidency specifies that USD 6.3 trillion is needed annually until 2030 to meet the global climate change goals.[9] **The private sector is needed to help bridge this climate finance gap.**

The Paris Agreement recognises that achievement of its ambition will require engagement with a broad community of stakeholders. In respect of climate finance, Article 9 establishes the platform for this cooperative model declaring that Parties should mobilise climate finance from a wide variety of sources. **The private sector has the capacity and the desire to invest in projects to deliver mitigation and adaptation outcomes and is ready to work with the Parties to develop the cooperative model proposed in Article 9 of the Paris Agreement.**

From the private sector perspective, climate financing is not only available through long term financing but market and non-market mechanisms may also create new channels for climate finance. To access the opportunities available, and as declared by the UNFCCC, cooperation between Parties and between private and public-sector stakeholders is considered crucial.[10] In its recommendations to the Parties at COP 22, ICC submitted the broader requirements for creation of new channels for climate action and climate finance through market mechanisms, requirements that are common for each of the sources of climate finance, and remain true today.[11] As well, climate finance is not restricted to investment in climate friendly assets and installations. It is sometimes also needed for financing higher operating costs of more climate friendly operations, especially outside the energy sector. This needs to be adequately reflected in any climate finance-related policies.

ICC, in its "Green Economy Roadmap",[12] submitted that private sector sources of climate finance require open and competitive markets; metrics, accounting and reporting; and policy intervention to influence the risk/return profile of investment. To that end, policy interventions that can be considered by Parties to mobilise finance include:

- Strategic, forward-looking, long-term planning reflected in the regulatory framework that promotes policy certainty.
- Strengthening core climate policies, through measures such as removal of subsidies for fossil fuels and implementing carbon pricing, while maintaining adequate safeguards against carbon leakage.
- Broadening finance and investment conditions.
- De-risking interventions and providing incentives for investment, technology development and transfer.
- Creating a financial climate to facilitate low-cost financing, including lowering the cost of longer-term debt.[13]

[8] Growth, Investment and the Low-Carbon Transition", report presented to German G20 Presidency on 23 April 2017. See http://www.oecd.org/env/cc/g20-climate/.
[9] The OECD (2017) report to the G20 also observes that this investment delivers co-benefits of for example fuel savings of up to USD 1.6 trillion per year through 2030. Hence, investing in climate and investing in growth and prosperity are not mutually exclusive.
[10] See http://unfccc.int/cooperation_support/market_and_non-market_mechanisms/items/7551.php
[11] "Six recommendations to combat climate change with market mechanisms" (ICC, 2016). See https://iccwbo.org/media-wall/news-speeches/six-recommendations-combat-climate-change-market-mechanisms/
[12] "Green Economy Roadmap – a guide for business, policymakers and society" (ICC, 2012)
[13] "Green Finance and Investment. Using policy levers to accelerate green capital flows" (OECD, 28 April 2017)

- Creating a pipeline of bankable projects through adequate planning and establishing a track record of successful projects.
- Proving objective information and data to assess and quantify climate risks and developing appropriate insurance products.
- Developing financing instruments and finance infrastructure as an integral part of a country's NDCs.
- Ensuring that the UN's Green Climate Fund is focused on mobilising private investment by using its own core funds to reduce the risks or lower the cost of capital so as to crowd-in private capital.
- Putting into place a policy framework that would promote development and diffusion of a broad variety of new clean and enabling technologies.
- Ensuring a closer link with the technology mechanisms of the UNFCCC, especially the Technology Needs Assessment.

Private sector investment, in addition to and in cooperation with Parties, can ensure the transition to a low carbon economy. To achieve this outcome, it is essential that Parties use the opportunity of COP23 to provide the platform and conditions for the cooperation between Parties and between private and public-sector stakeholders to mobilise climate finance.

6. Employment and re-skilling/transitions

The Paris Agreement[14] takes into account the imperative of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities – responsibilities that are now conferred on the Improved Forum[15] through the Response Measures Contact Group.

In fulfilling these responsibilities, the optimum outcome will be achieved by effective engagement with business. The significant role of the private sector in the delivery of sustainable development and in climate change policy is reflected in a range of instruments adopted by members/Parties of international agencies.[16] There are also many examples of private sector and enterprise initiated action.[17] These references are important because they demonstrate the interdependence of government decision-making and the private sector, and accordingly that business is best placed to advise governments on the appropriate climate change policies and programmes to facilitate the transition of the workforce.

[14] Preamble to the Paris Agreement, paragraph 10.
[15] Paris Agreement and Decisions, Decision 11/CP.21 2015 at paragraph 5.
[16] UNFCCC Paris Agreement, Article 6.4b and Article 6.8b (UNFCCC, 2015); International Labour Organisation (ILO) Tripartite Meeting of Experts on Sustainable Development, Decent Work and Green Jobs, paragraph 19.d and paragraph 20.3 (ILO, 2015); ILO Declaration on Multinational Enterprises (ILO, 2006); OECD Guidelines on Multinational Enterprises, (OECD, 2011); UN Global Compact Guide to Corporate Sustainability (UN Global Compact, 2015).
[17] Report on the private sector's role in delivering on the SDGs - "Better Business, Better World" (Business and Sustainable Development Commission, 2017); the annual Business & Climate Summit that works to build the partnerships needed to scale up and accelerate the low carbon transition; the action agenda for private-sector leadership on climate change by "Business for a Better World" (Cameron et al., 2015); "Ikea's 1 billion euro pledge to clean energy and climate action" (The Guardian, 2015); the global coalition of firms intent on converting to renewable energy (Gillis & Fleur, 2015); International Chamber of Commerce "Call for Climate Action" (ICC, 2015) and "Green Economy Roadmap" (ICC, 2012).

EPA-HQ-2018-002296

While Parties have committed to the Paris Agreement, with very few exceptions do NDCs acknowledge the labour market impacts, or express a commitment to a just transition. Strategies to manage greenhouse gas emissions are uniquely local and reflect many influences, such as the domestic economic, social, cultural and political situation of a country – all factors that have an impact on the labour market. In the transition to a low carbon economy, some jobs will be lost, some jobs created and some jobs changed. On balance, there will be net growth in employment and all sectors of industry will be affected.[18] To that end, it is essential that climate change policy reflect the need and benefit of labour market planning from the perspective of employers and employees. Business should be engaged in this process to ensure that policy decisions are tailored to country-specific, sector-specific circumstances – there is no single policy template that can be applied in all circumstances.

Policy also needs to reflect that skills gaps and shortages could be a binding constraint on the transition to a low carbon economy. It is not merely the single dimension of labour and skill shortages, but also the re-crafting of occupational profiles and the emergence of new occupations involved in the delivery of a low carbon installation that must be supported by skill development programmes for new entrants and transition programmes for the exiting workforce. **A labour market plan developed as a result of dialogue between business and government is essential if the transition to a low carbon economy is to be effective** and deliver economic growth and productive employment.

We look forward to working with the Fijian Presidency and all governments and stakeholders on progressing discussions in relation to the above topics and on the implementation of the Paris Agreement more generally.

[18] "Green jobs: Towards decent work in a sustainable, low-carbon world" (Worldwatch Institute, 2008).

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The International Chamber of Commerce (ICC)

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Message

From: Memmott, Justin (EPW) [Justin_Memmott@epw.senate.gov]
Sent: 11/3/2017 1:55:40 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Friday

I won't get there today.
Let's schedule a call for next week

On Nov 3, 2017, at 9:26 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> Yes – I'll be there for a bit, but not participating. I'll come say hi
>
> ---
>
> **From:** Memmott, Justin (EPW) [mailto:Justin_Memmott@epw.senate.gov]
> **Sent:** Wednesday, November 1, 2017 10:15 AM
> **To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> **Subject:** Friday
>
> Mandy,
>
> Will I see you at the murder board on Friday?
>
> Thanks.
>
> Justin J. Memmott
> Majority Senior Counsel
> Senate Environment and Public Works Committee
> (d) 202-224-6389

Message

From: maureen@dc-groupllc.com [maureen@dc-groupllc.com]
Sent: 11/6/2017 5:18:58 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Patrick Serfass [PSERFASS@ttcorp.com]
Subject: Re: Meeting Request Follow Up

Dear Alex,

It was great to speak with you and Mandy today. I just realized looking through correspondence that the ABC met with an Alex Dominguez from Congressman Renacci's office last November. I know I'm making a leap here but I would imagine that you are that same Alex Dominguez.

We truly appreciate your time today and look forward to continuing to work with you. By way of follow up, I am attaching a copy of our Biogas 101 handout for your use (Biogas 101). We also have a state resources area that you may find of interest. These profiles provide significant information about individual states including the Air and Economic Benefits of biogas systems. (State Profiles) Finally, we were very excited to hear of Administrator Pruitt's interest in food waste and what can be done from a policy perspective to better utilize this resource. We look forward to continuing our discussion about these and other topics.

Very kind regards,

Maureen

Maureen J. Walsh

Director of Federal Policy
American Biogas Council

1211 Connecticut Avenue NW, Suite 650
Washington, DC 20036
1 (202) 681-6092

maureen@dc-groupllc.com

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On Fri, Oct 6, 2017 at 2:40 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Maureen,

A call on all fronts would be best at this point. It will be with me and Mandy and potentially someone from the Office of Policy. Below is the call-in information for Monday, November 6th at 11:00AM EST.

Conference Line: 866-299-3188

Passcode: 202-564-6082

Alex

Alex Dominguez

Policy Analyst to the Senior Advisors to

the Administrator for Air and Water

U.S. Environmental Protection Agency

From: maureen@dc-groupllc.com [mailto:maureen@dc-groupllc.com]
Sent: Friday, October 6, 2017 7:44 AM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Patrick Serfass <PSERFASS@ttcorp.com>

Subject: Re: Meeting Request Follow Up

Alex,

We would love to speak with you at 11 am on November 6th. Patrick Serfass, the Executive Director of the ABC is based in Washington and could meet with you in person. I'll need to call into the meeting.

Best,

Maureen

Maureen J. Walsh

Director of Federal Policy
American Biogas Council

1211 Connecticut Avenue NW, Suite 650
Washington, DC 20036
1 (202) 681-6092

maureen@dc-groupllc.com

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On Thu, Oct 5, 2017 at 6:43 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Could you do either:

Monday, November 6th at 11:00AM or 2:00PM

Tuesday, November 7th at 9:30 AM or 2:30PM

From: maureen@dc-groupllc.com [mailto:maureen@dc-groupllc.com]
Sent: Wednesday, October 4, 2017 3:03 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Patrick Serfass <PSERFASS@ttcorp.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Meeting Request Follow Up

Alex,

Sure. The week of November 6th looks ok. What day's/times would be good for you?

Maureen

Maureen J. Walsh

Director of Federal Policy
American Biogas Council

1211 Connecticut Avenue NW, Suite 650
Washington, DC 20036
1 (202) 681-6092

maureen@dc-groupllc.com

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On Tue, Oct 3, 2017 at 11:18 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Maureen,

Shanita Loving just forwarded me your request for a meeting with Mandy Gunasekara. Unfortunately she is pretty booked through October at this point. Happy to set up a call for the week of the 6th if you would like. Please let me know.

Best,

Alex

Alex Dominguez

Policy Analyst to the Senior Advisors to

the Administrator for Air and Water

U.S. Environmental Protection Agency

Message

From: Sumner, Bret [bsumner@bwenergylaw.com]
Sent: 10/30/2017 1:18:48 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Meeting Request - Uinta Oil and Gas Basin issue

Ryan and Mandy - I just wanted to touch base on the request below to see if one or both of you might be available next Monday or Tuesday. Thank you for your patience with my persistence. Two of the Crescent Point managers are waiting to make travel plans contingent on this possibility of a meeting. Best regards, -Bret

Ryan and Mandy – I am writing on behalf of Crescent Point Energy, an upstream oil and gas company, to request a short meeting with you on November 6 or November 7 regarding a pressing air regulatory and policy issue in the Uinta oil and gas basin in eastern Utah.

Crescent Point is developing significant oil and gas resources on the Uinta and Ouray Native American Indian Reservation within the basin. This region may be designated as non-attainment for ozone in the near future. The critical issue confronting the company and the rest of industry in this basin is that EPA does not have a tribal permitting program in place that will allow for continued oil and gas development upon such a designation.

We are coordinating with the new EPA Region 8 Administrator Doug Benevento on this issue.

Crescent Point management would like to meet with you to brief you on the company's development plans, the critical nature of this issue to its business, and to propose a potential solution for consideration. We would not want to take up more than 15 minutes of your busy schedules.

We have a separate meeting already scheduled from 1:30pm to 4pm on November 7, but are flexible on November 6 and around those times on the 7th.

Thank you for your time and consideration. We hope to hear from you soon.

-Bret Sumner

An attorney for Crescent Point Energy

<image001.jpg>

Bret Sumner | Beatty & Wozniak, P.C.
Shareholder

216 Sixteenth Street, Suite 1100
Denver, CO 80202-5115
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www.bwenergylaw.com

Energy in the Law

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Message

From: Reitter, Annabeth [Annabeth.Reitter@domtar.com]
Sent: 11/1/2017 10:54:29 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Domtar Ashdown Mill - Regional Haze

Hi Alex and Mandy,

I am circling back after my discussion with Alex last Thursday to see if there is any update on the Domtar Ashdown Mill Regional Haze matter.

I look forward to hearing from you.

Thanks,

Annabeth

Annabeth Reitter
Corporate Manager, Environmental Regulation
T 715-886-7785 | C 715-459-9257

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Message

From: David Schwietert [DSchwietert@autoalliance.org]
Sent: 11/2/2017 10:19:00 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: re: Auto Alliance outreach

Mandy,

I hope you are doing well and I see that Leader McConnell filed cloture earlier today on Bill Wehrum's nomination. I know that would be good for the Administrator (and team) to have him on-board.

I wanted to reach out to see if you might have some time next month for a brief meeting with myself and Chris Nevers who heads up our energy and environmental division.

Chris works out of our Michigan office but plans to be in town:

- December 7-8
- December 13
- December 18-20

Would any of those days work for your schedule?

Thanks,

Dave

David Schwietert
Executive Vice President, Federal Government Relations & Public Policy
P: 202-326-5521 | dschwietert@autoalliance.org

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Message

From: Louer, Greg [Greg.Louer@apks.com]
Sent: 10/25/2017 5:44:17 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Hello!

Mandy,

Hello there! I know you've been super busy since moving over to agency, but I'd love to catch up with you if you a chance on a couple of matters. Do you have any time to chat by phone over the next day or so?

Many thanks in advance, and I hope you're doing well!

Sincerely,

- Greg

Greg Louer
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW | Washington | DC 20001-3743
T: +1 202.942.6576 | M: +1 202.277.2061 | F: +1 202.942.5999
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http://www.apks.com

Message

From: matthew.kuryla@bakerbotts.com [matthew.kuryla@bakerbotts.com]
Sent: 10/31/2017 2:24:39 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: TIP meeting

Mandy, do you have 15 mins to visit on the issues for discussion at the 12/7 Texas Industry Project meeting? Say, 3 pm eastern today?

Matt Kuryla
Partner

Baker Botts L.L.P.
matthew.kuryla@bakerbotts.com
T 713.229.1114
M 713.504.0313

910 Louisiana Street
Houston, Texas 77002
USA

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Message

From: Stephen Fotis [scf@vnf.com]
Sent: 11/1/2017 1:12:01 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]
CC: Marnie Funk (Marnie.Funk@shell.com) [Marnie.Funk@shell.com]
Subject: Shell Meeting on OOOOa Reconsideration Rulemaking

Mandy and Justin – Many thanks for making time this afternoon to meet with Marnie and me regarding the OOOOa NSPS reconsideration rulemaking. On behalf of Shell, we very much appreciate all of your efforts to review and reform the current OOOOa regulatory regime, and look forward working with you on the upcoming rulemaking. We will be following up with Peter Tsirigotis and his staff at RTP as you've suggested. In the interim, please let us know if there is way that Shell can be of assistance to you.
Best regards,
Stephen

Stephen Fotis
Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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Message

From: Kathy Bergren [Bergren@ncga.com]
Sent: 10/31/2017 6:47:55 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Thank you letter to Administrator Pruitt
Attachments: NCGA Thank You.pdf

Mandy:

On behalf of the National Corn Growers Association, please find a thank you letter to Administrator Pruitt regarding his RFS-related commitments attached.

Thank you for your time and efforts working on these issues as well.

Kathy

Kathy Bergren
Director, Public Policy
National Corn Growers Association
20 F Street NW, Suite 600
202-326-0649 Direct
202-297-5032 Mobile
bergren@ncga.com

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NATIONAL CORN GROWERS ASSOCIATION

October 31, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Administrator Pruitt:

For the past several years, it has felt like the door of the U.S. Environmental Protection Agency has been closed to America's farmers. Our farmers have always understood the responsibility we have to protect our nation's environment, but the opportunity to share our concerns and contribute toward identifying workable solutions was not widely available to us. We are grateful for your willingness to listen to the agency's stakeholders.

On behalf of our nation's corn growers, I would specifically like to thank you for reiterating your commitment to the Renewable Fuel Standard in your recent letter to several members of the United States Senate. The National Corn Growers Association appreciates your public statement of this commitment, which we know will strengthen the foundation for ethanol and renewable fuels. We particularly appreciate your pledge to evaluate the agency's authority to address Reid Vapor Pressure regulations that restrict existing E15 sales, as well as your assurance the Agency will not pursue regulations to change the treatment of RINs on ethanol exports.

Ethanol production is a vital market for corn farmers. In the last crop year, 5.3 billion bushels of U.S. corn produced 15 billion gallons of ethanol, and returned the equivalent of 1.1 billion bushels of corn as distillers dried grain for feed. Nearly all the ethanol consumed in the United States is domestic, and the United States is on track to continue a high level of exports this year after exporting more than 1 billion gallons of ethanol in 2016. With net farm income down by 50 percent since 2013 and corn crop receipts expected to decline for a fifth consecutive year, a strong RFS supports a market-based solution for improving the agriculture economy.

As we discussed when you visited North Dakota in August, our farmers appreciate your leadership in re-shaping the current waters of the United States regulation, reforming burdensome and unworkable regulations, and working to ensure farmers have tools that we need to address emerging challenges in food production. We look forward to continuing to work with you to improve regulatory implementation and strengthen policies for renewable fuels that benefit consumers, farmers and our environment.

Sincerely,

Kevin Skunes, President
National Corn Growers Association

WWW.NCGA.COM

NATIONAL OFFICE
632 Cepi Dr.
Chesterfield, MO 63005
(636) 733-9004

WASHINGTON, DC OFFICE
20 F Street NW, Suite 600
Washington, DC 20001
(202) 628-7001

Message

From: emtrisko@earthlink.net [emtrisko@earthlink.net]
Sent: 11/2/2017 7:35:32 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: OK Plan

Thanks, Mandy!

Eugene M. Trisko
Attorney at Law
301 639 5238 cell
emtrisko@earthlink.net

----- Reply message -----
From: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
To: "emtrisko@earthlink.net" <emtrisko@earthlink.net>
Subject: OK Plan
Date: Thu, Nov 2, 2017 1:38 PM

Mandy M. Gunasekara
Principal Deputy Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency

Message

From: Niskanen Center [invite@eventbrite.com]
Sent: 10/25/2017 2:01:45 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: You're invited to Niskanen Night (Nov 16, 2017)

You are invited to the following event:

NISKANEN NIGHT

Event to be held at the following time, date, and location:

Thursday, November 16, 2017 from 6:00 PM to 9:00 PM (EST)

Stanton & Greene
319 Pennsylvania Avenue Southeast
Washington, DC 20003

View Map

Attend Event

Event registration is by invitation only. Register with your email address to attend this event.

Please join the Niskanen Center for Conversation & Cocktails!

This event is invitation only.

RSVP soon! Space is limited.

Questions? Please contact: Events@NiskanenCenter.org

**This event is intended to be a reception under House and Senate gift rules. Administration officials will be required to check with their designated agency ethics officials regarding restrictions.*

This invitation was sent to gunasekara.mandy@epa.gov by Niskanen Center the organizer. To stop receiving invitations from this organizer, you can unsubscribe.

Eventbrite, Inc. | 155 5th St, 7th Floor | San Francisco, CA 94103

Message

From: Dravis, Samantha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECE53F0610054E669D9DFFE0B3A842DF-DRAVIS, SAM]
Sent: 11/3/2017 1:33:49 PM
To: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: Fwd: Following up re HFC 134a and Wabash/Structural Composites
Attachments: Following up re HFC 134a and Wabash/Structural Composites; ATT00001.htm; ATT00002.htm; Compsys Petition for Reconsideration of SNAP Rule 80Fed.Reg.42870 07202015.PDF; ATT00003.htm; ATT00004.htm; Wabash - MSC[1].DOCX; ATT00005.htm

I would like to get an internal meeting scheduled on this - **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Sent from my iPad

Begin forwarded message:

From: "Jeff Sadosky" <jsadosky@forbes-tate.com>
To: "Dravis, Samantha" <dravis.samantha@epa.gov>, "Kime, Robin" <Kime.Robin@epa.gov>, "Lovell, Will (William)" <lovell.william@epa.gov>, "Feeley, Drew (Robert)" <Feeley.Drew@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: Following up re HFC 134a and Wabash/Structural Composites

Samantha et al.,
Thank you again for the time recently discussing the challenges Wabash and Structural Composites/Compsys are facing re HFC 134a. Following up on that meeting, I wanted to circle with a document (attached, Wabash-MSC.docx) that highlights the investment made and the impact this will have on the deployment of this technology. Again, all of this is threatened by regulations prohibiting its usage despite the lack of an alternative and the long term environmental benefit, which is significant given the lower weight, improved fuel efficiency and resulting overall lower emissions.

Also attached are the documents we sent over ahead of the meeting, just in case they were needed in any way.
Please let me know when a good moment might be to talk through potential next steps or your thoughts following the meeting, and hope all is well.
Please holler with any questions.
Best,
Jeff

From: Jeffrey Sadosky <jsadosky@forbes-tate.com>
Date: Friday, October 13, 2017 at 11:19 AM
To: "Lovell, Will (William)" <lovell.william@epa.gov>, "Kime, Robin" <Kime.Robin@epa.gov>
Cc: George Cooper <gcooper@forbes-tate.com>
Subject: Pre-read documents for Structural Composites/EPA Meeting

Will/Robin,
Attached you'll find the following:

- <!--[if !supportLists]--><!--[endif]-->Overview of EPA SNAP Regulations Affecting U.S.-Based Small Business Foam-Blowing Application
- <!--[if !supportLists]--><!--[endif]-->A January of '17 response from Compsys/Structural Composites to questions from the EPA dated January 9, 2017
- <!--[if !supportLists]--><!--[endif]-->A 2015 petition for administrative reconsideration of the final rule
- <!--[if !supportLists]--><!--[endif]-->June 2016 response to EPA proposed rule, published at 81 Fed Reg 22810 from April of '16.

Hope this is helpful context, know it is a lot of reading, but believe the first document summarizes things well.
Holler with any questions, and look forward to seeing everyone on Monday.
Thanks,
Jeff

Jeffrey C. Sadosky
Forbes Tate Partners
777 6th Street NW
8th Floor
Washington, DC 20001
(202) 340-8586 cell

Message

From: Thompson, Ryan [thompsonr@akingump.com]
Sent: 11/3/2017 9:45:15 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]; Loving, Shanita [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=439ce9c2d2104080a1b5908d3402bf20-Loving, Shanita]; Cyran, Carissa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a903847a9424979b89400688b5c2f5e-Cyran, Carissa]
Subject: RE: Aviation carbon emissions

Thanks Mandy! I certainly understand – if your scheduling team can suggest some dates for early December, I will gladly start working it from our team's side. Thank you and have a great weekend! - Ryan

---

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Friday, November 03, 2017 12:28 PM
To: Thompson, Ryan
Cc: Dominguez, Alexander; Atkinson, Emily; Loving, Shanita; Cyran, Carissa
Subject: RE: Aviation carbon emissions

Hey Ryan – I'd be happy to meet. I'm looping in our scheduling team to help firm up the logistics. Heads up that due to significant travel in November, I won't be available for an in person meeting until early December.
Best,
Mandy

From: Thompson, Ryan [mailto:thompsonr@akingump.com]
Sent: Friday, November 3, 2017 10:27 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Aviation carbon emissions

Mandy,

I hope you are well! I wanted to reach out to request a meeting to discuss carbon emissions from aircraft engines per the article below with my client American Airlines. Would you have any time next week of the week after? Thanks! – Ryan

Ryan Day Thompson
AKIN GUMP STRAUSS HAUER & FELD LLP

Politico:

Trump administration restarts work on airplane carbon rule

By ERIC WOLFF

10/13/2017 02:48 PM EDT

The EPA confirmed it is developing a rule to regulate carbon emissions from aircraft, a rare step by the Trump administration to address climate change, and one that's seen as critical for the U.S. aerospace industry.

The rule, still under development, is part of the effort agreed to by a United Nations body last year to set a global carbon standard for international flights. Aircraft manufacturer Boeing, and its engine-makers Pratt & Whitney and GE, supported the agreement, and the companies need EPA to create the emissions regulation that would allow DOT to certify its equipment for international sale.

The rulemaking runs counter to President Donald Trump and EPA Administrator Scott Pruitt's steadfast opposition to efforts to combat climate change, and their rollback of Obama's climate policies. EPA had paused development of the aircraft rule over the summer as part of Trump's broader deregulatory push. But official schedules show Pruitt met with Boeing and GE in July, and the agency restarted the work this fall.

In crafting the rule, the administration appears to be willing to support a climate change effort that is strongly backed by industry, and could be an indicator of how it will consider a treaty to limit global warming-causing coolants. The carbon rule for aircraft is essential for Boeing, one of the top U.S. exporters.

"If the U.S. does not write a rule, U.S. manufacturers, particularly this would be Boeing, and manufacturers of engines on planes, they would not be able to sell those on international service and U.S. airlines would not be able to buy them for international operations," said Nancy Young, vice president for environmental affairs for the lobby group Airlines for America.

A committee of the International Civil Aviation Organization, an international standards-setting body, first agreed to the carbon standard for aircraft engines early in 2016. New engine designs in 2020 would be required to be an average of 4 percent more

efficient than 2015 engines, and all new aircraft will have to meet the standard by 2024. ICAO issued a final approval in the spring, and EPA had already begun work on the rule, publishing an endangerment finding in July last year.

But Trump's election put the effort in doubt, and work on the rule paused over the summer as part of the new administration's regulatory reviews. Pruitt's schedule showed he had at least one meeting with Boeing over the summer, and work has begun now in earnest to produce a rule implementing the agreement.

"EPA is working on CO2 standards for aircraft to align them with the ICAO agreement," an EPA spokesman told POLITICO, confirming news first reported by Bloomberg BNA. The agency had said in its deregulatory agenda on July 20 that work on the rule had been suspended.

ICAO sets a wide variety of technical and safety standards, and federal agencies like the FAA and DOT typically implement them with little fanfare. Agreements by the body do not typically require Senate ratification. The ICAO agreement requires action by EPA to set the emission standards, and DOT would use those standards to certify engines promoted by Boeing, but it would not require Senate ratification.

But any carbon rule seemed unlikely under the Trump administration, which has spent its first months in office erasing regulatory efforts to fight climate change, including the Clean Power Plan and the U.S. participation in the Paris climate agreement.

Without an EPA rule implementing the deal, Boeing would have been unable to export its aircraft, or would have been forced to get them certified by another country that had implemented the deal, like Canada or Mexico. Boeing is a major exporter: The U.S. exported $136 billion in aerospace equipment in 2016, and Boeing exported $25 billion in aircraft to China alone. The International Council on Clean Transportation, a transportation think tank, characterized the stakes by noting Boeing's $250 billion order backlog that could be at risk without a rule.

Boeing declined to comment for this story.

Boeing and GE met with Pruitt on July 13, a week before the public learned the rule had been paused, according to a schedule of Pruitt's meetings released by EPA last month.

"For Boeing, GE and Pratt and Whitney, it's critical," said Daniel Rutherford, marine and aviation program director for ICCT. "If they want to sell aircraft after 2020, they need this rule."

Greens are split on the ICAO standard. Bill Hemmings, who leads aviation work at Transport and Environment, an international green group, lambasted it at the time as " a nice try" that fell short of making major strides to reduce emissions. According to ICCT's analysis, Boeing will exceed the standard with the products in their pipeline by 10 percent.

But defenders of the agreement say it has value for preventing backsliding in engine efficiency, and for stopping other countries from producing less efficient products that undercut higher-quality U.S. goods.

"With this agreement, ICAO created the first-ever standards for carbon dioxide performance for a major sector of the economy, the aviation industry," said Rick Duke, a former aide to Obama who worked on the agreement. "It's good for American industry because we produce efficient aircraft and so we want to make sure that laggards are not grabbing market share with poor-performing aircraft."

The administration's action could also be good news for the U.S. coolant-making industry, which is strongly backing a separate agreement struck at the end of last year to limit global-warming hydrofluorocarbons. The industry supports the agreement reached in Kigali, Rwanda, because U.S. companies are the leaders in next-generation coolants. But unlike the ICAO agreement, the amendment to the Montreal Protocol requires Senate ratification.

Now, the willingness of Trump's EPA to write a carbon rule on behalf of industry could signal at least tacit approval to remain

part of the international business arrangement, if not administration support for the Kigali agreement itself.

"I think that's what we saw happen last year with the Kigali agreement with HFCs where U.S. industry strongly pushed for successful outcome there," Duke said. "And like the aircraft sector, the industry produces high-performing products, and they very much appreciate having a level playing field and allows them to have a clear path."

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Message

From: Ari Natter (BLOOMBERG/ NEWSROOM:) [anatter5@bloomberg.net]
Sent: 11/1/2017 6:55:42 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; surya@sectionvii.com
Subject: Re:E-intro

Thanks for that introduction, Surya and for your time a few minutes ago on the phone.

Hi Mandy - Nice to e-meet you. I hope we can chat on background one of these days.

And coffee sounds awesome!

Cheers,

Ari Natter
Reporter
Bloomberg News
202-807-2243 office
202-445-5555 cell
@AriNatter
Stories: bloom.bg/2mBBE2I

From: surya@sectionvii.com
Subject: Re:E-intro

Hey Mandy,

I wanted to briefly introduce you to Ari (cc'ed) an energy and environment reporter with Bloomberg. I gave him some background on tax reform and energy credits.

At some point, you two or the three of us should all grab coffee.

See you later,

Surya

Surya G. Gunasekara
Principal
Section VII Strategies, LLC
202.288.8657

Message

From: Josh Novotney [Josh@arenastrategies.com]
Sent: 10/31/2017 6:38:15 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Simon, Karl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4d781d1ad595415db3a4e768c2d2b3fc-Simon, Karl]
Subject: RE: Follow-up from 10/12 meeting

Hi Mandy – Apologies for not getting back to you last week. I was completely wiped out from a cold.

Thank you again for your time a couple of weeks ago and for bringing Karl into the meeting. I just got word that all of the papers are finalized with GE to move forward. We would very much like to meet with the DERA folks as suggested in the meeting. We can meet as soon as they are available. Karl – please let me know next steps on this.

Mandy – please let us know if there is anything we can do to move the ball forward on this. We will be very engaged in the coming weeks. I copied a link below in case you missed the article from WSJ last week on GE Locomotive. This does not need to happen as this technology will turn that company and the manufacturing plant around. GE Locomotive is fully on board.

Thanks again and looking forward to working with you.

https://www.wsj.com/articles/ge-explores-exiting-from-the-railroad-business-1509031146

Joshua Novotney
VP of Federal Government Affairs
Arena Strategies
[m] 202-577-6794
www.arenastrategies.com

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Thursday, October 26, 2017 3:16 PM
To: Josh Novotney <Josh@arenastrategies.com>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Subject: Follow-up from 10/12 meeting

Hi Josh,

Thank you for coming in with Liberty Energy Trust regarding the plan to retrofit locomotive freight engines. As discussed in the meeting, we appreciate the initiative LET has developed and stand by to provide assistance as needed. I'm cc'ing Karl Simon who was in the meeting from our Office of Transportation and Air Quality to ensure you are connected as well. The offer stands to arrange a technical-level meeting when you and the rest of the LET team are ready. Let us know.

Best,

Mandy

Mandy M. Gunasekara

Senior Policy Advisor for Office of Air and Radiation
Office of the Administrator
US Environmental Protection Agency

Message

From: Executive Director [ExecutiveDirector@nationalenergyresources.com]
Sent: 10/20/2017 8:48:38 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Lunch with FERC Chairman Neil Chatterjee - Nov. 1st - RSVP Requested

National Energy Resources Organization (NERO)

Cordially invites you to attend the 2017 NERO Luncheon Series

With

FERC CHAIRMAN

NEIL CHATTERJEE

Wednesday, November 1, 2017

Doors Open at 11:45 a.m.

Hyatt Regency on Capitol Hill

400 New Jersey Avenue, NW, Washington, DC

RSVP: ExecutiveDirector@NationalEnergyResources.com or 703-548-1764

Please Note: Counsel has advised that under House and Senate rules, this event is a "widely attended event". Under these rules, only NERO may extend invitations to House or Senate Members or staff to attend this event. Individual members of NERO are not permitted to extend invitations. Violations of these rules may result in criminal liability.

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www.nationalenergyresources.com

Message

From: Cyber Security in Gov Workshop [PotomacForumTraining@CyberSecurityWorkshop.org]
Sent: 10/24/2017 5:05:09 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: [SPAM] Beyond Compliance: Cybersecurity Training Workshop for Gov

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Latest in Cybersecurity & Implementing the President's Cybersecurity Executive Order (EO) Training Workshop

A "How To" Workshop to Implement the Requirements of the EO and its Reporting Requirements

Date: Wednesday, November 15, 2017

Please Review and Forward to Your Government Executives, Managers and Staff Who Play a Part in Agency Cyber Security Management or Implementation - CIOs, CXOs,. CISOs, IGs, Program Managers

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Date: Wednesday, November 15, 2017

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info@PotomacForum.org

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Government Speakers:

Keynote:
The Cybersecurity Executive Order:
Building the Next Generation Risk Management Framework and Controls
Dr. Ron Ross
NIST Fellow
Author of the NIST Risk Management Framework (RMF) and Numerous NIST Cyber Security Publications
(Latest Info on Cyber Security Framework, Security Controls and the Risk Management Framework)

Dr. Barry C. West
Deputy CIO & Senior Advisor to CIO
Senior Accountable Official for Risk Management
Department of Homeland Security (DHS)
(Awaiting Agency Approval)

Martin Stanley
Chief, Cybersecurity Branch
National Protections and Programs Directorate (NPPD)
Department of Homeland Security (DHS)

Ricci L. Mulligan
Acting Principal Deputy Assistant Secretary
Office of Information and Technology
Department of Veterans Affairs (VA)

Kirit Amin
Chief Information Officer (CIO)
International Trade Commission (USITC)

Jaime Noble, CAP, CISSP
Deputy Director for IT Security &
Deputy Chief Information Security Officer
Office of Justice Programs
Department of Justice

Additional Government Speakers are being approved for participation by their Agencies

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- **The value of the integration of the NIST RMF with the NIST CSF**
- **Development of agency Risk Management Strategies**
- **Changes in federal information system authorization requirements and guidelines**
- **Guidance into what agencies can expect from the NIST RMF and new CSF processes**
- **Importance of Risk Assessments (RA), Security Control Assessments (SCA), and Security Testing & Evaluation (ST&E)**
- **Security control categorization and how it is used to manage risk**
- **NIST SP 800-53A, Guide for Assessing the Security Controls in Federal Information Systems and Organizations: Building Effective Security Assessment Plans; NIST SP 800-37 Rev. 1 Guide for Applying the Risk Management Framework to Federal Information Systems: A Security Life Cycle Approach and NIST SP 800-39 Managing Information Security Risk**
- **Reporting Requirements for the Executive Order**
- **Best Practices for Responding to the Executive Order**

Why You Should Attend

- **Review the key steps within the NIST RMF and CSF**
- **Obtain practical knowledge of how NIST RMF and CSF are incorporated into information system security**
- **Gain insight into conducting and implementing NIST RMF and CSF in your organization**
- **Collect information on how NIST frameworks can be leveraged to enhance the security of your organization**

- **Learn how risk management and cybersecurity are essential for regulatory compliance**
- **Learn from risk management, security and OIG colleagues in Federal, State and Local Governments**
- **Learn how other Agencies are responding to the EO**

Who Should Attend:

- **CIOs, CISOs and Staff**
- **IT security and risk management practitioners**
- **IGs and Staff**
- **Program Managers responsible for risk management**
- **Government Employees who want to better understand organization risk management**
- **Executives who oversee risk management for the government**
- **All government executives, managers and staff who need to better understand risk management and implementing the President's Executive Order**

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Association for Federal Information Resources Management

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This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Chris Bliley [cbliley@growthenergy.org]
Sent: 10/20/2017 4:19:07 PM
Subject: Growth Energy Statement on Pruitt Letter Committing to RFS

FYI

Growth Energy Statement on Pruitt Letter Committing to RFS

WASHINGTON, D.C. — Growth Energy CEO Emily Skor today released the following statement in response to a Renewable Fuel Standard (RFS) letter sent by Environmental Protection Agency (EPA) Administrator Scott Pruitt to several Senate biofuels champions. The EPA commits to leaving biodiesel levels untouched, eliminating the prospect of a foreign market-killing export scheme, leaving the RFS point of obligation unchanged, and expanding markets for E15 by fixing the Reid Vapor Pressure (RVP) issue. These are positive steps for America's biofuels industry and American farmers.

"Growth Energy applauds EPA Administrator Scott Pruitt's pledge to Senate biofuels champions to uphold the president's continuous support of the RFS and faithfully administer the law passed by Congress. The commitments outlined in his letter – when finalized – will ensure American biofuels continue to deliver value to consumers nationwide. We thank our senate champions and governors, whose unyielding support helped secure this landmark commitment from the EPA.

"We will continue to work with EPA on all matters regarding biofuel regulations and look forward to the final Renewable Volume Obligations (RVO) with levels equal to or greater than the total levels in the proposed rule, including an increase for cellulosic biofuels."

Chris Bliley | Vice President, Regulatory Affairs
Growth Energy
701 8th St NW Suite 450
Washington DC 20001
OFFICE 202.545.4023 CELL 202.579.7418
TWITTER @GrowthEnergy
FACEBOOK growthenergy.org/facebook
WEBSITE www.growthenergy.org

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Message

From: Surya Gunasekara [surya@sectionvii.com]
Sent: 11/1/2017 6:54:00 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: anatter5@bloomberg.net
Subject: E-intro

Hey Mandy,

I wanted to briefly introduce you to Ari (cc'ed) an energy and environment reporter with Bloomberg. I gave him some background on tax reform and energy credits.

At some point, you two or the three of us should all grab coffee.

See you later,

Surya

Surya G. Gunasekara
Principal
Section VII Strategies, LLC
202.288.8657

Message

From: Nina Dixon [ndixon@brucknertruck.com]
Sent: 11/3/2017 6:02:44 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: RE: Greenhouse Gas Phase2 Regulation - Glider Vehicle Volume Cap
Attachments: Letter RE Glider Vehicles.pdf

Good afternoon-
Please review the attached letter from Brian Bruckner, President of Bruckner Truck Sales, Amarillo, Texas.
Feel free to contact me if you have any questions.
Thank you-

Nina Dixon
Executive Assistant
9471 I-40 East
Amarillo, Texas 79118
(806) 349.5108 phone

Bruckner's

November 3, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Cc:
Mandy Gunasekara, Senior Advisor to the Administrator (by email) Gunasekara.Mandy@epa.gov
Erik Baptist, Senior Deputy General Counsel (by email) baptist.erik@epa.gov

As a private business owner with operations in Oklahoma, Texas, Kansas, New Mexico, Colorado, and Louisiana I ask you to keep the volume cap on "glider vehicles" as written in the final Greenhouse Gas Phase 2 regulation. These glider vehicles are sold against us but with an unfair competitive advantage. Hundreds of these vehicles are being sold to individuals and corporations that would have otherwise purchased new vehicles. These create as much as 50% more pollution as new technology trucks but more importantly do not have many of the safety features of new vehicles. We need safe, efficient vehicles that share the highway with our family and friends not glider vehicles.

Today's new trucks meet US '10 emission levels by the installation of an expensive "chemical factory" behind the engine (the SCR and DPF). Because gliders vehicles don't meet the current emission standards, they avoid these expensive "chemical factories" that we, as conscientious business owners complying with EPA's strict emissions standards, provide our customers with the least amount of emissions possible.

Also, we are required to pay a 12% Federal excise tax on the sales price for every truck we sell. Glider Vehicles may not have to pay the excise tax. This tax is used to fund the Federal highway trust fund which helps pay for our roads and bridges. So, we are at a 12% unfair price disadvantage and the vehicles we sell to build highway infrastructure is impacted as the fund is lessened with every glider vehicle sold.

I have lost sales to glider vehicles and it negatively impacts my business. I simply want a level playing field so that we can fairly compete. Moo-La Transportation, Penn Transport, Target Energy, Murphy Brothers, Huey Malmay Trucking, AJ Turnipseed Logging, James Gentry Trucking, CNC Oilfield, Turban Trucking, Templeton Transportation, Trans-Sands, Wade Trucking, Ramirez and Sons, PG Enterprises, and many other companies that we serve have purchased these glider vehicles.

9471 I-40 East ▪ P.O. Box 31958 ▪ Amarillo, Texas 79120 ▪ 806.376.6273 ▪ www.brucknertruck.com

Bruckner's Since 1932

Please feel free to contact me at bmbruckner@brucknertruck.com.

Sincerely,

Brian Bruckner
President

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 10/24/2017 8:36:43 PM
To: Kyle Harris [kharris@corn.org]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Atkinson, Emily [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb2155adef6a44aea9410741f0c01d27-Atkinson, Emily]; Flynn, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=735bf2d12a064b0998510511c5b4644b-MFlynn]
Subject: RE: Great Meeting You

Hi Kyle-
I'm copying Emily Atkinson on this note and she can help find a time that works for you and our team here.
Thanks
Sarah

From: Flynn, Mike
Sent: Tuesday, October 24, 2017 4:27 PM
To: Kyle Harris <kharris@corn.org>
Cc: Dunham, Sarah <Dunham.Sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Treimel, Ellen <Treimel.Ellen@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: Great Meeting You

Kyle,
It was good meeting you also. Sorry for my delay in getting back to you. I think it's best for you to connect with our folks working on air issues here. I've shared your request with Sarah Dunham, the Acting Assistant Administrator for Air and Radiation, and Mandy Gunasekara, the Senior Policy Advisor to the Administrator for Air and Radiation. They will be following up with you.

Best,
Mike

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
202-564-4711

From: Kyle Harris [mailto:kharris@corn.org]
Sent: Thursday, October 19, 2017 12:32 PM
To: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Great Meeting You

Mr. Flynn,

It was a pleasure to meet you last night at the ELI Annual Awards Dinner. Per our discussion, I would appreciate the opportunity to come and brief you further on an issue involving air emissions from the processing of short-cycle herbaceous crops. The Ag sector is poised to invest billions of dollars throughout the United States to expand the bioeconomy, which can provide 21st century solutions to economic growth, domestic energy security, and

environmental benefits in the form of bioenergy, biofuels, and bioproducts made from corn, oilseeds, crop residues, farm wastes and other agricultural feedstocks.

Please advise any times that may work for you and your team in the coming weeks where we could sit down and further discuss.

Thanks in advance,

Kyle

Kyle A. Harris, Esq.
Manager, Environmental Affairs/ Workplace Safety
Corn Refiners Association
www.corn.org
1701 Pennsylvania Ave NW
Suite 950, Washington, DC 20006
Office: (202) 534-3501
Cell: (410) 924-2629

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Message

From: Jeff Sadosky [jsadosky@forbes-tate.com]
Sent: 11/3/2017 1:31:29 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]; Feeley, Drew (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abae82aa36da4d3383eae19a8efa683c-Feeley, Rob]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Following up re HFC 134a and Wabash/Structural Composites

Totally understand, no worries. Will touch base in a bit.

On 11/3/17, 9:29 AM, "Dravis, Samantha" <dravis.samantha@epa.gov> wrote:

Jeff,

I have not forgotten about this issue, but we have not yet made a determination internally about how we will proceed. We have a number of issues on our plate we are trying to work through - Thank you for the follow up and the documents.

Talk soon,
Samantha

> On Nov 1, 2017, at 1:50 PM, Jeff Sadosky <jsadosky@forbes-tate.com> wrote:
>
> Samantha et al.,
> Thank you again for the time recently discussing the challenges Wabash and Structural Composites/Compsys are facing re HFC 134a. Following up on that meeting, I wanted to circle with a document (attached, Wabash-MSC.docx) that highlights the investment made and the impact this will have on the deployment of this technology. Again, all of this is threatened by regulations prohibiting its usage despite the lack of an alternative and the long term environmental benefit, which is significant given the lower weight, improved fuel efficiency and resulting overall lower emissions.
>
> Also attached are the documents we sent over ahead of the meeting, just in case they were needed in any way.
> Please let me know when a good moment might be to talk through potential next steps or your thoughts following the meeting, and hope all is well.
> Please holler with any questions.
> Best,
> Jeff
>
>
> From: Jeffrey Sadosky <jsadosky@forbes-tate.com>
> Date: Friday, October 13, 2017 at 11:19 AM
> To: "Lovell, Will (William)" <lovell.william@epa.gov>, "Kime, Robin" <Kime.Robin@epa.gov>
> Cc: George Cooper <gcooper@forbes-tate.com>
> Subject: Pre-read documents for Structural Composites/EPA Meeting
>
> Will/Robin,
> Attached you'll find the following:
>
> - Overview of EPA SNAP Regulations Affecting U.S.-Based Small Business Foam-Blowing Application
>
> - A January of '17 response from Compsys/Structural Composites to questions from the EPA dated January 9, 2017
>
> - A 2015 petition for administrative reconsideration of the final rule
>
> - June 2016 response to EPA proposed rule, published at 81 Fed Reg 22810 from April of '16.

> Hope this is helpful context, know it is a lot of reading, but believe the first document summarizes things well.
> Holler with any questions, and look forward to seeing everyone on Monday.
> Thanks,
> Jeff
>
> Jeffrey C. Sadosky
> Forbes Tate Partners
> 777 6th Street NW
> 8th Floor
> Washington, DC 20001
> (202) 340-8586 cell
>
> <Final 10.16.17 EPA Meeting Overview of EPA SNAP Regulations Affecting US Small Business.PDF>
> <Compsys Response to EPA Questions 1_9_17 (2).PDF>
> <Compsys Petition for Reconsideration of SNAP Rule 80Fed.Reg.42870 07202015.PDF>
> <Compsys SNAP Comments June 2 2016.PDF>
> <Wabash - MSC[1].DOCX>

Kirby/Stewart and Stevenson EPA Hardship Request

What is the problem? Both Kirby's existing diesel businesses and Stewart and Stevenson (S&S), recently acquired by Kirby, participate in the EPA "Transition Program for Engine Manufacturers" using the "single family compliance option." This allows each company to use a certain number of Tier 2 engines from a single manufacturer during the period of the program, which expires at the end of 2017. S&S entered into contracts before the Kirby acquisition to produce equipment using engines it obtained under the program. In particular, S&S has two contracts totaling $43 million to produce 40 pressure pumping units before year end, using its designated MTU 12V4000 engines. EPA regulations stipulate that post-acquisition, S&S must use engines that are the same as Kirby's other engine subsidiaries. S&S cannot satisfy its existing contractual obligations using the other engine.

Why do you have to use these engines? With this purchase, the customer will have purchased 119 of these engines. It is the only engine in their frac fleet. This means their entire maintenance and parts system is built around supporting this engine, not another one. Asking them to support another engine would be like asking Southwest airlines to add in a few Airbus models to its fleet of all Boeing 737 aircraft. The engines are in S&S's inventory and ready to be installed as the units are constructed. MTU does not currently offer a Tier 4 compliant engine. Kirby cannot meet its acquired contractual obligations except by using these engines.

What is the remedy? There is a hardship provision that gives EPA the discretion to allow relief, but EPA takes the position that an acquisition cannot be the primary reason for hardship relief, although there is no statutory prohibition for using an acquisition as the basis of hardship relief. The law allows the hardship exception in this case, and a hardship exception is necessary to allow justice to be done, contractual obligations to be met, and keep workers employed building products that customers need.

What is Kirby asking for? Kirby wants to comply with the contractual obligation it acquired with S&S to install 40 MTU engines into equipment designed to receive those engines. Kirby is not asking to sell additional MTU engines in 2017 under this hardship waiver, just those needed to meet the acquired obligation. Kirby will count those engines against its 2017 corporate engine allowance, thus the total number of engines that can be placed in service as a result of the acquisition will be smaller than if the two companies continued separately. There is no environmental harm in this request.

What is the process for solving this problem? Kirby wants the policymakers at EPA to understand that this relief would in no way allow Kirby an undue advantage or increase the number of Tier 2 engines that could be sold under this transition program. In fact, it will decrease them. Kirby will file the appropriate application and requests due consideration of the unusual circumstances presented rather than an automatic response based on a prior policy position that is not statutorily required and simply does not make sense in this situation.

Who gets hurt if no waiver is granted? The 220 employees at the S&S Telge Road facility, for whom this order represents their work for the next few months. The customer, who needs this equipment for its hydraulic fracturing operations and needs it to match all of its other equipment. Kirby, who has a contractual obligation to meet, as well as customers and engine manufacturers who depend on Kirby as a distributor.

Message

From: Viator, Brad [BViator@eei.org]
Sent: 10/20/2017 11:44:56 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Re: EEI Member Meeting Invitation - October 25

Thanks for your willingness to help.

Brad Viator
Edison Electric Institute
202-257-5394

Sent from my iPhone

On Oct 20, 2017, at 4:44 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit The Grid. Questions? Please contact ITSupport@eei.org or ext. 5100.
>
> ---
>
> Ok- no worries and great.
>
> Sent from my iPhone
>
> On Oct 20, 2017, at 2:25 AM, Viator, Brad <BViator@eei.org> wrote:
>
> > Alex and Mandy,
> >
> > Just catching up from the day. I actually filled the slot with Samantha Dravis earlier this week and got it confirmed on Wednesday. I apologize. I forgot to update Whatley on it. I'm sorry about that.
> >
> > Brad Viator
> > Edison Electric Institute
> > 202-257-5394
> >
> > Sent from my iPhone
> >
> > On Oct 19, 2017, at 5:28 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:
> >
> > > This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit The Grid. Questions? Please contact ITSupport@eei.org or ext. 5100.
> > >
> > > ---

Mimecast Attachment Protection has created safe copies of your attachments.

Brad,

8:30AM on Wednesday works. Can you just send me the logistics, an agenda, and who else is speaking. Attached is Mandy's bio. Additionally are there any topics in particular your members want to focus on or more a general regulatory outlook?

Thank you,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Gunasekara, Mandy
Sent: Thursday, October 19, 2017 12:42 PM
To: Michael Whatley <MWhatley@hbwresources.com>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Viator, Brad <BViator@eei.org>
Subject: Re: EEI Member Meeting Invitation - October 25

Looping in Alex.

Sent from my iPhone

On Oct 19, 2017, at 12:38 PM, Michael Whatley <MWhatley@hbwresources.com> wrote:

> Mandy –
>
> Per our discussion, here is the information on the EEI Member Meeting next Wednesday.
>
> The meeting is a collection of about 100 EEI member company state representatives as well as 50 or so federal representatives from many of those same companies. It is scheduled for October 25 at 830 AM, but we have a little flexibility that morning if you need to move the time around a bit.
>
> I have copied Brad Viator from EEI, who is organizing the session and can provide any additional information that you may need.
>
> Thanks.

Michael

<image001.jpg>

Michael Whatley
HBW Resources
1666 K Street, NW, Suite 500
Washington, DC 20006
202-674-1750

<Mimecast Attachment Protection Instructions>
<Mandy Gunasekara Bio.doc>

Message

From: ELMORE, Baker [mbe@nei.org]
Sent: 10/24/2017 8:29:34 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: NEI speaking engagement

Hey Alex-

I hope this finds you well. I'm a friend of Surya's and I wanted to reach out on behalf of NEI. I've been meaning to try to come in and chat but it's been crazy times in the nuclear industry of late. The reason I'm reaching out is that my general counsel is hosting our Legal Advisory Committee (LAC) meeting at our office (1201 F Street NW) on Tuesday, November 14th, and we would love to have Mandy as a guest speaker to update our member companies on all things happening on the EPA front.

The LAC is comprised of in-house legal counsel from NEI member companies and attorneys from law firms with a nuclear energy practice. Collectively, these lawyers form a substantial part of the U.S. "nuclear bar."

The timeslot we would propose would be from 1:45-2:15 on Tuesday, November 14th, but we are flexible any time after 1:45 if it fits Mandy's schedule.

Thanks for considering and I'm happy to chat further and answer any questions you may have.

Best regards,

Baker

Baker Elmore
Director, Federal Programs
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004
www.nei.org
P: 202-739-8064
E: mbe@nei.org

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Sent through www.intermedia.com

Message

From: matthew.kuryla@bakerbotts.com [matthew.kuryla@bakerbotts.com]
Sent: 10/25/2017 9:25:36 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Today's report

Mandy, we just saw today's great document on potential changes to programs that burden energy resources. There are a couple of areas in it of particular interest to the Texas Industry Project group: NSR reforms and NAAQS implementation. We'd love to hear more about those when you come down to visit with TIP on December 7.

Please let us know if you need help in the meantime on developing specifics with respect to the relief. We have several good ideas there. Thanks!

Matt Kuryla
Partner

Baker Botts L.L.P.
matthew.kuryla@bakerbotts.com
T 713.229.1114
M 713.504.0313

910 Louisiana Street
Houston, Texas 77002
USA

BAKER BOTTS

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Message

From: info@eastfuelconf.com [info@eastfuelconf.com]
Sent: 10/31/2017 11:22:37 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Eastern Fuel Buyers Conference, special invitation

Dear Mandy Gunasekara, Environmental Protection Agency,

This is a special invitation to register early and save now!!

For: 47th Eastern Fuel Buyers Conference
Where: Disney Yacht Club Resort, Lake Buena Vista/Orlando, Florida, USA
When: May 9 – 11, 2018
Early registration fee: $450
Register here: https://www.eastfuelconf.com/conference/registration/

We are pleased to announce that pre-registration is now open for the 2018 Eastern Fuel Buyers Conference. As you may already know, the Eastern Fuel Buyers Conference is one of North America's premier fuel buyers' industry events. Attendees at the conference are the industry leaders who gather to share their ideas and thoughts concerning all aspects of the coal industry.

We would like to extend our sincere thanks to our many past sponsors listed on the website https://www.eastfuelconf.com/sponsors/ for their continued support of the Eastern Fuel Buyers Conference.

Register Now! (click here)
(or copy and paste: https://www.eastfuelconf.com/conference/registration/)

For more information, please visit www.eastfuelconf.com . And if you are interested in sponsoring, please respond to this email.

We look forward to seeing you May 9 – 11, 2018!!

Sincerely,
Your Eastern Fuel Buyers Conference host committee:
Claston Sunanon (OUC), Eric Walters (GRU), Tory Bombard (Lakeland Electric), Karen Bramley (Tampa Electric)
Romy - Global RCBI / EFBC Coordinators
Tel: 1-407-438-9600
Email: info@EastFuelConf.com
Website: www.eastfuelconf.com

Message

From: Letendre, Daisy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B691CCCCA6264AE09DF7054C7F1019CB-LETENDRE, D]
Sent: 10/26/2017 7:39:19 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Hartman, Zachary [Zachary.Hartman@anheuser-busch.com]
Subject: RE: Smart Sectors

Thanks Mandy and hi Zach. I would love to meet to discuss EPA's Smart Sectors program. Do you want to give me a couple of days that work for you? Happy to come to you.

From: Gunasekara, Mandy
Sent: Thursday, October 26, 2017 3:29 PM
To: Letendre, Daisy <letendre.daisy@epa.gov>
Cc: Hartman, Zachary <Zachary.Hartman@anheuser-busch.com>
Subject: Smart Sectors

Hi Daisy,
Following up from our conversation, I'm connecting you with my friend Zach Hartman who represents Anheuser-Busch. They are doing some great things from an environmental perspective that I believe would work well into our Smart Sectors Initiative.
I hope you both can find a time to connect!
Best,
Mandy

Mandy M. Gunasekara
Senior Policy Advisor for Office of Air and Radiation
Office of the Administrator
US Environmental Protection Agency

Message

From: Jennifer McDowell [jmcdowell@mema.org]
on behalf of Ann Wilson [awilson@MEMA.ORG]
Sent: 11/6/2017 3:21:42 PM
CC: Cindy Sebrell [csebrell@mema.org]; Briana Huxley [bhuxley@mema.org]
Subject: Join Us Wednesday for a Panel on the Trump Administration & the US Workforce

You're Invited to
MEMA's Policy Breakfast Series:
Many Trump Administration Policies Aim to Bring Jobs Back to the US: Are Companies and Workers Ready?
Wednesday, November 8, 2017 | 8:30 – 10:00 a.m.
The National Press Club
529 14th Street NW, Murrow Room, 13th Floor | Washington, DC 20045
Register Here

Many of the policies the Trump administration is championing aim to bring manufacturing jobs back to America. From NAFTA and the rules of origin, trade policies on the table could force US companies to hire more American workers. MEMA members report skilled labor shortages, long-term challenges in maintaining a qualified workforce, and full facilities. Even if companies are able to scale up facilities in this country, does the workforce exist to make it successful? How can we help American manufacturers meet the demand?

MEMA, which represents the largest sector of manufacturing jobs in the US, will host a lively panel discussion, which will explore the on-going challenges US companies face in recruiting, hiring, and retaining qualified workers as well as what solutions employers are using or seeking to meet hiring demands.

Agenda:

- Breakfast: 8:00 a.m.
- Program Introduction: 8:30 a.m.
- Presentation of MEMA member data on workforce issues: 8:35 a.m.
- Panel Discussion: 8:40 a.m.
- Q & A: 9:25 a.m.

Panelists:

- Ondray Harris, Senior Advisor, US Department of Labor
- Paul N Myles, Senior Manager Government Workforce and Training Programs, Magna International, Inc.
- Erika Nielsen, Director, Global Government Affairs, BorgWarner
- Carla Whitlock, Senior Apprenticeship Consultant, Anderson, Greenville, Oconee, and Pickens Counties, Apprenticeship Carolina, SC Technical College System
- Moderated by: Catherine Boland, Vice President, Legislative Affairs, MEMA

Best,

Ann Wilson
Senior Vice President of Government Affairs
Motor & Equipment Manufacturers Association
1030 15th St. NW

Suite 500 East
Washington, DC 20005

(202) 312-9246 (office)
(202) 320-7293 (cell)

Message

From: Lorman Live Webinars [customerservice@lormaneducationwebinar.net]
Sent: 10/25/2017 12:08:42 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: [SPAM] Tomorrow - Storm Water Pollution Protection Plans

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Storm Water Pollution Protection Plans: Drafting and Implementation Guidance

October 26, 2017 - 1 pm ET (12 pm CT, 11 am MT, 10 am PT)

Presented by
Scott Harding, SCI Engineering Inc. Mary Weatherford, SCI Engineering Inc.

Learn how to identify and handle the more difficult aspects of storm water permitting and SWPPP development.

Many contractors and developers do not fully understand how to comply with the National Pollutant Discharge Elimination System (NPDES) permits for Storm Water discharges from construction sites. One of the main requirements of the NPDES permit is the development and implementation of a site-specific Storm Water Pollution Prevention Plan (SWPPP).

This topic helps the persons responsible for Storm Water compliance to understand how to apply for a Storm Water NPDES permit and how to develop and maintain the necessary SWPPP. This material will also help you to identify best management practices (BMPs) for your site and how to be aware of possible special conditions at your site. This content will discuss site inspection reports, BMP failures, and how to handle regulatory inspections at your site.

Learning Objectives

• You will be able to define what storm water is and why you should be concerned about it.

• You will be able to describe what should be included in a storm water pollution prevention plan.

• You will be able to recognize the risks associated with noncompliance.

• You will be able to explain the requirements of storm water construction general permit.

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Message

From: Reitter, Annabeth [Annabeth.Reitter@domtar.com]
Sent: 10/26/2017 7:34:45 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: FW: Ashdown Mill -- Technical Support Document: Regional Haze
Attachments: Letter to ADEQ.pdf; Regional Haze-Technical Support Document.pdf

Mandy and Alex,

Here is the report we provided to ADEQ back at the end of July. In our discussion yesterday with Stuart Spencer and Will Montgomery, they are re-considering this approach for addressing the Ashdown Mill in a Regional Haze SIP for Arkansas since the BART alternative approach will not work for our situation.

Please let me know if there are any questions or if additional information is needed.

Thank you for your assistance.

Annabeth

From: Reitter, Annabeth
Sent: Tuesday, August 01, 2017 3:28 PM
To: gunasekara.mandy@epa.gov
Subject: FW: Ashdown Mill -- Technical Support Document: Regional Haze

Hi Mandy,

It was pleasure to meet you last week. Thank you for taking time out of your busy schedule to discuss a Regional Haze matter involving our Ashdown Mill located in Ashdown, Arkansas. We appreciate your time and attention and look forward to resolving this issue in a manner that is protective of the environment and is equitable for the Ashdown Mill.

As we discussed, I am forwarding to you a copy of the technical support document we recently provided to Arkansas DEQ. The CALPUFF modeling demonstration shows No 1. and NO. 2 Power Boilers are de-minimus with respect to Regional Haze with a less than 0.5 delta-deciview effect.

Please let me know if you have any questions or wish to further discuss.

Also as I mentioned last week, if there is anything I can do to assist you do your job, I am happy to help. If there are focus group opportunities to help identify priorities from a "down-in-the-trenches" perspective, provide feedback on practical solutions to environmental regulatory road blocks, etc. I am willing to engage in the conversation. Just let me know.

Thank you again for your time and attention to this Regional Haze matter.

Regards,

Annabeth

Annabeth Reitter
Corporate Manager, Environmental Regulation

T 715-886-7785 | C 715-459-9257

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From: MThimke@foley.com [mailto:MThimke@foley.com]
Sent: Monday, July 31, 2017 9:21 AM
To: Montgomery, William (Montgomery@adeq.state.ar.us) (Montgomery@adeq.state.ar.us)
Cc: Reitter, Annabeth; Crouch, Kelley; 'Jeremy Jewell'; Nick Kordsmeier (nkordsmeier@trinityconsultants.com)
Subject: Ashdown Mill -- Technical Support Document: Regional Haze

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Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/30/2017 7:23:02 PM
To: george.bilicic@lazard.com
CC: gregory.hort@lazard.com; ali.taqi@lazard.com; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Navajo Generating Station - EPA Letter to Lazard (10.30.17)
Attachments: NGS Letter 10-30-2017.pdf

Dear Mr. Bilicic,

Attached is Administrator Pruitt's response to your letter requesting clarification to the Alternative B operative scenario, as expressed in the Federal Implementation Plan for NOx control at the Navajo Generating Station. The letter was signed and sent in the mail today.

Best,
Alex

Alex Dominguez
Policy Analyst to the Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency

Message

From: George Cooper [gcooper@forbes-tate.com]
Sent: 10/24/2017 12:55:09 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Jeff Sadosky [jsadosky@forbes-tate.com]
Subject: Re: NMMA Meeting Request

11:30 AM Friday would be great Alex – that still work?

From: "Dominguez, Alexander" <dominguez.alexander@epa.gov>
Date: Monday, October 23, 2017 at 12:06 PM
To: George Cooper <gcooper@forbes-tate.com>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Cc: Jeff Sadosky <jsadosky@forbes-tate.com>
Subject: RE: NMMA Meeting Request

George – Mandy in unfortunately unable to meet this week. The soonest availability would be for a call on Friday, November 10th at 11:30AM or 2:00PM EDT. Please let me know if either of those work.

Best,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: George Cooper [mailto:gcooper@forbes-tate.com]
Sent: Monday, October 23, 2017 10:19 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Jeff Sadosky <jsadosky@forbes-tate.com>
Subject: Re: NMMA Meeting Request
Importance: High

Mandy and Alex I am checking back to see if we might be able to pull together a meeting for Wednesday afternoon or Thursday. Since sending this request last week NMMA has taken a look at the letter from Administrator Pruitt to the corn belt senators and in particular the paragraph regarding E15. We of course have members asking about this and so are even more anxious to visit with you and/or appropriate colleagues about the huge stakes at hand when it comes to putting E15 into market during the most popular summer boating months.
NMMA President Thom Dammrich is in town on Wednesday and Thursday so I am hoping we can find a time that works.
Thank you both,
George Cooper

From: George Cooper <gcooper@forbes-tate.com>
Date: Thursday, October 19, 2017 at 3:30 PM

To: "Gunasekara.Mandy@epa.gov" <Gunasekara.Mandy@epa.gov>, "dominguez.alexander@epa.gov" <dominguez.alexander@epa.gov>
Subject: NMMA Meeting Request

Mandy and Alex you met with several members of the National Marine Manufacturers Association earlier this year – as you may recall Administrator Pruitt was under the weather but ended up joining us for some of the productive discussion. We covered several subjects that day, spending some time on ethanol and E15 in particular. Wondering if some NMMA reps can come in to see you and/or any of your colleagues you think appropriate to expand on our recent thinking regarding E15 and a few other biofuel related matters. Looking at Wednesday or Thursday next week if possible.
Thank you very much!
George

George Cooper
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Message

From: Sam Kazman [Sam.Kazman@cei.org]
Sent: 10/17/2017 11:34:04 AM
To: Pruitt, Scott [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=757bedfd70ca4219b6d8046f5ce5681e-Pruitt, Sco]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: support from over 60 experts for reconsideration of the Endangerment Finding
Attachments: Scientists supporting reconsideration.pdf

Dear Administrator Pruitt:

Attached please find a letter containing the signatures of over 60 climate and health experts, supporting the petitions for reconsideration of the Endangerment Finding that were filed with your office this past January and February.

To date we have received no response from EPA to these petitions. We urge that you consider and act on them.

Respectfully submitted,
Sam Kazman
General Counsel
Competitive Enterprise Institute
202-331-2265
sam.kazman@cei.org

COMPETITIVE ENTERPRISE INSTITUTE

SCIENCE & ENVIRONMENTAL POLICY PROJECT (SEPP)

October 17, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

On behalf of the Competitive Enterprise Institute (CEI) and the Science and Environmental Policy Project (SEPP), I am writing to transmit to you a letter signed by more than 60 climate and health experts in support of our February 2017 petition, and in support of a similar petition filed by the Concerned Household Electricity Consumers Council, asking the Environmental Protection Agency to reconsider the 2009 Endangerment Finding for greenhouse gases.

Since 2009, a number of the basic claims in that document have become increasingly questionable, and there are growing doubts about the computer models on which the finding was based. These seriously undercut the foundation for our government's climate policies.

The Endangerment Finding is the basis for a host of incredibly burdensome and wide-ranging regulations, ranging from auto fuel economy standards to the Clean Power Plan. These threaten access to affordable energy, as well as millions of jobs, and countless lives around the world. The finding has been used by other federal agencies to greatly expand their own regulatory programs, while other nations and international groups have relied on it to justify their own restrictions on affordable energy.

The Endangerment Finding needs to be reexamined to ensure U.S. energy policy is based on sound science. We would appreciate the opportunity to further discuss these petitions with you. Thank you for your consideration.

Sincerely,

Sam Kazman
General Counsel
Competitive Enterprise Institute

1310 L Street, NW, 7th Floor Washington, DC 20005 202 331 1010 cei.org

October 17, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

You have pending before you two science-based petitions for reconsideration of the 2009 Endangerment Finding for Greenhouse Gases, one filed by the Concerned Household Electricity Consumers Council, and one filed jointly by the Competitive Enterprise Institute and the Science and Environmental Policy Project.

We the undersigned are individuals who have technical skills and knowledge relevant to climate science and the GHG Endangerment Finding. We each are convinced that the 2009 GHG Endangerment Finding is fundamentally flawed and that an honest, unbiased reconsideration is in order.

If such a reconsideration is granted, each of us will assist in a new Endangerment Finding assessment that is carried out in a fashion that is legally consistent with the relevant statute and case law.

We see this as a very urgent matter, and therefore, request that you send your response to one of the signers who is also associated with a petitioner, SEPP.

Thank you,

Kenneth Haapala, President
Science and Environmental Policy Project
P.O. Box 1126
Springfield, VA 22151

Supporting the Petitions – Experts in Climate Science and Related Fields

Dr. Ralph B. Alexander
Former Associate Professor, Wayne State University, Detroit
Author: "Global Warming False Alarm"
Ph.D., Physics, University of Oxford
B.S., Physics, University of Western Australia
El Dorado Hills, California

William D. Balgord, Ph.D.
President, Environmental & Resources Technology, Inc.
Ph.D. Geochemistry, Pennsylvania State University
M.A., Geology, University of Missouri
B.S., Chemistry, Millsaps College

Dr. Tim Ball
Ph.D., Historical Climatology
M.A., University of Manitoba
B.A., University of Winnipeg
Victoria, Canada

James R. Barrante, Ph.D.
Emeritus Professor of Physical Chemistry
Southern Connecticut State University
Author: "Global Warming for Dim Wits"

Joe Bastardi
B.S., Meteorology, The Pennsylvania State University
Chief Long Range Forecaster, Accuweather
Advisor on climate and weather issues for media and industry
Co-founder and Chief Meteorologist, WeatherBELL Analytics, LLC

David J. Benard
Co-inventor of the Chemical Oxygen-Iodine Laser
Ph.D., Physics, University of Illinois
Newbury Park, California

Dr. Edwin X Berry
Climate Physics, LLC
Certified Consulting Meteorologist
Ph.D., Physics, University of Nevada
M.A., Physics, Dartmouth College
B.S., Engineering, California Institute of Technology
Bigfork, Montana

John Blethen (Retired)
Following climate science closely since the 1970s
Ph.D., Physics, Stanford University

David Boleneus
Consulting geologist, geophysicist, and wheat grower (current)
U.S. Geological Survey research geologist (retired)
M.S., Geology, Louisiana State University
Thesis: Calcium carbonate precipitation in tropical oceans
B.S., Geology, Eastern Washington University
Vice Admiral Edward S. Briggs
United States Navy (Retired)

David J. Bufalo, P.E.
Retired Licensed Professional Engineer, Missouri and Colorado
B.S., Civil Engineering, Missouri University of Science and Technology
Denver, Colorado

Dr. Roger Burtner
Principle, Remote Sensing Exploration
Retired Senior Research Associate, Chevron Oil Field Research Company
Ph.D., Geology, Harvard
M.S., Geology, Stanford University
B.S., Geology, Franklin & Marshall College
Fullerton, California

Dr. Alan Carlin
Retired Senior Analyst and manager, U.S. Environmental Protection Agency, Washington, DC
Author: "Environmentalism Gone Mad," Stairway Press, 2015
Ph.D., Economics, Massachusetts Institute of Technology, Cambridge, Massachusetts
B.S., Physics, California Institute of Technology, Pasadena, California

John Coleman
Retired, Former Professional Member of the American Meteorological Society
Broadcast Meteorologist of the Year in 1982, Founder of The Weather Channel
Meteorologist on television for 61 years including Good Morning America
B.S., Journalism, University of Illinois
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William F. Condon, Ph.D.
Professor Emeritus and Past Chair of Chemistry
Southern Connecticut State University

Joseph S. D'Aleo
Certified Consulting Meteorologist, AMS Fellow
Chair AMS Committee on Weather Analysis and Forecasting
ABD, Air Resources, New York University
B.S., M.S., Meteorology, University of Wisconsin

Dr. Harold H. Doiron
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Ex-NASA JSC, Aerospace Consultant
B.S., Physics, University of Louisiana - Lafayette
M.S., Ph.D., Mechanical Engineering, University of Houston

Terry W. Donze
Geophysicist for 46 years
Author: "Climate Realism: Alarmism Exposed," Xulon Press
B.S., Geological Engineering, Missouri University of Science and Technology

John Droz, Jr.
Physicist
Founder of Alliance for Wise Energy Decisions (AWED)
Morehead City, North Carolina

Dr. Don J. Easterbrook
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Author, editor of 10 books, over 150 journal publications
Ph.D., Geology, University of Washington, Seattle
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Basic Meteorology, Texas A&M University
B.A., Geology, Rutgers University
Las Cruces, New Mexico

Dr. Neil Frank
Former Director, National Hurricane Center
Ph.D., Meteorology, Florida State University
Fulshear, Texas

Dr. Gordon J. Fulks
Gordon Fulks and Associates
Ph.D., Physics, The University of Chicago Laboratory for Astrophysics and Space Research
M.S., Physics, The University of Chicago
B.S., Physics, The University of Chicago
Corbett, Oregon

Melin O. Glerup
B.S., M.S., Geological Engineer and Petroleum Geologist
Retired Texaco, Inc. Executive and Consulting Geologist
Member of two Climate Study Groups (last 12 years) and geologist for 47 years
San Tan Valley, Arizona

Steve Goreham
Executive Director, Climate Science Coalition
Author: "Outside the Green Box: Rethinking Sustainable Development," New Lenox Books
B.S., M.S., Electrical Engineering, University of Illinois, Urbana
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Laurence I. Gould, Ph.D.
Professor of Physics, University of Hartford
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Dr. William Happer
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Ph.D., Physics, Princeton University, 1964
B.S., Physics, University of North Carolina, Chapel Hill, 1960

Dr. Howard C. Hayden
Prof. Emeritus of Physics, University of Connecticut
Ph.D., Physics, University of Denver
M.S., Physics, University of Denver
B.S., Physics, University of Denver
Pueblo West, Colorado

Admiral Thomas B. Hayward
Chief of Naval Operations
United States Navy (Retired)

Joe Hennessey
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M.S., Atmospheric Science, Oregon State University
B.S., Meteorology, University of Utah
B.S., Mathematics, Marquette University

Dr. Richard A. Keen (Emeritus)
Instructor of Atmospheric and Oceanic Sciences, University of Colorado, Boulder
Ph.D., Geography/Climatology, University of Colorado

William W. Little, Ph.D.
Professor of Geology at Brigham Young University
Owner of W.W. Little Geological Consulting
Ph.D., Geology, University of Colorado, Boulder
M.S., Geology, Brigham Young University
B.S., Geology, Brigham Young University
Rexburg, Idaho

Dr. David R. Legates
Professor of Geography, University of Delaware, CCM, American Meteorological Society
Ph.D., Climatology, University of Delaware
M.S., Geography, University of Delaware
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Jay Lehr
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Ph.D., Polymer Chemistry, University of Massachusetts
B.S., Polymer Science, The Pennsylvania State University
Jackson, Mississippi

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Past President, National Council of Industrial Meteorologists (2015-2017)
Certified Consulting Meteorologist
Certified Broadcast Meteorologist

Cliff Ollier
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University of Western Australia
B.Sc., M.Sc., D.Sc., Bristol

James M. Peacock
Charter Member of The Right Climate Stuff Research Team
NASA JSC Aerospace Engineer (Apollo Missions)
USAF R&D, Air Force Special Weapons Center
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Professional Geological Scientist (AIPG) #7063
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Nuclear physicist, board member of electricity, gas and transport businesses
MSC Melbourne,
D Phil MA Oxford, fellow of three Oxford colleges
SMP Harvard Business School Melbourne
Victoria, Australia

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Ph.D., Nuclear Engineering Sciences, University of Florida
M.S.E., Nuclear Engineering Sciences, University of Florida
B.S., Mechanical Engineering-Nuclear Option, University of Notre Dame

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Ph.D., Mechanical Engineering, Auburn University
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S/C Environmental Systems Engineer, NASA, Retired, TRCS Member
League City, Texas

Dr. Thomas P. Sheahen
Ph.D., Physics, Massachusetts Institute of Technology
B.S., Physics, Massachusetts Institute of Technology

Dr. Willie Soon
Independent scientist, 26+ years' experience in Sun and Climate Science research
Ph.D., University of Southern California, Aerospace Engineering, "Nonequilibrium kinetics in high-temperature gases"

John Turner
B.Sc.; Dip. Ed.; M.Ed. (Hons); Grad. Dip. Ed. Studies
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M.S., Mechanical Engineering, Brown University
B.S., Aeronautical Engineering, Brown University

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Principal Scientist, Air Improvement Resource, Inc.
Former Chair of the Clean Air Scientific Advisory Committee
Ph.D., Environmental Sciences, Rutgers University
M.S., Meteorology, New York University
B.S., Chemical Engineering, New Jersey Institute of Technology
Macatawa, Michigan

Dr. Kenneth C. Young
Faculty member, Department of Atmospheric Sciences, University of Arizona
Ph.D., Geophysical Sciences, University of Chicago
M.S., Geophysical Sciences, University of Chicago
B.S., Chemistry, Arizona State University
Petrolia, California

Supporting the Petitions – Experts in Energy or Public Health and Welfare, and Related Fields

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Doctor of Medicine, WVU School of Medicine
Board Certified, Internal Medicine
Board Certified, Pulmonary Diseases
Helvetia, West Virginia

E. Calvin Beisner, Ph.D., Founder and National Spokesman
The Cornwall Alliance for the Stewardship of Creation
Author of numerous books regarding Climate Policy and the Poor
Expert witness on the ethics and economics of climate and energy policy, U.S. Senate Environment & Public Works Committee, 2006, and Energy & Environment Subcommittee, U.S. House of Representatives Committee on Energy & Commerce, 2009
Ph.D., History, University of St. Andrews, 2003
M.A., Economic Ethics, International College, 1983
B.A., Religion and Philosophy, University of Southern California, 1978

Dr. Roger H. Bezdek
President, MISI, Washington, D.C.
Founding Member, Cavendish Energy LLC, Fort Worth, Texas. Previously served as Senior Advisor in the Office of the Secretary of the U.S. Treasury
Research Director at the U.S. Department of Energy
Author of four books and over 100 published papers on the economics of climate change and related issues
Ph.D., Economics, University of Illinois at Urbana-Champaign

Donn Dears
Retired, General Electric Company senior executive, expert on energy issues
Author: "Clexit," "Nothing to Fear," and "Carbon Folly"
Graduate, GE's three-year Manufacturing Management Program
Multiple general manager assignments including, GM of Engineering Department providing technical support to worldwide network of GE facilities
USN Veteran Korean War
B.S. (with honors), United States Merchant Marine Academy
The Villages, Florida

John Dale Dunn, M.D., J.D.
Lecturer, retired Clinical Instructor, Department of Emergency Medicine, Carl R Darnall Army Medical Center
Clinical Instructor Uniform Services University of the Health Sciences, Bethesda, Maryland
Policy advisor, American Council on Science and Health of New York City and Heartland Institute of Chicago
Member, Louisiana and Texas Bar; Medical Officer, Sheriff, Brown County, Texas

James E. Enstrom
Interests include important effects of ozone and PM 2.5
MPH, Epidemiology, University of California, Los Angeles
M.S., Ph.D., Physics, Stanford University
B.S., Physics, Harvey Mudd College

Thomas D. Hennigan
Associate Professor of Ecology and Organism Biology
M.P.S., Environmental Science and Forest Biology, SUNY, Syracuse, New York
B.S., Natural Resources Management, University of Alaska, Fairbanks, Alaska

Paul D. Hoffman
Publicist, Hope Springs Media
Former Deputy Assistant Secretary of the Interior for Fish and Wildlife and Parks
Led the US Delegation to the World Heritage Committee, 2002-06
B.A., Economics/Biology, University of California at San Diego, Revelle College

Dr. Craig D. Idso
Chairman, Center for the Study of Carbon Dioxide and Global Change
Co-Editor, Nongovernmental International Panel on Climate Change (NIPCC)
Ph.D., Geography, Arizona State University, Tempe, Arizona
M.S., Agronomy, University of Nebraska, Lincoln, Nebraska
B.S., Geography, Arizona State University, Tempe, Arizona

Steve Milloy
Publisher, JunkScience.com
LLM, Securities Regulation, Georgetown University Law Center
J.D., University of Baltimore School of Law
MHS, Biostatistics, Johns Hopkins University School of Public Health
B.A., Natural Sciences, Johns Hopkins University

Franklin E. (Ed) Payne, M.D.
Associate Professor of Family Medicine (retired)
Medical College of Georgia, Augusta University
Augusta, Georgia

Cornelis J.F. Smit,
Founder and CEO (now retired), Environmental Health Services (Aust) Pty. Ltd
Co-founder and Director, The Galileo Movement
B.Sc., University of Melbourne,
Certified Industrial Hygienist (AIHA)
Noosaville, Qld., Australia

H. Leighton Steward
Geologist, environmentalist, author, and retired energy industry executive
Regional EPA Administrator's Award for environmental excellence
Chairman of the Board of The Institute for the Study of Earth and Man at SMU
Past Chairman of the National Wetlands Coalition
Twice Chairman of the Audubon Nature Institute
Serves on the boards of the M.D. Anderson Cancer Center, EOG Resources, The Buffalo Bill Historical Center, and the Southwest Research Institute

Dr. S. Stanley Young
Worked in the pharmaceutical industry on all phases of pre-clinical research
Member of the American Council on Science and Health Board of Scientific Advisors
Authored or co-authored over 50 papers, including six "best paper" awards
Fellow of the American Statistical Association, American Association for the Advancement of Science
Adjunct professor of statistics at North Carolina State University, the University of Waterloo and the University of British Columbia where he co-directs thesis work
B.S., MES, Ph.D., North Carolina State University

Message

From: Ousmaal, Sabrina [Sabrina.Ousmaal@ihsmarkit.com]
Sent: 10/27/2017 5:30:54 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: The Energy Daily

Ms. Gunasekara,
I hope you will not mind my direct approach but I noticed, in reviewing our records, that you are not a current recipient of our publication ***The Energy Daily***, the leading energy trade newsletter for the past 4 decades and you are a reader we want to have. Therefore, I wanted to offer you the opportunity to discover what most in the industry are calling the *"Must Read Energy Publication."*

Here are some testimonials from our some of our daily readers:

*IHS **The Energy Daily** has and will continue to play a central role in keeping us all informed about what's going on in the energy sector and in sorting out the issues we need to keep in focus. I congratulate the entire IHS **The Energy Daily** team for their contributions and thank them for what they will continue to do for the energy marketplace."*
- Spencer Abraham, Chairman and CEO of The Abraham Group and Former U.S. Senator and Secretary of the Energy Department

*Your dedication to journalistic excellence has made—and continues to make—IHS **The Energy Daily** an industry standard. I have been a devoted reader for many years, and IHS **The Energy Daily** is still one of the first things I peruse each weekday morning."*
- Tom Kuhn is president of the Edison Electric Institute

Please let me know if I could start you on a free trial of ***The Energy Daily*** simply by replying to this email.
I look forward to hearing from you.
All the best,

Sabrina Ousmaal
Associate Publisher
The Energy Daily
1300 Connecticut Ave, NW #700
Washington DC 20036
sabrina.ousmaal@ihsmarkit.com
Follow me on LinkedIn at http://www.linkedin.com/in/sabrinaousmaal
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Message

From: matthew.kuryla@bakerbotts.com [matthew.kuryla@bakerbotts.com]
Sent: 11/6/2017 3:05:16 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: bette.park@bakerbotts.com; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: Texas Industry Project meeting invite: 12/7/17

Mandy, just confirming that you're coming down for the 12/7/17 Texas Industry Project meeting here in Houston. Can we set a time to review briefly the issues?

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Tuesday, September 05, 2017 11:56 AM
To: Kuryla, Matthew
Cc: Park, Bette; Dominguez, Alexander
Subject: RE: Texas Industry Project meeting invite: 12/7/17

Hi Matthew,
I'd be happy to join. I'm just checking that this will still be in Houston?
Best,
Mandy

From: matthew.kuryla@bakerbotts.com [mailto:matthew.kuryla@bakerbotts.com]
Sent: Tuesday, August 22, 2017 3:57 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: bette.park@bakerbotts.com
Subject: RE: Texas Industry Project meeting invite: 12/7/17

Mandy, here is the TIP member list, in case useful. Can you join us on 12/7?

From: Kuryla, Matthew
Sent: Monday, August 21, 2017 8:54 AM
To: 'Gunasekara.Mandy@epa.gov'
Cc: Park, Bette
Subject: Texas Industry Project meeting invite: 12/7/17

Mandy,

Thanks for considering joining us at the December 7, 2017 quarterly meeting of the Texas Industry Project (TIP) in Houston. TIP is a 66-member coalition of companies in the chemical, refining, oil and gas, oilfield services, electronics, forest products, terminal and electric power industries with operations in Texas. TIP develops industry consensus positions on current policy issues involving air quality. TIP spans a broad array of viewpoints and allows us to hammer out broad consensus positions rather than focusing on the needs of one industry sector.

The meeting will be on the 32nd floor of One Shell Plaza which is located at 910 Louisiana Street in downtown Houston, Texas. Our guest typically arrives here at One Shell at 11:15-11:30, joins us for lunch (hot cajun cuisine) followed by brief remarks in a roundtable format, then a dialogue on current issues. We are usually finished by 1:15, so that our guest can make an afternoon flight.

Does the date work for you?

TIP played a role in the working out of several recent EPA/Texas issues, including closing the Texas air permitting "SIP gap" and hammering out a successful Houston ozone strategy.

A guiding principle for TIP is the implementation of the appropriate roles of industry, state government and EPA to resolve issues under the rule of law.

Key current air issues for TIP members:

- SIP call for maintenance, startup and shutdown air emissions;
- 70 ppb ozone standard implementation;
- Greenhouse gas permitting and regulation;
- Enforcement initiatives;
- Title V air operating permit NGO petitions and objections.

We hope you can join us!

Matt Kuryla
Partner

Baker Botts L.L.P.
matthew.kuryla@bakerbotts.com
T 713.229.1114
M 713.504.0313

910 Louisiana Street
Houston, Texas 77002
USA

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Message

From: Lacey, Pam [PLacey@aga.org]
Sent: 11/2/2017 9:01:03 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Inge, Carolyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f763e42702a4f468cdf42323ee94520-Cinge]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]; Clarke, Jeff [jclarke@ngvamerica.org]; Cunningham, Allison [ACunningham@ngvamerica.org]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]; Milhouse, Gloria [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a424462e03c4a82ba83121d59d8b34d-Gmilhous]; Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Irving, Verna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9e9c4a3b2b4b46df88c24bf66cbb4fec-VIrving]; Clay, Kathryn [KClay@aga.org]
Subject: RE: AGA and NGVA Regulatory Reform Discussion Focusing on the Subpart W Reporting Rule and the PCB Rules

Are we still on for the meeting tomorrow (Friday Nov. 3)?

Pamela A. Lacey | Chief Regulatory Counsel
American Gas Association
400 N. Capitol St., NW | Washington, DC | 20001
P: 202-824-7340 | M: 202-809-6565 | F: 202-824-9190 | placey@aga.org

The American Gas Association represents more than 200 local energy companies committed to the safe and reliable delivery of clean natural gas to more than 69 million customers throughout the nation.

-----Original Appointment-----
From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Friday, October 06, 2017 3:43 PM
To: Dravis, Samantha; Bolen, Brittany; Inge, Carolyn; Lovell, Will (William); jclarke@ngvamerica.org; ACunningham@ngvamerica.org; Lacey, Pam; Dominguez, Alexander; Gunasekara, Mandy; Beck, Nancy; Milhouse, Gloria; Kime, Robin; Irving, Verna; Clay, Kathryn
Subject: AGA and NGVA Regulatory Reform Discussion Focusing on the Subpart W Reporting Rule and the PCB Rules
When: Friday, November 03, 2017 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN3500/OPEI

Directions: Please use the **William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station**. Please arrive 10 minutes prior to the meeting with photo IDs to clear Security.

EPA Contact: For an escort from Security to the meeting call (Personal Phone / Ex. 6 for all other matters call Robin Kime Personal Phone / Ex. 6

Attendees:
Kathryn Clay, Allison Cunningham and Pamela Lacey

Request: The American Gas Association (AGA) and Natural Gas Vehicles of America (NGVA) would like to arrange a follow-up meeting with you to discuss our ideas for regulatory reform, as described in our attached comments, filed May 15, 2017 in Docket EPA-HQ-OA-2017. AGA's comments address several programs, but at this meeting, we will want to focus on revisions we have suggested to improve: (1) the Subpart W reporting rule and (2) the PCB rules.

Contact:
Pamela A. Lacey | Chief Regulatory Counsel
American Gas Association<http://www.aga.org>
400 N. Capitol St., NW | Washington, DC | 20001
P: 202-824-7340 | M: 202-809-6565 | F: 202-824-9190 | placey@aga.org <mailto:placey@aga.org>

<< File: AGA 05 15 2017 Comments on EPA Rule Review Docket EPA-HQ-OA-2017-0190.pdf >> << File: NGVA EPA Regulatory Review May 2017 Final.pdf >>

Message

From: Agile Development and Contracting Workshop [Training@AgileInTheGov.org]
Sent: 10/30/2017 3:33:54 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: DHS, CMS, Digital Services Speakers at Agile in Government Workshop

Outstanding Government Speakers - DHS, CMS, Digital Services + Agile Development & Contracting
- Please Forward to Others in Your Organization Interested in Agile Development for Software Development, Contracting or Other Applications -

---

Agile Development in Government Training Workshop IX:

Laying the Right Foundation for Agility Within Your Agency
What Executives, Managers and Staff Need to Know

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Wednesday, November 8, 2017

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Government Speakers:

Keynote
William (Bill) Pratt
Director, IT Standards & Program Support
Office of the CIO
Department of Homeland Security
(awaiting agency approval)
(Author of the Widely Acclaimed
DHS AGILE Guidebook Used by DHS and
Many Other Government Agencies)

Featured Speaker
Jonathan Mostowski
Member of the Defense Digital Service Team,
The White House and Pentagon

Tia Norman
Chief, Agile Maturity & Governance
Office of the CIO
Department of Homeland Security
(awaiting agency approval)

Melissa Cohen
Director, Policy and Programs Group
Center for Medicare Medicaid Services (CMS)

Daniel Levenson
Digital Service Contracting Advisor
Center for Medicare & Medicaid Services (CMS)

Additional Government Speakers
to be Announced

With the current Administration's emphasis on IT Modernization coupled with today's demanding environment and reduced budgets, most Federal agencies are at some level

of Agile adoption or transformation to increase efficiencies and meet these challenging demands. However, many would welcome insight into how best to address the cultural issues and other factors contributing to impediments to Agile adoption. Knowing how to achieve success in this process by laying the right foundation will be the key focus of this workshop.

What You Will Learn:

- **What typically drives the pockets of resistance in government agencies and how can they be dealt with successfully?**
- **How will my role and responsibilities change, and how can I best prepare myself?**
- **How can we ensure that our contracting for Agile Digital Services is not in conflict with the FAR?**
- **What are some innovative contracting initiatives that are already working for government?**
- **We've already started down the path of Agile adoption. What are some of the commercial best practices that we could adopt in our government agency?**
- **What should we know about selecting and interacting with Agile partners from industry?**
- **What kind of training should my government staff be looking for to best manage the government/vendor relationship on my Agile projects?**

Why You Should Attend:
- As more and more government agencies move to adopt Lean and Agile practices, there must be assurance that they are keeping within the regulatory boundaries unique to the Federal government. Many agencies are already doing this very successfully. This workshop will show you how they are navigating these challenges.

- There are agencies that are eliminating costly mistakes and downtime by successfully adopting Lean and Agile practices. Come and hear their experiences and lessons learned.

- Agile practices not only take technical expertise, but require deep cultural change. Hear from experts and daily practitioners about the importance of managing these cultural

challenges and how they are successfully driving cultural change based on their real world experiences.

Who Should Attend:

- **CIOs, CTOs, Federal IT Executives, Managers and Staff**
- **Contracting officers Contracting and Acquisition professionals who are or will soon be supporting Agile adoption at their Agencies**
- **Acquisition professionals**
- **Agencies new to adopting Agile projects**
- **Agencies that have already started to adopt Agile practices who want to move to the next level of agility**
- **Development and Operations teams facing ongoing challenges to deployment**
- **Program and project managers**
- **Agile teams facing ongoing challenges to acquisition**
- **Chief Financial Officers and Staff**
- **Contracting and Acquisition professionals who are or will soon be supporting Agile adoption at their agencies**
- **Project and program managers who want to better understand their role in an Agile environment**
- **Inspector Generals and Staff**
- **Industry Executives, Managers and Staff who support the government**

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This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Scales, Sam (S.A.) [SSCALES3@ford.com]
Sent: 11/1/2017 2:16:58 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: this week or next

Hey Mandy!

Hope all is well.

You have any free time to meet with Jerry and I tomorrow or Friday? Could also do next week.

Let me know what might work best.

Sam A. Scales
Ford Motor Company

Message

From: Traci Kraus [traci.kraus@cummins.com]
Sent: 10/30/2017 3:06:08 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Thank you and follow up- Cummins and EMA

Hi Alex,

A preliminary call with you and an in-person meeting with Mandy in December is great. Let me know what times work on your end.

Thanks so much!

Best,

Traci Kraus
Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Sunday, October 29, 2017 5:46 PM
To: Traci Kraus <traci.kraus@cummins.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Thank you and follow up- Cummins and EMA

External Sender

Traci,

I can have a preliminary call and then brief Mandy before a December meeting or Mandy can do a call the week of November 20th. Unfortunately a call and subsequent meeting with Mandy will not be the best option at this point.

Best,
Alex

From: Traci Kraus [mailto:traci.kraus@cummins.com]
Sent: Friday, October 27, 2017 9:43 AM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Thank you and follow up- Cummins and EMA

Hi Alex,

Is it possible to have the November phone call with Mandy with just Jed Mandel, who leads the Engine Manufacturer's Association, and Brian Mormino, who is leading the business effort on NOx from Cummins to prep and make sure we know what info she needs, and then have a meeting in December with the full group (invite all the OEMs)?

Thanks so much for all of your help!

Best,

Traci Kraus
Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Thursday, October 26, 2017 11:21 AM
To: Traci Kraus <traci.kraus@cummins.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Thank you and follow up- Cummins and EMA

External Sender

The 10th she is unavailable. On NOx we can set up an AM call the week of the 20th but for a meeting we are unfortunately looking at December.

Sent from my iPhone

On Oct 26, 2017, at 10:59 AM, Traci Kraus <traci.kraus@cummins.com> wrote:

> Hi Alex,
>
> Thanks so much for following up. We understand it's a busy time. Any chance a time on the 10th works? Separately, I know the EMA group would love to come back in to follow up on the CEO meeting with Administrator Pruitt and share more information on low NOx. Is there a date or time that works well for Mandy in the next month or so for that meeting?
>
> Thanks so much for your help!
>
> Best,
>
> **Traci Kraus**

Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Wednesday, October 25, 2017 7:23 PM
To: Traci Kraus <traci.kraus@cummins.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Thank you and follow up- Cummins and EMA

External Sender

Traci - unfortunately we are unable to make the 9th work Mandy. She is going to be on travel the following week and there are several mandatory meetings she must attend beforehand.

Alex

Sent from my iPhone

On Oct 25, 2017, at 2:13 PM, Traci Kraus <traci.kraus@cummins.com> wrote:

> Thank you Mandy and Alex, appreciate the help! We can be flexible if needed. Let me know what works on your end.
>
> Sent from my iPhone
>
> On Oct 25, 2017, at 11:08 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:
>
> External Sender
>
> Hi Traci,
> I apologize for the delayed response. I do not believe I am available during that time. I'm looping in Alex to help see if we can make it work.
> We will follow-up in a few.
> Best,
> Mandy
>
> ---
>
> **From:** Traci Kraus [mailto:traci.kraus@cummins.com]
> **Sent:** Tuesday, October 10, 2017 3:37 PM
> **To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> **Subject:** RE: Thank you and follow up- Cummins and EMA
>
> Hi Mandy,

Hope all is well. I wanted to follow up on the invitation to speak to the EMA/ DTF joint meeting on November 9th. We have separately confirmed that Mike Catanzarro will also be speaking on the Administration's energy and environment priorities, and it would be great to get the EPA perspective.

Specifically we are looking at **1:45 pm- 3:00 pm on November 9th.** Please let me know if you might be available.

Thanks so much for your help.

Best,

Traci Kraus
Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

From: Traci Kraus
Sent: Tuesday, September 26, 2017 10:04 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Thank you and follow up- Cummins and EMA

Hi Mandy,

I wanted to thank Administrator Pruitt, you and your team for meeting with the principals of the Truck and Engine Manufacturers Association last week. I know the group really appreciated it and thought it was a great and informative meeting.

I know there was a particular follow up regarding the opportunity for a low-NOx rulemaking and streamlining of the heavy duty truck program. Our technical teams are working on follow up information and data and would like the opportunity to present it to you late next month or early November. I wanted to see if we could get something on the schedule. Please let me know what works for you.

I also wanted to extend an invitation for you to address a joint meeting between the Diesel Technology Forum (DTF) and Truck and Engine Manufacturers Association (EMA) on **November 9th or 10th.**

Attendees will be primarily government affairs, engineering and federal and state policy representatives of engine and truck manufacturers, off-road equipment makers, suppliers and emissions control technology companies and some fuel interests as well. Among the companies expected to attend are Caterpillar, Cummins, Daimler, Deere, CNH,

Volvo, GM, Ford, Isuzu, Bosch, Delphi, AGCO, MTU, Navistar and several others. We expect an audience of about 50 people from those companies all with a substantial interest in both domestic energy and environmental policy as well as international issues. The meeting is private and not open to members of the public or press. It will be held at the law offices of Crowell and Moring, located at 1001 Pennsylvania Avenue NW.

We would love to hear you speak about EPA's priorities and how the industry can continue to work collaboratively with the Administration. We have availability in the schedule on the afternoon of Thursday, November 9th, or the morning of Friday, November 10th. Please let me know if you might be available, or if there is a more formal channel through which I should make the request.

Again, thanks so much for all of your help!

All the best,

Traci Kraus
Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

Message

From: Dravis, Samantha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECE53F0610054E669D9DFFE0B3A842DF-DRAVIS, SAM]
Sent: 10/16/2017 2:26:06 PM
To: Chuck Cunningham [chuckc@visi.net]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Re: EPA WH Event Tuesday?

Not mandatory but could be interesting for you all. If you want to call me I can walk you through it. 202-816-9265

Sent from my iPhone

On Oct 16, 2017, at 10:24 AM, Chuck Cunningham <chuckc@visi.net> wrote:

Samantha, Mandy and Brittany:

Hope that all is well with you. Keep reading about all of the good stuff that you are doing there.

Is this EPA event tomorrow – a briefing on a forthcoming policy announcement from the EPA – something for which someone at Securing America's Future Energy (SAFE) should be represented? Please advise. Thanks.

Chuck

Charles H. Cunningham
ChuckC@visi.net
Senior Vice President for Government Relations and External Affairs
Securing America's Future Energy (SAFE)
1111 Nineteenth Street, N.W., Suite 406
Washington, D.C. 20036-3627
(202) 461-2369
(202) 461-2379 (FAX)

From: Joseph Ryan
Sent: Saturday, October 14, 2017 3:45 PM
To: Chuck Cunningham
Cc: Robbie Diamond
Subject: EPA WH Event Tuesday?
Importance: High

I hope you are having a good weekend.

Do we know what this is about? Is it something we should try and get invited to?

Joe

You are invited to a briefing on a forthcoming policy announcement from the EPA, featuring special guest Scott Pruitt, Administrator of the EPA.

Tuesday, October 17th
2:15pm - 3:00pm

Room 472 of the Eisenhower Executive Office Building at the White House

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/29/2017 10:41:17 PM
To: Todd Becker, Green Plains Inc. [Todd.Becker@gpreinc.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: follow up

Todd,

Apologies for the delay in getting back to you. Mandy is on travel most on November, so a call before December will be a little difficult. We could tentatively set something up for the week of November 20th or wait until December. Happy to help facilitate and just let know what you prefer.

Best,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Gunasekara, Mandy
Sent: Thursday, October 26, 2017 1:25 PM
To: Todd Becker, Green Plains Inc. <Todd.Becker@gpreinc.com>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: follow up

Hi Todd,
Thank you for the note and your continued work on this. I agree that there seems to be some serious potential here. I'm certainly comfortable with you sharing with folks willing to be constructive on the issue. I've cc'd Alex to help find a time that we can chat and discuss further.

Best,
Mandy

From: Todd Becker, Green Plains Inc. [mailto:Todd.Becker@gpreinc.com]
Sent: Thursday, October 26, 2017 1:08 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: follow up

Mandy – thanks for meeting me last week. I always enjoy our conversations and appreciate you listening to us on various topics. I think you can see we are very rational and reasonable in trying to figure a path out to solve issues. I really liked you RIN idea and have, under strict confidentiality, commissioned a study to analyze the impact of this to the market. I think you are on to something. With that said, I would like to understand if I can float the idea to others to see if there is a reception to this idea. I believe this may start to bridge the impasse that exists between the refiners and the ethanol industry. If I do this, it would be with one of the largest impacted from the RIN prices as I have a relationship with them at the highest levels.

Anyways, I know you were just starting to think about this but I really believe this can be a path forward. Are you available to speak further on this topic via phone. I can call anytime you are available.

Let me know.

Warm Regards,

Todd

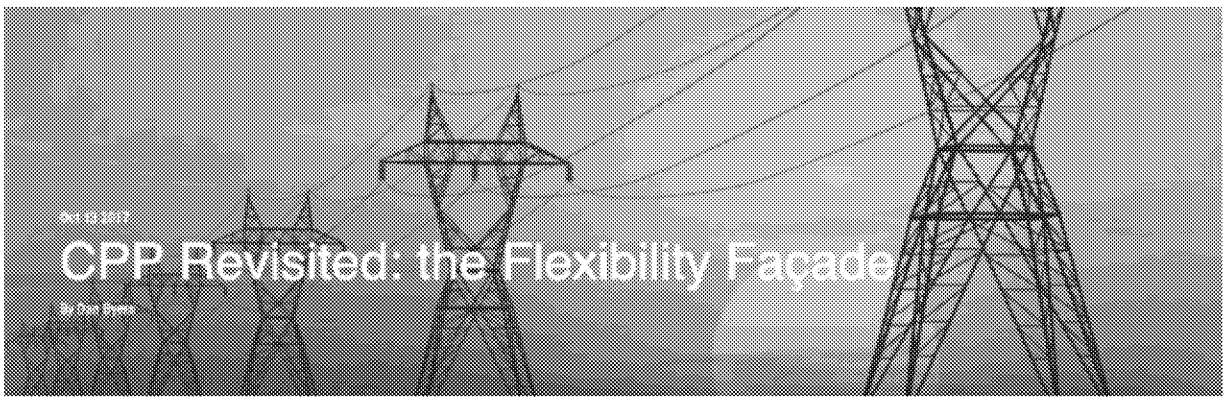
Message

From: Global Energy Institute [globalenergy@uschamber.com]
Sent: 10/20/2017 7:53:13 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Energy Round Up

Energy Roundup

Introducing Fuel for Thought

This week, we released our new blog, Fuel for Thought, which features deep dives into energy policies and regulations from Congress and the Administration, details on our latest reports, energy explainers and insights. Check out Dan Byers latest blog on the proposed repeal of the Clean Power Plan, and the need for true flexibility as the EPA develops new emissions guidelines. If you like what you read, sign up to keep up with new blog posts!



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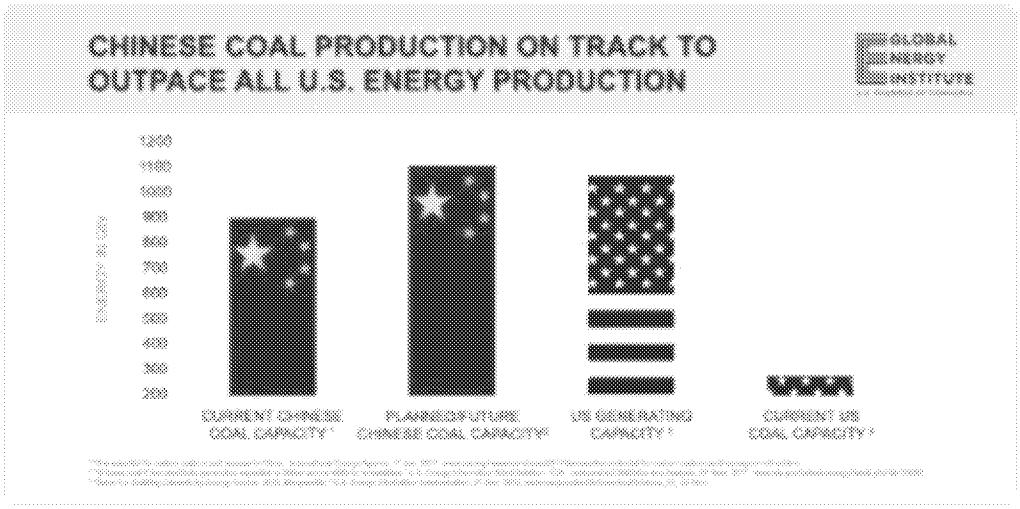
Global Energy Inst @globalenergy · Oct 18

Chinese #coal production is on track for enormous growth compared to total US #energy capacity bit.ly/2grO0tC



Energy Tracker on the Horizon

Having trouble keeping current on energy policy changes? We've got your covered. Stay tuned for a new interactive energy policy tracker from GEI.

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1615 H Street, NW
Washington, DC | 20062 US

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Message

From: Jennifer McDowell [jmcdowell@mema.org]
on behalf of Ann Wilson [awilson@MEMA.ORG]
Sent: 11/1/2017 2:07:18 PM
CC: Cindy Sebrell [csebrell@mema.org]; Briana Huxley [bhuxley@mema.org]
Subject: Join Us Next Week for a Panel on the Trump Administration & the US Workforce

You're Invited to
MEMA's Policy Breakfast Series:
Many Trump Administration Policies Aim to Bring Jobs Back to the US: Are Companies and Workers Ready?
Wednesday, November 8, 2017 | 8:30 – 10:00 a.m.
The National Press Club
529 14th Street NW, Murrow Room, 13th Floor | Washington, DC 20045
Register Here

Many of the policies the Trump administration is championing aim to bring manufacturing jobs back to America. From NAFTA and the rules of origin, trade policies on the table could force US companies to hire more American workers. MEMA members report skilled labor shortages, long-term challenges in maintaining a qualified workforce, and full facilities. Even if companies are able to scale up facilities in this country, does the workforce exist to make it successful? How can we help American manufacturers meet the demand?

MEMA, which represents the largest sector of manufacturing jobs in the US, will host a lively panel discussion, which will explore the on-going challenges US companies face in recruiting, hiring, and retaining qualified workers as well as what solutions employers are using or seeking to meet hiring demands.

Agenda:

- Breakfast: 8:00 a.m.
- Program Introduction: 8:30 a.m.
- Presentation of MEMA member data on workforce issues: 8:35 a.m.
- Panel Discussion: 8:40 a.m.
- Q & A: 9:25 a.m.

Panelists:

- Ondray Harris, Senior Advisor, US Department of Labor
- Paul N Myles, Senior Manager Government Workforce and Training Programs, Magna International, Inc.
- Erika Nielsen, Director, Global Government Affairs, BorgWarner
- Carla Whitlock, Senior Apprenticeship Consultant, Anderson, Greenville, Oconee, and Pickens Counties, Apprenticeship Carolina, SC Technical College System
- Moderated by: Catherine Boland, Vice President, Legislative Affairs, MEMA

Regards,

Ann Wilson
Senior Vice President of Government Affairs
Motor & Equipment Manufacturers Association
1030 15th St. NW
Suite 500 East
Washington, DC 20005

(202) 312-9246 (office)

(202) 320-7293 (cell)

Message

From: Niskanen Center [invite@eventbrite.com]
Sent: 11/1/2017 5:00:15 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: You're invited to Niskanen Night (Nov 16, 2017)

You are invited to the following event:

NISKANEN NIGHT

Event to be held at the following time, date, and location:

Thursday, November 16, 2017 from 6:00 PM to 9:00 PM (EST)

Stanton & Greene
319 Pennsylvania Avenue Southeast
Washington, DC 20003

View Map

Yes No Maybe

Event registration is by invitation only. Register with your email address to attend this event.

Please join the Niskanen Center for Conversation & Cocktails!

This event is invitation only.

RSVP soon! Space is limited.

Questions? Please contact: Events@NiskanenCenter.org

**This event is intended to be a reception under House and Senate gift rules. Administration officials will be required to check with their designated agency ethics officials regarding restrictions.*

This invitation was sent to gunasekara.mandy@epa.gov by Niskanen Center the organizer. To stop receiving invitations from this organizer, you can unsubscribe.

Eventbrite, Inc. | 155 5th St, 7th Floor | San Francisco, CA 94103

Message

From: Erin Boersma [erin.boersma@mktruck.com]
Sent: 10/18/2017 6:08:07 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: Greenhouse Gas Phase 2 regulation
Attachments: 20171018114839971.pdf

Please see attached correspondence.

Erin Boersma | Executive Assistant to Ron Meyering

M&K Truck Centers
8800 Byron Commerce Dr | Byron Center, MI 49315
main: 616.583.2100 | direct: 616.277.0019
mobile: 616.610.9188 | fax: 616.828.5541
erin.boersma@mktruck.com
mktruckcenters.com

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Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/24/2017 7:16:40 PM
To: Leslie Sue Ritts [lritts@rittslawgroup.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Confirming NEDA/CAP Conference Call with You and Mandy on Wed. Oct. 25th at 12:15 pm and a question.

Hey Leslie,

Unfortunately I need to cancel the meeting tomorrow as I was just informed Mandy and I have a mandatory security training that must happen tomorrow. I'm unable to reschedule since Mandy is on travel most of November. Please follow up toward the end of November and we will hopefully have a better idea of December's schedule. If you still want to send over any materials you were going to provide please feel free to do so and I will make sure everyone gets a copy.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Leslie Sue Ritts [mailto:lritts@rittslawgroup.com]
Sent: Monday, October 23, 2017 3:39 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Confirming NEDA/CAP Conference Call with You and Mandy on Wed. Oct. 25th at 12:15 pm and a question.

Thanks Alex! A few is us may come over. I'll confirm with names by tomorrow afternoon. Otherwise we can just speak by phone on Wednesday.

Thanks so much,LESLIE

Sent from my iPhone

On Oct 23, 2017, at 1:16 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

> Hey Leslie,
>
> Apologies for just getting back to you. Yes we are confirmed for Wednesday, October 25 at 12:15PM. If you all are already going to be in the building let's make it an in-person. Do you know the conference room number you will be in? I may be able to just have Mandy come over to you depending on location.
>
> Best,
> Alex
>
> ---
>
> **From:** Leslie Sue Ritts [mailto:lritts@rittslawgroup.com]
> **Sent:** Thursday, October 19, 2017 7:36 PM
> **To:** Dominguez, Alexander <dominguez.alexander@epa.gov>
> **Subject:** Confirming NEDA/CAP Conference Call with You and Mandy on Wed. Oct. 25th at 12:15 pm and a question.

Hi Alex,
I hope all is well. NEDA/CAP's members are looking forward to talking by phone with you and Mandy next Wednesday, October 25 at 12:15 for 45 minutes. For that discussion, we are preparing a short issue paper on EPA's Interpretations and Clarifications on the meaning of the Regulatory Term "Begin Actual Construction," involving the ever-narrowing list of activities that PSD/NSR applicants are allowed to do at their own risk before they receive their PSD/NSR preconstruction permit. It's 40 years of varying views, but I hope to get it down to no more than 3 pages in prose. I will send the Issue Paper and the references by e-mail to you on Tuesday night for the call and follow-up with a hard copy after the call (for "Justin's notebook").

I also wanted to note that on the 25th, about 8 of us will be talking to you in DC from a conference room at OAQPS, where throughout that day we will be meeting with the permit, SIP, and modeling groups on various issues that we have been involved in for years. I talked to Wehrum, and he confirmed my instinct not to invite Anna or Chet to participate in our conference call with you guys, but he also suggested that he thought it was appropriate to let them know about the papers we have shared with you. So let me know your collective thoughts regarding same. My goal would be to be matter-of-fact, and since Anna was once a NEDA/CAP member when she worked for industry, our engagement will come as no surprise to her should you guys have been too busy to mention it to her.

Many thanks,

<image001.png>
Leslie Sue Ritts
Ritts Law Group, PLLC
620 Fort Williams Parkway
Alexandria, VA 22304
(703) 823-2292 (office)
(703) 966-3862 (cell)
lritts@rittslawgroup.com

Please note new email address

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Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/29/2017 9:45:30 PM
To: Traci Kraus [traci.kraus@cummins.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Thank you and follow up- Cummins and EMA

Traci,

I can have a preliminary call and then brief Mandy before a December meeting or Mandy can do a call the week of November 20th. Unfortunately a call and subsequent meeting with Mandy will not be the best option at this point.

Best,
Alex

From: Traci Kraus [mailto:traci.kraus@cummins.com]
Sent: Friday, October 27, 2017 9:43 AM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Thank you and follow up- Cummins and EMA

Hi Alex,

Is it possible to have the November phone call with Mandy with just Jed Mandel, who leads the Engine Manufacturer's Association, and Brian Mormino, who is leading the business effort on NOx from Cummins to prep and make sure we know what info she needs, and then have a meeting in December with the full group (invite all the OEMs)?

Thanks so much for all of your help!

Best,

Traci Kraus
Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Thursday, October 26, 2017 11:21 AM
To: Traci Kraus <traci.kraus@cummins.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Thank you and follow up- Cummins and EMA

External Sender

The 10th she is unavailable. On NOx we can set up an AM call the week of the 20th but for a meeting we are unfortunately looking at December.

Sent from my iPhone

On Oct 26, 2017, at 10:59 AM, Traci Kraus <traci.kraus@cummins.com> wrote:

> Hi Alex,
>
> Thanks so much for following up. We understand it's a busy time. Any chance a time on the 10th works? Separately, I know the EMA group would love to come back in to follow up on the CEO meeting with Administrator Pruitt and share more information on low NOx. Is there a date or time that works well for Mandy in the next month or so for that meeting?
>
> Thanks so much for your help!
>
> Best,
>
> **Traci Kraus**
> Director, Government Relations
> Cummins Inc.
>
> 601 Pennsylvania Ave. NW
> Suite 1100N
> Washington, DC 20004
> Office: 202-654-4285
> Cell: 202-302-5851
>
> ---
>
> **From:** Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
> **Sent:** Wednesday, October 25, 2017 7:23 PM
> **To:** Traci Kraus <traci.kraus@cummins.com>
> **Cc:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> **Subject:** Re: Thank you and follow up- Cummins and EMA
>
> External Sender
>
> Traci - unfortunately we are unable to make the 9th work Mandy. She is going to be on travel the following week and there are several mandatory meetings she must attend beforehand.
>
> Alex
>
> Sent from my iPhone
>
> On Oct 25, 2017, at 2:13 PM, Traci Kraus <traci.kraus@cummins.com> wrote:
>
> > Thank you Mandy and Alex, appreciate the help! We can be flexible if needed. Let me know what works on your end.
> >
> > Sent from my iPhone

On Oct 25, 2017, at 11:08 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

External Sender

Hi Traci,
I apologize for the delayed response. I do not believe I am available during that time. I'm looping in Alex to help see if we can make it work. We will follow-up in a few.
Best,
Mandy

From: Traci Kraus [mailto:traci.kraus@cummins.com]
Sent: Tuesday, October 10, 2017 3:37 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Thank you and follow up- Cummins and EMA

Hi Mandy,

Hope all is well. I wanted to follow up on the invitation to speak to the EMA/ DTF joint meeting on November 9th. We have separately confirmed that Mike Catanzarro will also be speaking on the Administration's energy and environment priorities, and it would be great to get the EPA perspective.

Specifically we are looking at **1:45 pm- 3:00 pm on November 9th.** Please let me know if you might be available.

Thanks so much for your help.

Best,

Traci Kraus
Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

From: Traci Kraus
Sent: Tuesday, September 26, 2017 10:04 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Thank you and follow up- Cummins and EMA

Hi Mandy,

I wanted to thank Administrator Pruitt, you and your team for meeting with the principals of the Truck and Engine Manufacturers Association last week. I know the group really appreciated it and thought it was a great and informative meeting.

I know there was a particular follow up regarding the opportunity for a low-NOx rulemaking and streamlining of the heavy duty truck program. Our technical teams are working on follow up information and data and would like the opportunity to present it to you late next month or early November. I wanted to see if we could get something on the schedule. Please let me know what works for you.

I also wanted to extend an invitation for you to address a joint meeting between the Diesel Technology Forum (DTF) and Truck and Engine Manufacturers Association (EMA) on **November 9th or 10th.**

Attendees will be primarily government affairs, engineering and federal and state policy representatives of engine and truck manufacturers, off-road equipment makers, suppliers and emissions control technology companies and some fuel interests as well. Among the companies expected to attend are Caterpillar, Cummins, Daimler, Deere, CNH, Volvo, GM, Ford, Isuzu, Bosch, Delphi, AGCO, MTU, Navistar and several others. We expect an audience of about 50 people from those companies all with a substantial interest in both domestic energy and environmental policy as well as international issues. The meeting is private and not open to members of the public or press. It will be held at the law offices of Crowell and Moring, located at 1001 Pennsylvania Avenue NW.

We would love to hear you speak about EPA's priorities and how the industry can continue to work collaboratively with the Administration. We have availability in the schedule on the afternoon of Thursday, November 9th, or the morning of Friday, November 10th. Please let me know if you might be available, or if there is a more formal channel through which I should make the request.

Again, thanks so much for all of your help!

All the best,

Traci Kraus
Director, Government Relations
Cummins Inc.

601 Pennsylvania Ave. NW
Suite 1100N
Washington, DC 20004
Office: 202-654-4285
Cell: 202-302-5851

Message

From: Conover, Dave [Dave_Conover@kindermorgan.com]
Sent: 11/1/2017 1:57:23 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: pending request for meeting w/ Administrator Pruitt
Attachments: RE: Requesting a meeting with Administrator Pruitt

Hello Mandy, I think I've bothered you maybe once a year for the last several years, going back to when I was in DC representing clients with issues before EPW. I hope you are well. Wanted you to be aware of the multi-issue meeting request in the attached email. If it makes sense to have our experts outline over the phone with you the NSPS OOOOa key issues affecting the pipeline sector, after sending you a background paper or a summary of our comments, I am happy to facilitate that. Please let me know and very best wishes, Dave

Kinder Morgan, Inc., is one of the largest energy infrastructure companies in North America. We own an interest in or operate approximately 84,000 miles of pipelines and 155 terminals. KMI's pipelines transport natural gas, refined petroleum products, crude oil, condensate, CO2 and other products, and its terminals transload and store petroleum products, ethanol and chemicals, and handle such products as steel, coal and petroleum coke. We are also a leading producer of CO2 that we and others use for enhanced oil recovery projects, primarily in the Permian basin. For more information please visit www.kindermorgan.com.

Dave Conover
Vice President, Corporate Communications & Public Affairs
KINDER MORGAN

1001 Louisiana St.
Houston, TX 77002
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(202) 445-5340 mobile
dave_conover@kindermorgan.com

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Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/19/2017 9:27:55 PM
To: Viator, Brad [BViator@eei.org]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: EEI Member Meeting Invitation - October 25
Attachments: Mandy Gunasekara Bio.doc

Brad,

8:30AM on Wednesday works. Can you just send me the logistics, an agenda, and who else is speaking. Attached is Mandy's bio. Additionally are there any topics in particular your members want to focus on or more a general regulatory outlook?

Thank you,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Gunasekara, Mandy
Sent: Thursday, October 19, 2017 12:42 PM
To: Michael Whatley <MWhatley@hbwresources.com>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Viator, Brad <BViator@eei.org>
Subject: Re: EEI Member Meeting Invitation - October 25

Looping in Alex.

Sent from my iPhone

On Oct 19, 2017, at 12:38 PM, Michael Whatley <MWhatley@hbwresources.com> wrote:

> Mandy –
>
> Per our discussion, here is the information on the EEI Member Meeting next Wednesday.
>
> The meeting is a collection of about 100 EEI member company state representatives as well as 50 or so federal representatives from many of those same companies. It is scheduled for October 25 at 830 AM, but we have a little flexibility that morning if you need to move the time around a bit.
>
> I have copied Brad Viator from EEI, who is organizing the session and can provide any additional information that you may need.
>
> Thanks.
>
> Michael

<image001.jpg>

Michael Whatley
HBW Resources
1666 K Street, NW, Suite 500
Washington, DC 20006
202-674-1750

Message

From: Chris Hessler [chessler=ajw-inc.com@mail96.atl91.mcsv.net]
on behalf of Chris Hessler [chessler@ajw-inc.com]
Sent: 10/27/2017 4:55:06 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: AJW Partner Virgil Welch Joins California Office of the Governor

View this email in your browser

Dear Colleagues,

Everyone at AJW is proud to announce that Virgil Welch has been tapped by Governor Brown to return to public service as Special Counsel to the Chair at California Air Resources Board. Virgil has been charged with coordinating and overseeing California's renewed efforts to play a leadership role in North America and to globally address the climate change challenge – culminating in an international climate meeting to be held in San Francisco in November 2018. We wish Virgil every success. Please see the below announcement from the California Office of the Governor for more information. We will soon have an announcement about new staff hires in AJW's Sacramento Office.

Warmly,

Chris Hessler

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AJW, Inc.

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Arlington, Va 22201

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Message

From: Stephen Fotis [scf@vnf.com]
Sent: 10/29/2017 9:10:44 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Reschedule

Thanks!
Stephen

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Sunday, October 29, 2017 5:04 PM
To: Stephen Fotis; Gunasekara, Mandy
Subject: RE: Reschedule

Yes, luckily was able to improvise and worked outside so win-win. Appreciate the flexibility and below is the conference line.

Conference Line: Personal Phone / Ex. 6
Passcode: Personal Phone / Ex. 6

Anything else just let me know.

Alex

From: Stephen Fotis [mailto:scf@vnf.com]
Sent: Sunday, October 29, 2017 4:27 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Reschedule

Alex – Tuesday at 3 PM works fine for us. I think the best way to proceed is for you to provide us with a conference line. Thanks to you and Mandy for getting this call rescheduled so quickly!
Hope you were able to enjoy some of the great weather on Saturday.
Best,
Stephen

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Sunday, October 29, 2017 4:21 PM
To: Stephen Fotis; Gunasekara, Mandy
Subject: RE: Reschedule

Stephen – Let's aim for Tuesday at 3:00PM. Is there a preferred number to call or I can provide a conference line?

From: Stephen Fotis [mailto:scf@vnf.com]
Sent: Friday, October 27, 2017 6:10 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Reschedule

Alex – As a follow-up to Mandy's email, the following are the best times that we're available for a meeting with Mandy on Tuesday, October 31 in order of preference: 2 to 3 PM; 3 to 4 PM; 10 to 11 AM; and noon to 1 PM. If none of these times work with Mandy's schedule, please let us know and we'll try to find another time on Tuesday.
Thanks for your help and have a great weekend.
Best,
Stephen

Stephen Fotis
Partner
Van Ness Feldman LLP
scf@vnf.com
(202) 298-1908

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From: Stephen Fotis
Sent: Friday, October 27, 2017 5:13 PM
To: Gunasekara, Mandy
Cc: Dominguez, Alexander
Subject: Re: Reschedule

We can make Tuesday work. I will follow up with Alex. Good luck with your fire drill.
Best,
Stephen

On Oct 27, 2017, at 4:56 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> Hi Stephen,
> I apologize for the late notice. I know Alex has been trying to work with my schedule to accommodate our original plan, but I'm in the middle of a fire drill and don't have time to chat. How is Tuesday on your end?
>
> **Mandy M. Gunasekara**
> Senior Policy Advisor for Office of Air and Radiation
> Office of the Administrator
> US Environmental Protection Agency

Message

From: Jack Barrow [jack.barrow@btr.energy]
Sent: 10/25/2017 2:09:03 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Jim Lemon [jim.lemon@btr.energy]; Michael Lemon [mlemon@btr.energy]
Subject: Re: Thank you and follow-up

Mandy -- I hope you're doing well! I'd bet your team is getting RFS-fatigue, but I wanted to send a quick note. We briefed Erik Baptist earlier today and shared the same documents with him. Hopefully he'll share his thoughts on our analysis with you soon.

Another heads up: a second letter of support is circulating with Representatives who missed the deadline for Congressman Collins' letter. Offices from the Ohio delegation are leading that effort and aiming to have it done by early-November. We've also met with folks at the White House who expressed interest and understand the impact this program could have on industry in states like WI, PA, MI, OH, and IA.

Please let me know if there's anything else you need from us, or if there's questions that Erik or Justin can't answer. Happy to do a call anytime.

Thanks for the help!

Best,
Jack

On Fri, Oct 6, 2017 at 7:19 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Jack,
Thanks for the note and the letter. I'll flag this for our congressional team and we will be in touch.
Best,
Mandy

Sent from my iPhone

On Oct 6, 2017, at 7:09 PM, Jack Barrow <jack.barrow@btr.energy> wrote:

> Mandy, Justin, Alex -- I hope you're all doing well and have fun plans for the weekend! Just wanted to follow-up with you on our meeting from a few weeks ago and provide a quick update.
>
> This morning, Congressmen Chris Collins and Peter Welch co-lead a letter to the Administrator endorsing the electric pathway and encouraging quick action on the opportunity. I'm sure the letter is making its way through Congressional affairs now, but I thought I'd share it with you for reference (attached).

I know you're inundated, but if you do have time in October to meet again or take a call, we'd certainly like to talk more about next steps and how we can help move this forward.

Let me know what's best.

Thanks,
Jack

On Fri, Sep 8, 2017 at 3:48 PM, Jack Barrow <jack.barrow@btr.energy> wrote:

Mandy, Justin, Alex -- thank you all for your time! We truly appreciate the chance to speak directly to the decision-makers and hope we were helpful.

I've attached the "Guidance Document" we came up with that synthesizes all of the issues we've identified through our work with EPA over the last three years and how best to deal with them. (Attached as a Word doc so you can edit/ work with it). We think this is complete and addresses the outstanding issues that need to be addressed before implementing the pathway.

If there's anything else we can do to make this easier for your teams or move the process along, please give us a shout. We know you're swamped, but if we can get anything done on our application in the next few months, there'd be some mighty happy farmers, big and small, in the dairy industry in particular.

Either way, keep us posted on your thoughts after you've processed.

Thanks again for your help.

Best wishes,
Jack

--
Jack Barrow
Co-Founder | BTR Energy
(952) 380-7512

--
Jack Barrow
Co-Founder | BTR Energy
(952) 380-7512

<RFS -- Electric Pathway Letter (House).pdf>

--
Jack Barrow
Co-Founder | BTR Energy
(952) 380-7512

Message

From: Alteri, Sean (EEC) [Sean.Alteri@ky.gov]
Sent: 10/18/2017 12:31:04 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Interstate Transport Modeling
Attachments: 2023en_Engineering_Analysis_Unit_File_KY Units.pdf; 2016-22240 - Ozone Season Group 2 Budgets.pdf

Good morning, Mandy.

When you have a few minutes (5 or so), I would like to discuss the two attached files. The one file (2016-22240- Ozone Season Group 2 Budgets) is the regulatory text for the most recent ozone season NOx budgets. The other file (2023en Engineering Analysis Unit File KY Units) includes the emissions inventory inputs used by OAQPS in their interstate transport modeling runs. The emissions inventory assumes several reductions that are not mandated by CSAPR. I have serious concerns regarding the modeling and assumptions applied.

Hope all is well and I apologize for the bother, but as you know, EPA is under a court-ordered deadline to issue a FIP to Kentucky.

Best regards,

Sean

Sean Alteri, Director
Kentucky Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, Kentucky 40601
(502) 782-6541
http://air.ky.gov

Message

From: Kovarik, Kurt (Grassley) [Kurt_Kovarik@grassley.senate.gov]
Sent: 10/17/2017 9:08:39 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: follow-up

Hi Mandy,

Thanks for coming by today. I think it was a useful meeting. I may want to follow-up by phone over the next day or so, when you're not swamped.

I did want to share this nugget with you from a few years ago. I can't recall that we ever got a response. Just thought you might find it interesting that we were working on RIN oversight/transparency quite few years ago.

Kurt

Grassley Presses EPA to Increase Transparency and Address Reports that RIN Market is Being Exploited by Wall Street

Sep 25, 2013

Grassley Presses EPA to Increase Transparency and Address Reports that RIN Market is Being Exploited by Wall Street

WASHINGTON – Senator Chuck Grassley of Iowa is pressing the Environmental Protection Agency (EPA) to increase the transparency of the Renewable Identification Number (RIN) market and provide assurances that the market is functioning for its intended purpose, rather than acting as a profit mechanism for Wall Street banks and other financial institutions.

In a letter to EPA Administrator Gina McCarthy, Grassley wrote, "I'm concerned about recent reports of manipulation or exploitation of the RIN market by non-obligated parties, including financial institutions. Allegations that the opaqueness of this market is leading to abuse and exploitation by individuals or firms simply to generate profits at the expense of refiners, other obligated parties, and perhaps consumers is troubling."

A copy of the text of Grassley's letter to McCarthy is below. A signed copy can be found here.

September 25, 2013
The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy:

I've been a strong supporter of domestically produced biofuels for many years. The production of homegrown biofuels allows American consumers to use a product that is renewable, cleaner and domestically produced. The Renewable Fuel Standard has been a great success in achieving higher use of biofuels in our transportation fuel supply.

The Renewable Fuel Standard includes a RIN credit trading system. The RIN credit market was created as part of the Renewable Fuel Standard to provide flexibility and aid obligated parties in complying with their annual renewable volume obligations (RVO's).

I'm concerned about recent reports of manipulation or exploitation of the RIN market by non-obligated parties, including financial institutions. Allegations that the opaqueness of this market is leading to abuse and exploitation by individuals or firms simply to

generate profits at the expense of refiners, other obligated parties, and perhaps consumers is troubling. The EPA needs to provide assurances that this market is functioning for its intended purpose, rather than acting as a profit mechanism for Wall Street banks and other financial institutions. For that reason, I'd like the EPA to respond to the following questions.

1. Other trading markets are regulated to protect market participants against fraud, manipulation and abusive trading practices. What safeguards does EPA have in place to protect against RIN market manipulation and abuses by non-obligated third parties who are not directly involved in the renewable fuel supply chain?

2. Please describe the oversight network EPA has in place to ensure that the RIN credit market is not manipulated by obligated parties or non-obligated parties.

3. Is EPA working to modify the RIN credit market to eliminate manipulation and abusive trading practices like hoarding? Has EPA considered implementing the type of volatility controls that are present in other markets, such as limits on daily price movements, position limits, etc.?

4. Is there a way for the general public and all parties who generate, own or trade RINs to discover the market price for RINS through the EPA's EMTS system? How do the prices reported by third-party industry publications compare to prices reported to the EMTS system?

5. Why doesn't EPA publicly disclose information that would enhance the transparency of the RIN market? Has EPA considered providing aggregated data to the public regarding RIN transaction prices, volumes traded, and volumes held by the various segments of the marketplace (i.e., obligated refiners, obligated importers, non-obligated blenders/marketers, and non-obligated third parties with no tie to the supply chain)?

6. Is it possible for consumers or obligated parties to determine the amount of separated RINs in the market at a given time? Is it possible at any given time to determine from publicly available data who holds those separated RINs?

7. To what degree are non-obligated parties with no direct involvement in the fuel supply chain (e.g., financial institutions, speculative investors, etc.) participating in the RIN market? What percentage of separated RINs are being held by non-obligated parties with no tie to the fuel supply chain? What percentage are being held by non-obligated blenders, marketers and retailers?

8. Is the current opaque RIN credit market the best way to achieve a fair, orderly and efficient market that protects market participants and is free of manipulation?

9. Has EPA considered installing external oversight over the RIN credit market?

It's troubling that there appears to be no way to determine who is trading the credits, at what price, and at what volumes. It's even more alarming that it's impossible to know the extent of the involvement of financial or other speculators. It's imperative, to maintain confidence that the pricing of RINs is based on market forces and not manipulation or excessive speculation, that EPA increase the transparency of the market. By answering these questions, EPA may be able to provide the necessary transparency.

Thank you for your consideration and I look forward to your prompt reply.

Sincerely,

Charles E. Grassley
United States Senator

Message

From: Bob Neitzke [bneitzke@gatr.net]
Sent: 10/17/2017 3:35:21 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
CC: Alt Susan [susan.alt@volvo.com]
Subject: Volume Cap on "Glider Vehicles"
Attachments: GATR-Letter.pdf

Mandy and Erik,

Please see attached letter.

Bob Neitzke
218 Stearns Drive
Sauk Rapids MN 56379
Office 320 251 7356 ext 1119
Cell 320 980 1599

Message

From: Gavin Gretter [Gavin.Gretter@TrilliumCNG.com]
Sent: 10/10/2017 2:22:02 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Tyson Redpath [tredpath@russellgroupdc.com]
Subject: Loves/RNG 2018 Production

Mandy:

Thank you again for meeting with us on September 26th. Per our conversation, we wanted to send our analysis of cellulosic biofuel production in 2018. We share the goal stated in your proposed 2018 RVO: "to set the annual cellulosic biofuel percentage standard to the projected production volume." Per the analysis below, we feel that a 2018 RVO of between 320 million and 351 million gallons is a more accurate estimate of production.

Over the 4 months May through August, EMTS data shows that D3 RIN production averaged 21.3 million RINs. This increase versus the first 4 months of 2018 was due to several projects gaining EPA approval, and the repair of a major facility in Texas: those projects are now all fully operational. Annualizing the last 4 months of RIN production totals 255.8 million RINs.

Year-to-date RIN production does not yet include 4 of the 34 EPA Registered Companies and Facilities. One of those 4 recently approved facilities was our portion of the Meadow Branch Landfill Gas Processing project, approved on August 4th. We started selling gas into the market from this facility immediately, but RIN production from August won't show up until the September EMTS data is released. The Meadow Branch production is just one small example of upcoming RNG production. We are currently working on two additional registrations that will add 5 times Meadow Branch's RIN production into the market: we will submit these registrations before the end of 2017. Our Meadow Branch production will add 3 million RINs to annual D3 RIN production.

In addition, the Coalition for Renewable Gas has submitted affidavits from RNG producers that will seek certification for 24 projects in 2018, which will add 125 million RINs to the D3 RIN pool.

We agree with the EPA's previous methodology, endorsed by the DC Circuit Court in *ACE vs EPA*, for evaluating future production from newly registered facilities, one that applies a 50% haircut to "biogas producers without consistent commercial production" and a 25% haircut to "biogas producers with consistent commercial production." We agree that these percentages are a reasonable allowance for the realities of time-to-market, startup interruptions, and the 60 days required for facility approval. We do not have the full information that the RNG Coalition has submitted to the EPA about which of the 24 projects do or don't have consistent commercial production, but applying these haircuts to the projected 125 million additional RINs in 2018 yields a range of between 62 million and 93 million additional RINs in 2018. We encourage the EPA to consider these facilities individually in projecting the 2018 RVO.

We respectfully disagree with the EPA's assertion from the 2018 proposed RVO that the RNG market and its technologies are "mature," thus justifying an industry-wide rather than facility-by-facility methodology. To-date, there are 34 RNG production facilities registered with the EPA. By contrast, there are 215 facilities eligible to produce D4 RINs, 246 to produce D5, and 205 to produce D6. Adding the 24 production facilities due to come online in 2018 still only brings RNG facilities to ¼ of the facilities able to produce each of the other RIN categories.

Adding up the annualized current production, our Meadow Branch registration, and the facility-by-facility projections yields a 2018 production figure of between 320 million and 351 million D3 RINs.

I thank you again for considering our analysis in laying out the 2018 RVO. Please let me know if you have any questions, require any additional information, or would like to further discuss any of the methods I have laid out, or that others

have submitted to you. We share your desire to set the RVO versus the best estimate of 2018 production, and we look forward to working with you to facilitate the optimal estimate.

Best regards,

Gavin Gretter
General Manager – RNG
Trillium CNG
DD: +1 713 332 4818
Cell: +1 917 597 4605
Gavin.Gretter@TrilliumCNG.com

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Message

From: Jennifer McDowell [jmcdowell@mema.org]
on behalf of Ann Wilson [awilson@MEMA.ORG]
Sent: 10/26/2017 6:52:38 PM
CC: Cindy Sebrell [csebrell@mema.org]; Briana Huxley [bhuxley@mema.org]
Subject: Join Us in November for a Panel on the Trump Administration & the US Workforce

You're Invited to
MEMA's Policy Breakfast Series:
Many Trump Administration Policies Aim to Bring Jobs Back to the US: Are Companies and Workers Ready?
Wednesday, November 8, 2017 | 8:30 – 10:00 a.m.
The National Press Club
529 14th Street NW, Murrow Room, 13th Floor | Washington, DC 20045
Register Here

Many of the policies the Trump administration is championing aim to bring manufacturing jobs back to America. From NAFTA and the rules of origin, trade policies on the table could force US companies to hire more American workers. MEMA members report skilled labor shortages, long-term challenges in maintaining a qualified workforce, and full facilities. Even if companies are able to scale up facilities in this country, does the workforce exist to make it successful? How can we help American manufacturers meet the demand?

MEMA, which represents the largest sector of manufacturing jobs in the US, will host a lively panel discussion, which will explore the on-going challenges US companies face in recruiting, hiring, and retaining qualified workers as well as what solutions employers are using or seeking to meet hiring demands.

Agenda:

- Breakfast: 8:00 a.m.
- Program Introduction: 8:30 a.m.
- Presentation of MEMA member data on workforce issues: 8:35 a.m.
- Panel Discussion: 8:40 a.m.
- Q & A: 9:25 a.m.

Panelists:

- Ondray Harris, Senior Advisor, US Department of Labor
- Paul N Myles, Senior Manager Government Workforce and Training Programs, Magna International, Inc.
- Erika Nielsen, Director, Global Government Affairs, BorgWarner
- Carla Whitlock, Senior Apprenticeship Consultant, Anderson, Greenville, Oconee, and Pickens Counties, Apprenticeship Carolina, SC Technical College System
- Moderated by: Catherine Boland, Vice President, Legislative Affairs, MEMA

Regards,

Ann Wilson
Senior Vice President of Government Affairs
Motor & Equipment Manufacturers Association
1030 15th St. NW

Suite 500 East
Washington, DC 20005

(202) 312-9246 (office)
(202) 320-7293 (cell)

Message

From: Jason Sloan [jsloan@csg.org]
Sent: 10/17/2017 8:25:58 PM
To: Jason Sloan [jsloan@csg.org]
Subject: SAVE THE DATE: AAPCA's 2018 Spring Meeting, April 4 - 6 in Lexington, KY

The Association of Air Pollution Control Agencies' (AAPCA) 2018 Spring Meeting will be held April 4 – 6 in Lexington, Kentucky at the Hilton Lexington/Downtown. Lexington is known as the "Horse Capitol of the World" and is home to AAPCA – more information on the city can be found on Commerce Lexington's website and at www.visitlex.com.

The current schedule for Wednesday, April 4 includes an afternoon topical session and an opening reception open to all attendees, as well as the AAPCA Air Directors/Board Business Session (open to Board members or their designees). Participation on Thursday, April 5 will be open to all interested participants, while sessions on Friday, April 6 will be limited to AAPCA members and governmental attendees.

Registration for the meeting will open on AAPCA's website in late-November. Reservations in AAPCA's hotel block at the Hilton Lexington/Downtown should be available soon, with a room rate of $108/night plus applicable taxes/fees.

Thanks – we look forward to seeing you in Lexington!

Jason E. Sloan
Policy and Membership Associate
Association of Air Pollution Control Agencies
1776 Avenue of the States
Lexington, KY 40511
859.244.8043 – office
jsloan@csg.org
http://www.cleanairact.org

Message

From: Schwab, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]
Sent: 10/19/2017 5:13:58 PM
To: Erin Chancellor [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userec5b270b]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Petitions

That makes sense, I agree it is better to scope afterwards unless people have certain letters they know will be relevant already. Thank you!

Sent from my iPhone

On Oct 19, 2017, at 1:10 PM, Erin Chancellor <Erin.Chancellor@tceq.texas.gov> wrote:

> I think it's going to be hard for us to narrow down the correspondence without more specific claims, but I'll run it by staff. If you need anything else from me in the meantime, please let me know.
>
> Thanks,
>
> Erin
>
> On Oct 19, 2017, at 11:07 AM, Schwab, Justin <Schwab.Justin@epa.gov> wrote:
>
> > Yes, I believe that's right. If there are historical letters, etc that people have ready to send that tell the agency's perspective as these issues have played out since 93, we'd be happy to start in on those now, but otherwise this is the plan.
> >
> > Sent from my iPhone
> >
> > > On Oct 19, 2017, at 12:51 PM, Erin Chancellor <Erin.Chancellor@tceq.texas.gov> wrote:
> > >
> > > Justin,
> > >
> > > Do I have it right that next step is y'all will let us know which claims you find to be problematic/your specific concerns? And then we will get you answers and supporting documents?
> > >
> > > Thanks,
> > >
> > > Erin

Message

From: Erin Chancellor [Erin.Chancellor@tceq.texas.gov]
Sent: 10/16/2017 9:48:51 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]
Subject: RE: Title V Petitions

Thanks y'all! We'll be in touch.

Erin E. Chancellor

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Monday, October 16, 2017 4:24 PM
To: Erin Chancellor <Erin.Chancellor@tceq.texas.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>
Subject: Title V Petitions

Hey Erin,
Thanks for taking the time to touch base on the Title V permit issue. Attached are the petitions we've received thus far. I've also included a link to a relevant article. I look forward to staying in touch on these.
Article: https://www.environmentalintegrity.org/news/coalition-sues-epa-over-tx-permits/

Best,
Mandy

Mandy M. Gunasekara
Senior Policy Advisor for Office of Air and Radiation
Office of the Administrator
US Environmental Protection Agency

Message

From: Eilperin, Juliet [Juliet.Eilperin@washpost.com]
Sent: 10/10/2017 4:40:27 PM
To: Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Thanks, and by the way, my story is up: http://wapo.st/2wKwVO9

I will update it in a bit, but wanted to make sure it was posted. Thanks for the heads up.
Best, Juliet

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, October 10, 2017 12:22 PM
To: Eilperin, Juliet <Juliet.Eilperin@washpost.com>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Adding Liz and Mandy.

From: Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]
Sent: Tuesday, October 10, 2017 12:20 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Hey Jahan, can you send me a link to the Federal Register notice, by chance? Thanks.

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, October 10, 2017 12:05 PM
To: Eilperin, Juliet <Juliet.Eilperin@washpost.com>; Hohmann, James <James.Hohmann@washpost.com>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: EPA Proposes Repeal Of Clean Power Plan - Preview

Off-the-record …

For your knowledge we are sharing this press release with a handful of folks. You are welcome to report on the press release right now – there is no embargo – but we kindly ask that you do not tweet any images of the release until **today at 12:30 PM EDT**, which is when it will be sent to our full list.

Jahan

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Tuesday, October 10, 2017 12:00 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: EPA Proposes Repeal Of Clean Power Plan - Preview

CONTACT: press@epa.gov

EPA Takes Another Step To Advance President T
First Strategy, Proposes Repeal Of "Clean P

WASHINGTON (October 10, 2017) - Today, U.S. Environmental Pro
Administrator Scott Pruitt issued a Notice of Proposed Rulemaking
repeal the so-called "Clean Power Plan (CPP)." After reviewing th
proposed to determine that the Obama-era regulation exceeds the
authority. Repealing the CPP will also facilitate the development
resources and reduce unnecessary regulatory burdens associated w
of those resources, in keeping with the principles established in Pr
Executive Order on Energy Independence.

"The Obama administration pushed the bounds of their authority s
that the Supreme Court issued a historic stay of the rule, preventi
effects to be imposed on the American people while the rule is be
court," **said EPA Administrator Scott Pruitt**. "We are committed
of the Obama administration by cleaning the regulatory slate. An
be done carefully, properly, and with humility, by listening to all
rule."

CPP Appears to be Inconsistent with the Clean Air Act

The CPP, issued by the Obama administration, was premised on a
view of Agency authority that the Trump administration now prop
inconsistent with the Clean Air Act. In fact, the CPP was put on h
when the U.S. Supreme Court issued an unprecedented, historic st

"EPA will respect the limits of statutory authority. The CPP ignor
and eroded longstanding and important partnerships that are a ne
achieving positive environmental outcomes. We can now assess wh
regulatory action is warranted; and, if so, what is the most approp
consistent with the Clean Air Act and principles of cooperative fed
Administrator Pruitt.

The CPP was issued pursuant to a novel and expansive view of aut
111 of the Clean Air Act (CAA). The CPP required regulated entiti
"outside the fence line." Traditionally, EPA Section 111 rules were
that could be applied to, for, and at a particular facility, also refe
fence line" measures. Prior to the CPP being issued, every single S
books, including a handful of existing source rules and around 100
obeyed this limit. As the CPP departed from this traditional limit c
under an "inside the fence line" interpretation, EPA is proposing t

EPA has now sent the NPRM to the Federal Register for publicatior
the public will have 60 days to submit comments.

The repeal package includes:

1. The "preamble," which lays out the proposed legal interpreta
implications, and a summary of the cost-benefits analysis of th
and
2. The "Regulatory Impact Analysis (RIA)," an in-depth cost-bene

CPP Repeal Saves up to $33 Billion in Avoided Costs in 2030

The proposed repeal both examines the Obama administration's c
well as provides insights to support an updated analysis of the env
and economic effects of the proposed repeal. The Trump administ
proposed repeal could provide up to $33 billion in avoided compli

The previous administration's estimates and analysis of these cost
multiple areas, highly uncertain and/or controversial. Specific are
and/or uncertainty in the Obama administration's analysis of CPP

- **Domestic versus global climate benefits**: The previous admin
U.S. costs to an estimate of supposed global benefits, and fail
established economic procedures in estimating those benefits.

- **"Co-benefits" from non-greenhouse-gas pollutants**: The Ob
relied heavily on reductions in other pollutants emitted by pov

hiding the true net cost of the CPP by claiming benefits from r
that had nothing to do with the rule's stated purpose.

- **Energy cost and savings accounting**: The Obama administrati
efficiency" results of their rule as an avoided cost, resulting in
considerably lower than it would have been if they used the ap
considering these effects as benefits, rather than subtracting t
the Obama administration used the Office of Management and
requirements and accounted cost and savings accordingly, it w
more accurate accounting of the total cost of the CPP.

In this proposed repeal and its accompanying technical documents
is, in a robust, open, and transparent way, presenting a wide rang
to the public.

As part of the notice-and-comment process for this proposed repe
this analysis and inform the public, as necessary, to get feedback
other information. The final action on this proposed repeal will ac
this ongoing work.

Forthcoming is an Advanced Notice of Proposed Rulemaking (ANPR
reflective of a thoughtful and responsible approach to regulatory a
the authority provided by the statute.

"With this action, the Trump administration is respecting states' r
transparency into how we protect our environment," **said Adminis**

Background:
On March 28, President Trump signed an Executive Order on Energ
establishing a national policy in favor of energy independence, ec
the rule of law. The purpose of the Executive Order (EO) is to faci
of U.S. energy resources and to reduce unnecessary regulatory bur
the development of those resources. That same day, EPA Administ
signed four Federal Register notices in response to the EO, includi
announcement of review of the Clean Power Plan. After substanti
has proposed to determine that the Clean Power Plan (CPP) must

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

Unsubscribe[usenvironmentalprotectionagency.cmail19.com]

Message

From: Steve Parker [S.Parker@baltimoretruckcenter.com]
Sent: 10/16/2017 12:32:46 AM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: GHG 2 Glider Kit Sales

As a privately owned commercial truck dealer with operations in Baltimore, MD, Washington, D.C., Gainesville, VA and Hagerstown, MD I respectfully ask you to retain the volume cap ascribed to "glider sales" as written in the final Greenhouse Gas Phase 2 regulation. Today's new commercial trucks must meet strict US 2010 EPA emission standards through compliance with costly investment and development of DPF and SCR technology. Since gliders do not meet these same emission standards required of all original equipment manufacturers, they avoid the costs associated with componentry required to comply with GHG 2. Simply stated, glider kit sales represent and unfair competitive advantage.

Also, glider kit sales may not be subject to the 12% Federal Excise Tax (FET) paid by each new heavy duty truck sold effectively adding to a further price disadvantage against my dealership sales. As you know, FET funds are directed to the Highway Trust Fund (HTF) to pay for infrastructure investments so each glider kit sold impacts the HTF's ability to fund important transportation funding.

Glider kit sales negatively impact my business and I urge he EPA to uphold the current GHG 2 regulation pertaining to glider kit sales.

Thank you.

Steven E. Parker, President
Baltimore Potomac Truck Centers, Inc.
610 Nursery Road
Linthicum, MD 21090
www.bptruckcenters.com
Tel: 410.636.6200
Cell: 410.382.1304
Fax: 410.636.6332
s.parker@baltimoretruckcenter.com

Message

From: Doug Johnson [DJohnson@cta.tech]
Sent: 10/12/2017 1:32:38 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Energy Star Version 8.0 Specification for TVs

Importance: High

Hi, Mandy. Has the Administrator's office now officially dismissed the EPA's proposed Version 8.0 ENERGY STAR Specification for TVs? Trying to get confirmation, as our member companies continue to ask.

Thank you.

Doug

From: Doug Johnson
Sent: Wednesday, October 4, 2017 6:17 PM
To: 'Gunasekara.Mandy@epa.gov' <Gunasekara.Mandy@epa.gov>
Cc: 'Dravis, Samantha' <dravis.samantha@epa.gov>
Subject: FW: Energy Star Version 8.0 Specification for TVs

Hi, Mandy.

I spoke with Samantha at yesterday's EPA Smart Sectors meeting, and she indicated I should follow up with you regarding the two e-mails below. Happy to chat on the phone if it's easier (I'm around tomorrow and Friday). Thank you.

Doug

Douglas Johnson
Vice President, Technology Policy
Consumer Technology Association (CTA)
1919 S. Eads St., Arlington, VA 22202, USA
tel +1 703-907-7686
www.CTA.tech
www.CES.tech

From: Doug Johnson
Sent: Monday, September 25, 2017 5:13 PM
To: 'Dravis, Samantha' <dravis.samantha@epa.gov>; 'Bolen, Brittany' <bolen.brittany@epa.gov>
Cc: Brian Markwalter <BMarkwalter@cta.tech>
Subject: RE: Energy Star Version 8.0 Specification for TVs

Hi, Samantha and Brittany.

Just a quick follow up to underscore an important point on this: As stated in the last paragraph of my message below, CTA wants the Energy Star TV Version 7 specification (the one currently in place) to stay in place for

now. Energy Star program staff told at least one of our members that maybe EPA would just get rid of the Energy Star TV program entirely. Our industry definitely does not want the program for TVs to be ditched. Our concerns are only about the problematic Version 8 specification, as explained below.

Thank you.

Doug

From: Doug Johnson
Sent: Thursday, September 21, 2017 10:45 AM
To: 'Dravis, Samantha' <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Brian Markwalter <BMarkwalter@cta.tech>
Subject: Energy Star Version 8.0 Specification for TVs

Samantha and Brittany,

I understand it may be difficult to connect by phone in the near term, so I'd like to follow up with you via e-mail on the outstanding issue of EPA's proposed Energy Star Version 8.0 specification for televisions, which was the subject of our earlier letter to the Administrator.

During the past few weeks, the Energy Star program staff proposed some technical changes to the Version 8.0 Specification related to the luminance requirements. We heard from our members that these proposed changes were being shared directly with certain companies, and we followed up with EPA to get a copy of the proposed changes, which they shared with us on August 28th. We then circulated to our TV manufacturer and retailer members the EPA program staff's proposed changes and solicited feedback from our members.

The feedback we received is that while the proposed technical changes to the luminance requirements are helpful, they do not address our fundamental concerns about EPA's approach to Automatic Brightness Control (ABC). We remain strongly opposed the EPA's proposal to require persistence of ABC across manufacturers' preset viewing modes, which puts EPA squarely in the business of designing televisions.

By the way, we do want to make clear that we are not opposed to ABC. On the contrary, it's a great example of industry innovation in support of saving energy in televisions, and ABC is prevalent in the market today.

Given the remaining and serious industry concerns about EPA's proposed Version 8.0 Specification for TVs, we respectfully ask that EPA now set aside indefinitely its proposed Version 8.0 Specification; retain the current Version 7 Specification; work with industry to promote ENERGY STAR during the upcoming holiday shopping season; and participate in the current committee efforts to develop a new industry consensus standard for measuring TV energy use. From a practical standpoint, revising and issuing a new Version 8.0 Specification makes a lot more sense after the new TV energy measurement standard is completed.

Thank you for your attention to this matter.

Doug Johnson
VP, Technology Policy
CTA

Brian Markwalter
SVP, Technology & Standards

CTA

Message

From: Bolar, Luke [Luke.Bolar@edelman.com]
Sent: 10/6/2017 2:28:20 PM
To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: Domestic renewable diesel production question

Thank you very much, Brittany. I appreciate the connection.

Erik and Mandy, if you have time next week, I would love to meet and get more information on this. If a call is easier, that works for me too.

Thanks again,
Luke

Luke Bolar | Senior Vice President | Energy & Transportation
Edelman | Washington, DC
1875 I Street, NW | Washington, DC 20006
O: 202.326.1825 | M: 202.247.5255 | luke.bolar@edelman.com

Edelman

From: Bolen, Brittany [mailto:bolen.brittany@epa.gov]
Sent: Friday, October 6, 2017 9:57 AM
To: Bolar, Luke <Luke.Bolar@edelman.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Domestic renewable diesel production question

Hi Luke,
Thanks for your email. Hope all is well with you, too. I'm connecting you with my colleagues, Erik and Mandy. Also adding Alex who can help set up a time for a call or meeting on this.
Best,
Brittany

On Oct 5, 2017, at 9:11 AM, Bolar, Luke <Luke.Bolar@edelman.com> wrote:

> Hi Brittany,
> I hope you're doing well! I have some questions on domestic renewable diesel production or biomass based diesel production. I'm wondering if you would be able to direct me to the right person at EPA to direct some of my questions. I'm essentially trying to make sense of the increase in biofuel imports in recent years, and what if any impact that has had on domestic production and consumption.
> Thanks, and I'd love to grab a coffee and catch up soon.

Regards,
Luke

Luke Bolar | Senior Vice President | Energy & Transportation
Edelman | Washington, DC
1875 I Street, NW | Washington, DC 20006
O: 202.326.1825 | M: 202.247.5255 | luke.bolar@edelman.com

Edelman

Message

From: Chris Hessler, AJW [kkrishnan=ajw-inc.com@mail126.sea31.mcsv.net]
on behalf of Chris Hessler, AJW [kkrishnan@ajw-inc.com]
Sent: 10/19/2017 7:06:21 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: AJW Welcomes Four New Staff Members to the Firm!

Dear Colleagues,
Please see the below announcement of our four new staff members.
Regards,
Chris

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Message

From: Robert Riley [rgrileyjr@feedenergy.com]
Sent: 10/3/2017 3:58:04 AM
To: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]; Kovarik, Kurt (Grassley) [Kurt_Kovarik@grassley.senate.gov]; Palich, Christian [IMCEAMAILTO-palich+2Echristian+40epa+2Egov@feedenergy.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: FW: Latest conversation with EPA on Corn Oil One and latest letter to EPA from Corn Oil one
Attachments: epa conference call on 8-24 Mandy Stephanie Bob Tate.docx; 20170927143022984.pdf

Devin, Kurt, Mandy and Christian:

I am re-sending this letter, via email. I am sending it to the participants on the call of last week (You, Kurt, Christian) and to Mandy.

I sent the attached letter by registered mail to Mandy Gunasekara, on September 5, with an electronic copy to all those listed below (You, Kurt, Stephanie, Andrew, and Eric Branstad) on September 21. I attach the registered letter receipt. I'm mystified as to where the letter went. I am curious as to its pathway. Can you verify its receipt?

We continue to prove we are Non Food Grade Corn Oil, designated by law in the original RFS to be a valid feedstock. Our Non Food Grade Corn Oil follows the identical pathway as much of the soybean and canola oils, both of which are valid feedstocks for biodiesel and RIN generation. Just like Soybean and Canola oils, our material is not substantially altered from its original, crude form. Therefore, any designation of our material as different from soy or canola oils is arbitrary, and has caused us great economic harm.

I eagerly await your agreement.

Robert G. Riley, Jr
Riley Resource Group
4400 E. University Ave.
Pleasant Hill, Iowa 50327
515-344-4406 (O)
515-229-9100 (C)
rgrileyjr@rileyresourcegroup.com
www.RileyResourceGroup.com

Effective and efficient. The latter is useless if the former is lacking.

From: Robert Riley
Sent: Thursday, September 21, 2017 11:03 PM
To: Contact <devin_mogler@ernst.senate.gov>; 'Groen, Stephanie' <stephanie.groen@iowa.gov>; Kovarik, Kurt (Grassley) <Kurt_Kovarik@grassley.senate.gov>; 'Moore, Andrew' <Andrew.Moore@mail.house.gov>; 'Branstad, Eric (Federal)' <EBranstad@doc.gov>
Cc: Phil Reeves <preeves@riverheadresources.com>; jacobide@icloud.com; Kerty Levy <kertylevy@gmail.com>; Markowitz, Kenneth <kmarkowitz@akingump.com>
Subject: Latest conversation with EPA on Corn Oil One and latest letter to EPA from Corn Oil one

All:

I am attaching the latest letter from Corn Oil 1 to Mandy Gunasekara at EPA. I sent this certified on 9-5-17. (Sorry for the delay until the 21st… the draft had been made and not sent.)

This letter was as a result of a conversation on August 24, whereby Mandy informed us that they had determined Corn Oil 1 was a "bio-intermediary." When pressed as to why or how they came to that determination, she indicated it was because the oil was produced at one plant and sent to Corn Oil 1 for refining, and then sent on to be made into biodiesel.

I reiterated our 2 year old, and, revived, 2 month old set of facts:

Corn Oil produced at an ethanol plant and refined at Corn Oil 1 and sent to a bio-diesel plant followed the same exact pathway as soybean oil, which is not designated a bio-intermediary, and is in the same box of valid feedstocks as soybean oil. Mandy seemed surprised and doubted that this might be happening, and asked for some names.

Upon consultation, decided to send her examples of three plants that belonged to ABC's (ADM, Bunge, Cargill) where beans were crushed and oil was sent on to another plant for refining. (Again, same as Ethanol crush where oil would be sent to Corn Oil 1.)

(As an aside, many in the Corn Oil 1 camp were nervous about 1) specifically naming plants, even though outside of Iowa, even though mentioned numerous times in preceding correspondence, which could be contacted by EPA, and 2) poking the three largest soybean oil refining companies in the world. A calculated risk that EPA would find it easier to put Corn Oil 1 on their bus, than to move 30+ soybean plants onto the bio-intermediary bus.)

Other activities of note:

- Activated the Greater Des Moines Partnership to actively advocate for us during their next visits with congressional delegation and EPA, and in conversations with the other Signatories of our plight.
- Have appointment with Bill Northey to explain Corn Oil 1 and seek his help through Dept. of Agriculture, hoping an additional avenue of inquiry will spur some action.
- Have call in for Iowa Corn Growers to become more active.

I have heard nothing from the Governor's DC office, nor from any of the congressional offices. Has there been any notable information that you haven't shared yet?

Robert G. Riley, Jr
Riley Resource Group
4400 E. University Ave.
Pleasant Hill, Iowa 50327
515-344-4406 (O)
515-229-9100 (C)
rgrileyjr@rileyresourcegroup.com
www.RileyResourceGroup.com

Effective and efficient. The latter is useless if the former is lacking.

Message

From: The White House [noreply@whitehouse.gov]
Sent: 10/12/2017 1:28:24 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RSVP Confirmation

THE WHITE HOUSE
WASHINGTON

Dear Amanda,

Thank you for submitting your RSVP. We have received your information. Please reach out to your point of contact with any questions.

Sincerely,
The White House

The White House • 1600 Pennsylvania Avenue, N.W. • Washington, D.C. 20500 • 202-456-1111

Message

From: Dorri Gibson [dgibson@tecequipment.com]
Sent: 10/13/2017 5:24:05 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: EPA Letter
Attachments: SAccounting17101309520.pdf

Importance: High

Good Morning To Whom it May Concern:

Please open attachment: From David Thompson, President/CEO of TEC Equipment, Inc.

Thank you,

Dorri Gibson
Executive Assistant
TEC Equipment
Office: 503.247.4601
dgibson@tecequipment.com

TEC Equipment
Your Best Business Partner

David A. Thompson
Direct: 503-247-4061
dthompson@tecequipment.com

October 13, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Subject: Glider Vehicles/Volume Cap

Dear Administrator Pruitt:

I am the founder and current President/CEO of TEC Equipment, Inc., the West's leading multi-point truck dealer. We have 28 locations throughout California, Washington, Oregon, Nevada, and Arizona, and employ close to 1,200 associates.

I ask you to keep the volume cap on "glider vehicles" as written in the final Greenhouse Gas Phase 2 regulation. Simply put, glider vehicles are sold against us but with an unfair competitive advantage.

Today's new trucks meet US '10 emission levels by the installation of an expensive "chemical factory" behind the engine (the SCR and DPF). Because gliders vehicles don't meet the current emission standards, they avoid these expensive "chemical factories" that we, as conscientious business owners complying with EPA's strict emissions standards, use to provide our customers with vehicles that generate the least amount of emissions possible.

Also, we are required to pay a 12% Federal excise tax on the sales price for every truck we sell. Glider Vehicles may not have to pay the excise tax. This tax is used to fund the federal highway trust fund, which helps pay for our roads and bridges. So, we are at a 12% unfair price disadvantage, and the highway trust fund is lessened with every glider vehicle sold.

I have lost sales to glider vehicles. That loss of revenue has negatively impacted my business's bottom line and the livelihoods of our employees and their families. I simply want a level playing field so that all truck dealers can fairly compete.

Very truly yours,

David A. Thompson
President/CEO

cc via e-mail:
Mandy Gunasekara, Senior Advisor to the Administrator (Gunasekara.Mandy@epa.gov)
Erik Baptist, Senior Deputy General Counsel (baptist.erik@epa.gov)

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/1/2017 4:13:45 PM
To: Myron Ebell [Myron.Ebell@cei.org]
CC: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Scheduling a meeting with a visitor

Myron – Can you do Wednesday, October 4th at 2:30PM?

Best,

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Myron Ebell [mailto:Myron.Ebell@cei.org]
Sent: Friday, September 29, 2017 8:45 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Scheduling a meeting with a visitor

Dear Mandy, Great. I spoke to Brittany about this yesterday, and she said she'd co-ordinate with you on a time. Wednesday afternoon looks booked now until 4:30 or 5 (but you know how unreliable Congressfolk are). 5 onwards is open. Owen is also free Thursday morning, but would have to leave for Heritage by 11:30. Yours, Myron.

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute
Tel: (202) 331-3256
Mobile: (202) 320-6685
E-mail: Myron.Ebell@cei.org

On Sep 28, 2017, at 12:57 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> Myron,
> Great to hear from you. For me, the afternoon of the 4th is somewhat flexible. I'll be at the nomination hearing so hopefully that will wrap up by early afternoon and I'd be happy to meet with Owen. Is it best for use to coordinate with you or should we reach out to him?
>
> I've also cc'd Alex who can firm up all the logistics from our end.
> Best,
> Mandy

From: Myron Ebell [mailto:Myron.Ebell@cei.org]
Sent: Thursday, September 28, 2017 12:18 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Scheduling a meeting with a visitor

Dear Brittany and Mandy, My friend of fifteen years, Owen Paterson, MP, is going to be in town next week, and I wonder if you or any of your colleagues would like to meet with him. Owen was cabinet minister for the Department of Environment, Food, and Rural Affairs in the Cameron government from 2012 to 2014. He was sacked because he was far too conservative and un-green for the Prime Minister. He is keen to re-establish contacts with key people in Washington on environmental and energy issues. I have pasted a short bio below. Owen is free for much of next Wednesday afternoon and evening the 4th and Thursday morning the 5th. He's giving a talk at lunch at CEI on Wednesday (which you are of course invited to attend), which will end at 1:30, and he's giving a speech at Heritage at noon on Thursday. Right now, the only definite appointment he has is 3 PM Wednesday with Lamar Smith. Thanks, Myron.

Right Honorable Owen Paterson, MP

Owen comes from an old farming family in Shropshire and has represented his home constituency of North Shropshire in the House of Commons since 1997. He served in the Conservative shadow cabinet as shadow minister for agriculture, fisheries, and food and then as shadow minister for Northern Ireland. When the Cameron Coalition government took office in 2010, he first served as secretary of state for Northern Ireland and from 2012 to 2014 as secretary of state for environment, food, and rural affairs. Owen then founded the think tank UK2020 and in 2015 was one of the three founders of Vote Leave, where he played a leading role in the successful Brexit campaign. Owen is a Cambridge graduate in history and worked for twenty years in the British leather industry, which included a term as president of the European tanning association.

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute
1310 L Street, N. W., Seventh Floor
Washington, DC 20005, USA
Tel direct: (202) 331-2256
Tel mobile: (202) 320-6685
E-mail: Myron.Ebell@cei.org
Stop continental drift!

Message

From: Messner, Kevin [KMessner@AHAM.org]
Sent: 10/2/2017 9:18:11 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]
Subject: Follow-up

Just wanted to follow up on our meeting last week. Regarding the Direct Final Rule to update the charge size for Isobutane to 150 grams for refrigerators based on the recently updated standards, do you need anything else from me? Also, we would be happy to participate in the Smart Sectors effort as it relates to the SNAP program. Lastly, our CEOs still would like to meet with Administrator Pruitt when they are in town the afternoon of October 18. I will reach out to Ryan Jackson on that since I am assuming you all do not get into the scheduling aspects for the Administrator??? Thanks again for your help. Mandy, hearing your long list of things at NAM, I know you both have a ton going on so appreciate any time you can spend on the appliance issues.

Kevin Messner
Senior Vice President, Policy & Government Relations
Association of Home Appliance Manufacturers
1512 Willow Lane, Davis, CA 95616
1111 19th Street NW, Suite 402, Washington, DC 20036
t 202.872.5955 ext. 353 *m* 530.309.5629 *f* 202.872.9354 *e* kmessner@aham.org

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Message

From: Susan Butler [sbutler@capitolresourcesllc.com]
Sent: 10/4/2017 2:45:35 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: small refinery hardship scoring process
Attachments: Small Refiners Coalition RFS Small Refinery Hardship - 9.13.2017.pdf

Good morning! I want to follow up on your offer to the coalition to host a joint meeting with DOE re: the small refinery hardship scoring process. It would be great if we could do that fairly soon as the next cycle will soon be upon us. I've attached the small refinery coalition's suggestions which we believe would streamline the process and make it more objective.

Please let me know if there are any meetings you think we need to have in advance of a joint agency meeting. Many thanks, Susan

Susan Butler
Capitol Resources LLC
915 Prince Street
Alexandria, VA 22314
(703)739-5860 (office)
(703)298-2826 (cell)

Message

From: Jay Cranford [cranford@cgcn.com]
Sent: 10/18/2017 9:16:42 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: meeting request

Thanks Alex. Afternoon of Nov 8th is better on our end!

Jay Cranford
CGCN Group
(202) 689-9296
www.cgcn.com

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Wednesday, October 18, 2017 10:53:52 AM
To: Jay Cranford
Cc: Gunasekara, Mandy
Subject: RE: meeting request

Hey Jay,

The afternoon of Nov. 8th or anytime on the 9th would be best. Just let me know what works.

Best,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Jay Cranford [mailto:cranford@cgcn.com]
Sent: Monday, October 16, 2017 1:27 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: meeting request

Thanks Mandy. Alex, Shea is looking to be back in DC in the Nov 7-10 timeframe. -Jay

---

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Monday, October 16, 2017 1:23 PM
To: Jay Cranford <cranford@cgcn.com>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: meeting request

I'm looping in Alex this time to ensure it happens. Tomorrow is booked, but let's try for early November.
Best,
Mandy

From: Jay Cranford [mailto:cranford@cgcn.com]
Sent: Monday, October 16, 2017 12:21 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: meeting request

Good afternoon Mandy. Just checking back in here. Since we're on the eve of the 17th and 18th, maybe we should look to later in the month or early November? Thanks, -Jay

---

From: Jay Cranford
Sent: Wednesday, October 11, 2017 8:46 AM
To: Mandy Gunasekara - EPW (gunasekara.mandy@epa.gov) <gunasekara.mandy@epa.gov>
Subject: meeting request

Good morning Mandy. I'm reaching out in the hopes of finding some time on your schedule to meet with Shea Loper (Encana). Shea is coming in from Denver next week and is available on October 17 and the morning of October 18. If those dates don't work for you, Shea is planning another trip late October/November.

Thanks for considering. -Jay

JAY CRANFORD | CGCN GROUP
1101 K STREET, NW, SUITE 650 WASHINGTON, D.C. 20005
202.689.9296 / cranford@cgcn.com / www.cgcn.com

Message

From: Parinello, Chris [Chris.Parinello@valero.com]
Sent: 10/17/2017 5:23:52 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Zelermyer, Salo [Salo.Zelermyer@valero.com]
Subject: New Analysis
Attachments: 4-WTO Analysis (11 July 2017).docx; 1-CRA_EthanolVolumes_ExportProposal_10_17_2017.pdf; 2-CRA_BalancingTreatmentofEthanolExports.pdf; 3-EthanolBlendingvRINs.pdf

Importance: High

Mandy,

As part of our RVO comments in August, we submitted a study by Charles River Associates (CRA) that found a net increase of 1.2 billion gallons of exports over the next year under the export RINs policy (that number is comprised of: preventing a loss of 600 million gallons a year based on current policy, and an additional 600 million gallons of production capacity expansion). That study is attached again for your reference (attachment 2). One argument that has been pushed by opponents of this policy is that exports would cannibalize domestic consumption of ethanol, essentially shifting gallons overseas that would otherwise be used domestically. **We asked CRA to look at this argument closely, and we just received their analysis (attachment 1: Unobligated RINs for Renewable Exports—Impact on Ethanol Volumes). CRA found that if the export RINs policy were enacted, domestic consumption would remain steady as ethanol volumes increased.** The policy would not cannibalize domestic consumption, as opponents have suggested. This is largely due to the fact that ethanol is the most economic option for octane enhancement. We wanted to make sure you had the most up to date data. Included in this email, please find the following:

1) **NEW CRA Analysis: Unobligated RINs for Renewable Exports—Impact on Ethanol Volumes**
2) Original CRA analysis (Balancing the Treatment of Ethanol Exports, Imports, and Consumption in the Renewable Fuel Standard) submitted as an attachment to our 2018 RVO comments.
3) Slide produced by Valero using EIA and Argus data demonstrating that high RIN prices since 2013 have not led to a significant increase in ethanol blending. (This is an important counterpoint to those arguing that high RINs are necessary to foster an increase in ethanol blending.)
4) Memo from Sidley Austin on the international trade law implications of the ethanol export RIN proposal. Sidley's memo found that not only would modifying the export treatment within the RFS not constitute a WTO/GATT violation, but that the current export framework could already be a violation of GATT '94.

Please let us know if you would like to discuss further. Thank you.

Chris

Chris Parinello
Senior Manager, Federal Government Affairs
Valero Energy Corporation
Phone: (202) 560-5451
Email: chris.parinello@valero.com

Message

From: Terry Dotson [terry.dotson@thetruckpeople.com]
Sent: 10/14/2017 7:51:08 PM
To: Robert Nuss [rnuss@nussgrp.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: [SPAM] Re: letter to Hon. Scott Pruitt, Administrator, Environmental Protection Agency

I would copy your house member and senator

Sent from my iPhone

On Oct 14, 2017, at 3:23 PM, Robert Nuss <rnuss@nussgrp.com> wrote:

To: Mandy Gunasekara, Senior Advisor to the Administrator
Erik Baptist, Senior Deputy General Counsel

Please forward the attached letter to Hon. Scott Pruitt, Administrator, Environmental Protection Agency
I will send the original by mail

I can be reached at (507)424-4140 direct & cell, or email at rnuss@nussgrp.com

Thank you,

Robert Nuss
President | CEO
Nuss Truck & Equipment
<image001.jpg>
2017 American Truck Dealer of the Year

<NT&E letter to Hon. Scott Pruitt, 10.14.pdf>

Message

From: David Wilkins [David.Wilkins@nelsonmullins.com]
Sent: 10/12/2017 7:00:39 PM
To: Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]
CC: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Justin Meyers [justin.meyers@nelsonmullins.com]
Subject: RE: October 16 meeting request - Administrator Pruitt

Hayley,

Thank you so much for getting back to me. We would like to schedule a meeting on Tuesday if at all possible. I look forward to hearing from your Policy team.

Thanks,

David

From: Ford, Hayley [mailto:ford.hayley@epa.gov]
Sent: Thursday, October 12, 2017 2:15 PM
To: David Wilkins <David.Wilkins@nelsonmullins.com>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: October 16 meeting request - Administrator Pruitt

Hello David,

As we discussed earlier this week, unfortunately it's not going to work with the Administrator's schedule to hold this meeting on Monday. However, I've copied our Policy team here and they would be more than happy to try to set something up. I'm not sure that they could make Monday work, but perhaps have other available times.

I will let you coordinate with them.

Thank you and perhaps we can make this meeting work in the future!

Hayley Ford
Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: David Wilkins <David.Wilkins@nelsonmullins.com>
Date: October 6, 2017 at 9:49:57 AM EDT
To: "ford.hayley@epa.gov" <ford.hayley@epa.gov>
Subject: October 16 meeting request - Administrator Pruitt

Hayley,

Below is an email I sent to Sydney Hupp on September 21, 2017. My friend, South Carolina Attorney General, Alan Wilson, contacted Samantha Dravis about my request yesterday and she suggested I contact you.

I would like to renew my request for a meeting with Administrator Pruitt with the President and CEO of Suncor, Steve Williams, and myself on Monday, October 16th. The email below provides more details about Suncor.

I served as US Ambassador to Canada under President George W. Bush and Administrator Pruitt was kind enough to meet with me earlier this year. I hope that he will have time for a brief meeting with Steve Williams and myself on October 16th.

Thank you very much for your consideration.

David

From: David Wilkins
Sent: Thursday, September 21, 2017 3:27 PM
To: hupp.sydney@epa.gov
Cc: Justin Meyers <justin.meyers@nelsonmullins.com>
Subject: October 16 meeting request - Administrator Pruitt

Sydney,

You were kind enough to facilitate meetings with Administrator Pruitt earlier this year for Brad Wall, Premier of Saskatchewan, and Tim McMillan, President of the Canadian Association of Petroleum Producers. We also represent Suncor, a Canadian oil company which is North America's fifth largest energy company. Suncor's President and CEO, Steve Williams (bio below) will be in Washington on October 16 and would very much like to meet with Administrator Pruitt. The purpose of the meeting would be for Suncor to gain a better understanding of President Trump's regulatory priorities relating to energy and the environment. I believe that given Suncor's size and role in the energy sector in Canada and the United States, a meeting between Mr. Williams and Administrator Pruitt would allow for a very high level dialogue on these issues.

While the bulk of Suncor's production of 700,000 barrels per day is from the oil sands in Alberta, Suncor also has offshore assets in Canada, the United Kingdom

and Norway. Suncor also owns a 98,000 barrel per day refinery in Commerce City, Colorado, along with Canada's largest ethanol plant in Ontario.

Please do not hesitate to let me know if I can provide any further information. I very much appreciate your consideration of our request.

We look forward to hearing from you and hope to see Administrator Pruitt on October 16.

Thank you.

David

DAVID H. WILKINS PARTNER
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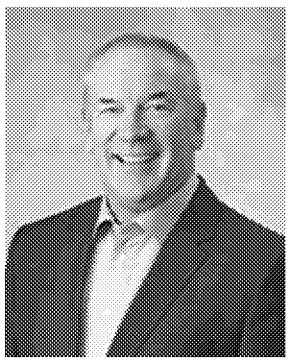
101 CONSTITUTION AVENUE, NW | SUITE 900
WASHINGTON, D.C., 20001
T 202.689.2829 F 202.689.2860
NELSONMULLINS.COM VCARD VIEW BIO

Steve Williams

President and Chief Executive Officer



Steve Williams is president and chief executive officer of Suncor Energy Inc.

Steve's career with Suncor began in May 2002 when he joined the company as executive vice president, Corporate Development and chief financial officer. He then served as executive vice president, Oil Sands and chief operating officer. Steve has more than 40 years of international energy industry experience, including 18 years at Esso/Exxon.

Steve holds a Bachelor of Science degree (Hons.) in chemical engineering from Exeter University and is a fellow of the Institution of Chemical Engineers. He is a graduate of the business economics program at Oxford University as well as the advanced management program at Harvard Business School.

In 2016, Steve was named to the Board of Directors of the new Alcoa Corporation. He is a Board member of the Business Council of Canada, is a member of the Institute of Corporate Directors and is also a member of the McKinsey & Company Canada Advisory Council. In 2014 and 2015 Steve acted as co-chair of Indspire's "Building Brighter Futures" campaign, which provides financial support for Indigenous students.

Steve has long been an advocate for sustainable development in the energy industry and a leader in conversations that connect the environment and economy. In 2005 he was appointed to the National Roundtable on the Environment and the Economy by the Prime Minister. He has also been a member of the advisory board of Canada's Ecofiscal Commission since its inception. He is one of 12 founding CEOs of Canada's Oil Sands Innovation Alliance (COSIA) and he was invited to attend the 2015 United Nations Climate Change Conference (COP21) in Paris, France as an official member of the Government of Canada delegation.

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Sent: 10/16/2017 2:56:41 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: CSIS New Perspectives in Foreign Policy - Volume 13

CSIS New Perspectives in Foreign Policy
Volume 13

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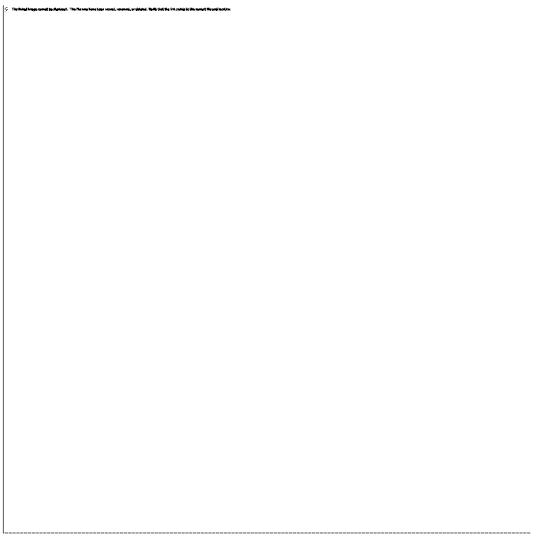

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Message

From: Chris Bliley [cbliley@growthenergy.org]
Sent: 10/13/2017 3:46:50 PM
Subject: Updated E15 Information
Attachments: MDEV 17010 E15 PTP Progress 2017-10-05.pdf

Please see the updated fact sheet and map outlining the over 1000 high-volume retailers now selling E15. If you have any questions, please let me know.

Chris Bliley | Vice President, Regulatory Affairs
Growth Energy
701 8th St NW Suite 450
Washington DC 20001
OFFICE 202.545.4023 CELL 202.579.7418
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From: Rupert Darwall [rupert.darwall@gmail.com]
Sent: 10/10/2017 12:31:20 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Critique of World Bank's regressive energy policies
Attachments: WB report (final).pdf

Dear Mandy,

I mentioned the report on the World Bank's energy policies. Here it is.

It's designed to help the Administration in its effort to end its Obama-era energy policies, in particular its craven support for wind and solar and its embargo on funding coal-fired capacity.

It's being published tomorrow, but do please do circulate to those in the Administration. As I recall when we met last month, you thought it would be particularly helpful to Dave Banks at the NEC and Dan Simmons at Energy.

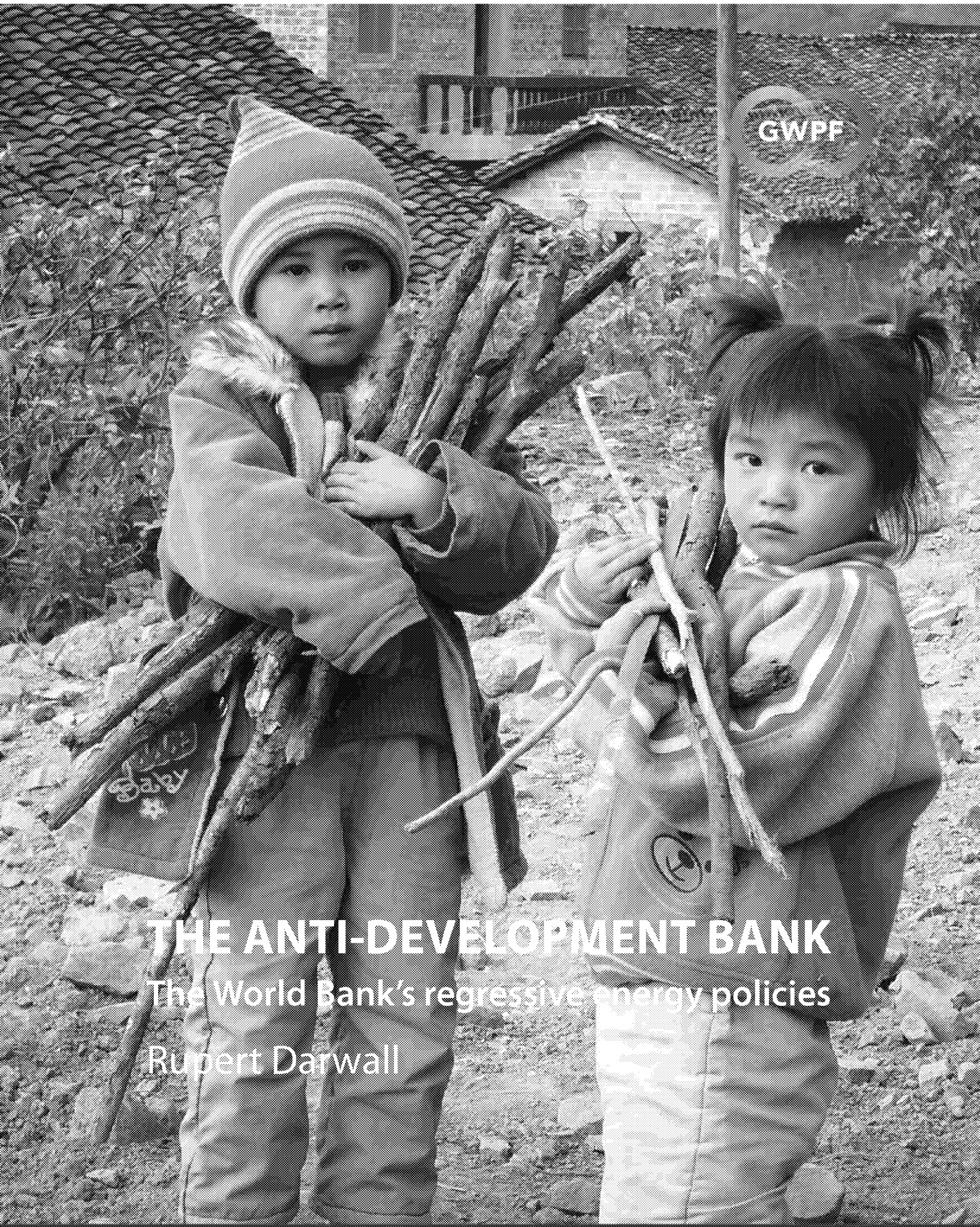
There's a summary at the front and a hard-hitting foreword by Deepak Lal, who used to work at the World Bank.

Yours,

Rupert

PS I have an op-ed on red/blue out shortly, all being well

EPA-HQ-2018-002296



THE ANTI-DEVELOPMENT BANK

The World Bank's regressive energy policies

Rupert Darwall

The Global Warming Policy Foundation

GWPF Report 27

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THE ANTI-DEVELOPMENT BANK

The World Bank's regressive energy policies

Rupert Darwall

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Foreword

By Professor Deepal Lal

The best way for me to introduce this paper is by outlining how the World Bank (WB) turned into the Anti-Development Bank, as suggested by its title.

In the mid-to-late 1980s, I was the research administrator at the WB. Towards the end of my tenure, during the annual meetings between the bank and the International Monetary Fund, green activists were abseiling down the bank's Washington headquarters protesting against its purportedly anti-green activities. This pressure seemed an emergent threat to the bank's mission to alleviate poverty through efficient growth and so, with the support of the Vice President for Economics and Research, Anne Krueger, I responded by proposing a *World Development Report* on the environment, now the WB's flagship publication.

The report was published in 1993, well after I had left the bank. The authors included two of my former colleagues at University College London, Wilfrid Beckerman and David Pearce. It was a balanced report which, as the WB's president Lewis Preston said in his foreword, argued for

> ...a careful assessment of the costs and benefits of alternative policies, taking account of uncertainties and irreversibilities that maybe associated with ecological processes. Some would prefer a more absolute approach to protection, but for policy-makers with scarce resources seeking to raise the well-being of their citizens in an environmentally responsible manner, it is essential that tradeoffs be clarified in a rational manner and cost-effective policies designed.[1]

This paper shows in detail how this injunction is no longer adhered to by the current WB President Dr Jim Young Kim. He has overruled the cost–benefit estimates of the superiority of coal-based over solar- and wind-based power generation produced by his own economic staff, justifying this by reference to a wish to cut global emissions of greenhouse gases. In 2013 the bank adopted anti-coal funding policies, which, as the paper shows, prioritises the green environmental agenda over its core developmental mission of poverty reduction.

How has this come to pass? The turning point came when, in the mid 1990s, with the opening up of world capital markets to most developing countries outside Africa, the bank had three choices, as noted by Anne Krueger:[2]

- to downsize and concentrate only on the countries that are truly poor, and phase out activities in middle income countries
- continue to operate in all countries, focusing on the 'soft issues' of development, such as the environment, women's rights, labour rights and the encouragement of NGOs
- to shut down.

The new President James Wolfensohn chose the second option. I argued in my *Reviving the Invisible Hand*[3] for the third. The arguments of this paper provide further support for my position.

I commend this paper to all those who are sincerely concerned with alleviating poverty – particularly in Africa, since China and India no longer need World Bank money or advice – and who are not seduced by the siren voices of the eco-fundamentalists.[4]

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Notes

1. World Bank (1993) *World Development Report 1992: Development and the environment.* World Bank Group, p. iii. http://documents.worldbank.org/curated/en/995041468323374213/World-development-report-1992-development-and-the-environment.
2. A. Krueger (1998) Whither the World Bank and IMF? *Journal of Economic Literature*; XXXVI: 1983–2020
3. D. Lal (2006) *Reviving the Invisible Hand*, Princeton University Press, pp. 147–149.
4. D. Lal (1995) Eco-fundamentalism. *International Affairs*; 71(3): 515–528.

About the author

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Summary

Providing universal access to cheap, reliable grid power constitutes the single most powerful boost to economic development and transforming the quality of life of the world's poor. The World Bank's stated mission is to alleviate poverty. It aims to do this through the provision of intelligent finance that boosts developing nations' economic and social development.

Under its president, Dr Jim Yong Kim, appointed by President Obama in 2012, the World Bank abandoned its core development mission. It did this by prioritising environmental sustainability over poverty reduction. In 2013, it adopted anti-coal funding policies, effectively blocking investment in what, for many developing nations, is likely to be the cheapest and most reliable generating capacity. The World Bank's near categoric refusal to finance coal-fired capacity is worsened by it favouring high-cost, unreliable wind and solar technologies. This amounts to an inhumane and senseless attempt to try to save the planet on the backs of the world's poor.

In rich countries, wind and solar are pushing up costs, wrecking incentives to invest in power station capacity needed to keep the lights on and weakening the security of the grid. These countries have already built out their grids. They have the resources to throw at the problems created by intermittent wind and solar. Less well-off countries do not. It is irresponsible for a multilateral development bank to push high-cost, operationally defective technologies onto nations where they will retard development and make electrification vastly more expensive.

Asia, excluding China, and Africa currently derive the bulk of their electricity from hydrocarbons. Wind and solar contributed negligible amounts of power (respectively 1.8% and 0.9%) in 2014. However, introducing large amounts of weather-dependent capacity on immature, fragile electricity grids will damage them and require extra investment to stabilise them. The selling of electricity below the cost of producing it – endemic in many developing nations – can only be worsened with high-fixed-cost, zero marginal cost generation, making it even more challenging to attract investment in the capacity needed to keep the lights on.

The World Bank justifies their policy by reference to the wish to cut global emissions of greenhouse gases. But poor people in developing countries consume very little power. Their per capita consumption of coal can be measured in kilograms and pounds (in the case of Bangladesh, in ounces). By its own admission, the World Bank acknowledges that the incremental greenhouse gas emissions from extending access to the grid to the world's poor 'will not make a material difference'. That being the case, the World Bank's anti-coal/pro-renewable policy is morally and economically indefensible'. For those worried by the prospect of anthropogenic global warming, bringing electricity to the energy-starved in the world's developing nations is genuinely not a problem.

The World Bank's own analysis highlights the extra costs caused by the variabil-

ity of wind and solar output and the extra grid infrastructure they need. In spite of this analysis, the World Bank decided to form a 'unique partnership' with the then UN Secretary-General Ban Ki-moon in the 2011 Sustainable Energy For All initiative (SE4ALL). This sets an arbitrary target of doubling renewables' contribution to the global energy mix by 2030. In doing so, the World Bank made a colossal blunder. According to Ban's own numbers, universal energy access has a price tag of $50 billion a year. Renewable energy costs $500 billion a year and there is a further $500 billion a year for energy efficiency. To any objective analyst, these numbers should have settled the matter.

The World Bank's betrayal of its core development mission cannot be blamed exclusively on pressure from its shareholders and clients. In supporting Mr Ban's aim of doubling renewables' share in the energy mix, the World Bank went much further than the UN General Assembly, which in a March 2013 resolution noted that renewable technologies had yet to achieve economic viability. The 2030 Sustainable Development Goals, agreed in September 2015, also watered down SE4ALL's renewable energy target. When the governments of the world finalised the text of the December 2015 Paris Agreement, they removed references to renewable energy from the draft circulated by the French conference president.

Leaders in the developing world blast the developed nations' apparent hypocrisy in seeking to deny them the energy that made the West rich. Using some forthright words on the World Bank and the IMF, Nigeria's finance minister, Mrs Kemi Adeosun, said in October 2016:

> We in Nigeria have coal but we have a power problem, yet we've been blocked because it is not green, there is some hypocrisy because we have the entire western industrialization built on coal energy, that is the competitive advantage that they have been using, now Africa wants to use coal and suddenly they are saying oh! You have to use solar and the wind (renewable energy) which are the most expensive, after polluting the environment for hundreds of years and now that Africa wants to use coal they deny us.[1]

The United States is now seeking to rein in the World Bank so it focuses on its mission to alleviate world poverty, especially where the poor are very numerous. It wants countries to access and use fossil fuels more efficiently. To maximise development potential and poverty reduction, shareholders should go further and insist the World Bank withdraw from the anti-development SE4ALL initiative, abandon renewable energy targets and ensure that any renewable energy projects that it supports do not undermine the economics of the grid and increase costs.

Game of Thrones reminded me very much of the World Bank – people turning on each other, the different factions. The World Bank was a very good idea when it was set up, no question about it, because developing countries didn't have access to markets. When [James] Wolfensohn came, and he then converted it to essentially a gigantic NGO. I think it has to be shut down. It has no role any more.

Deepak Lal[2]

The world must acknowledge that India's demand for commercial energy is surging. Given the country's many technical, economic, and political constraints, for the next few decades this demand will be met by fossil fuels.

Charles Ebinger, Director of the Energy Security Initiative at the Brookings Institution[3]

Achieving universal access to modern energy is critical to Africa's transformation. As our report clearly states, the costs of transitioning to renewables may be prohibitively high in the short term – especially for countries that use their sizeable endowments of coal and other fossil fuels to generate energy. What we are advocating is that African governments harness every available energy option, so that no one is left behind. Each country needs to decide on the most cost-effective, technologically efficient energy mix that works best for its own needs.

Kofi Annan, launching the Africa Progress Panel report *Lights, Power Action: Electrifying Africa*[4]

1 Energy and development

On 31 July 2012, the northern half of India experienced the world's largest blackout. 670 million Indians were left without lights, air conditioning and refrigeration – more than the number of people living in the US, Canada, Mexico and Japan combined. Roads were gridlocked; New Delhi's metro shut down; hundreds of trains stalled in the sweltering heat; even crematorium furnaces shut down, leaving bodies half burned. 'There is no water, no idea when electricity will return', a housewife from the eastern city of Patna told the *New York Times*.[5]

Universal access to cheap, reliable electrical power is a defining feature of modernity. In the West, it distinguished the 19th and 20th centuries. For the emerging economies of the 21st century, reliable power is essential for economic development. As the World Bank noted in 2013, there are 1.2 billion people without access to electricity and 2.8 billion are without modern cooking facilities. 'Economic growth, which is essential for poverty reduction, is not possible without adequate energy', the World Bank states.[6]

- In surveys of tens of thousands of firms, more cited electricity as a major constraint to doing business than any other factor in nearly four out of every ten client countries of the World Bank Group.[7]
- Household air pollution from solid fuels is estimated to have killed 3.5 million people in 2010 and to have caused many more cases of respiratory, cardiovascular and other illnesses.[8]
- Of the 125 developing countries that reported on power outages in the Enterprise Surveys, one in three experienced at least 20 hours of outages a month.[9]
- In India, self-supply of power, often through diesel generators, is estimated to account for almost 17% of installed capacity.[10]
- Across sub-Saharan Africa, some 30 countries suffer from regular blackouts and brownouts (reductions in voltage that dim lights and risks damage to electrical appliances), with associated economic losses estimated in some cases in excess of five percentage points of gross domestic product (GDP).[11]
- Many countries in sub-Saharan Africa face electricity costs as high as US$0.20–0.50/kWh compared to a global average of closer to US$0.10/kWh.[12]

High energy costs, the World Bank says, raise the prices of goods and services for everyone and render businesses in tradable sectors uncompetitive. 'Stories abound of households struggling to pay for heating or reverting to traditional biomass amidst rising fuel prices'.[13]

The foregoing amounts to a compelling economic, social and moral case for the World Bank to target development funding at investment in the lowest-cost path to universal access to cheap, reliable electricity. The World Bank acknowledges that even

though the costs of onshore wind and solar costs have fallen, 'both are still costlier than other technologies for similar supply characteristics' – a formulation that glosses over the markedly inferior supply characteristics of weather-dependent energy generation.[14]

The World Bank should therefore support the lowest-cost path to electrification as a matter of principle. However, it does not; it will only help client countries find 'affordable' (that is, more expensive) alternatives to coal power. For example, support for greenfield coal generation will only be provided in:

> ...rare circumstances. Considerations such as meeting basic energy needs in countries with no feasible alternatives to coal and a lack of financing for coal power would define such rare cases.[15]

To date, the only coal project considered by the World Bank since adoption of these criteria in 2013 is a 600-MW lignite power station in Kosovo, for which it is providing $40m that is deemed crucial to the underwriting of the $2 billion financing cost of the project. The project was the very last coal plant in the World Bank's pipeline; the Kosovo government has spent more than a decade trying to build it.[16]

Instead the World Bank is prioritising green energy. 'Climate change is a threat to the core mission of the World Bank Group', its 2016 Climate Change Action Plan states.[17] It aims to use its financing to shape national investment plans and aims to add 20 GW of renewable energy by 2020 and to 'green' power grids to enable the addition of a further 10 GW of wind and solar.[18] Stating that renewable energy is critical to stabilising climate change, the Climate Change Action Plan goes on to talk of the 'significant decreases in the price of renewable energy'.[19] Yet three years earlier, the World Bank was arguing that levelised cost comparisons, customarily used to flatter wind and solar, ignore the 'variation patterns' of intermittent renewables:

> Ensuring supply adequacy with solar and wind power would require significant regional diversification and large-scale transmission network expansion to connect these sources, a challenge even in developed countries.[20]

There has been no technological breakthrough in the intervening period that has solved the inherent unreliability and cost disadvantages of wind and solar. Rather, what changed was the World Bank's decision to subordinate the needs of today's poor to green ideology. As the earlier paper tacitly concedes, there is a tension between improving equity within generations (poverty) and across generations (sustainability).[21] The bank's ability to act in a remotely objective manner is compromised by its aim to have a more active role in global advocacy, as highlighted by its call for all countries to 'seek opportunities for adoption of renewable energy'.[22]

The World Bank says it acknowledges 'the global challenge of balancing energy for development with its impact on climate change'.[23] But it misstates the dilemma: it is not a challenge; it is a choice. Forcing decarbonisation on societies that have yet to

carbonise means less development. Resources are not costless. More sustainability means less poverty reduction.

The World Bank's mission has been subverted by green ideologues who assert that a low-carbon world benefits the world's poor but fail to acknowledge that making energy much more costly increases poverty. The World Bank tags itself as 'working for a world free of poverty'. Its prioritisation of renewable investment and its embargo on coal investments demonstrate this is no longer the case. In making its choice between development and sustainability, the World Bank has decided it is going to try and save the planet on the backs of the poor.

The aim of this paper is to show how this has come about and what to do about it:

- Section 2 compares the energy consumption of India and the other countries of the Indian sub-continent with sub-Saharan Africa. Although they are on different growth trajectories, this shows the similarity of their levels of energy consumption, and the gap between them and China and the West.
- Drawing on an MIT report cited by the IMF, Section 3 reviews the evidence of how wind and solar damage grid reliability and increase grid costs. Wealthy countries suffer indigestion from over-investment in wind and solar, but the impact on vulnerable developing nations is toxic.
- Section 4 reviews some of the multi-billion dollar renewable energy projects backed by the World Bank, despite the extra developmental burden they represent.
- Section 5 examines the disconnect between the World Bank's recognition of the shortcomings of wind and solar and its overall policy stance, which is subordinated to the UN's goal of doubling the share of renewable energy in the global energy mix by 2030.
- Section 6 shows that this goal was foisted on the World Bank by Ban Ki-moon, the previous UN Secretary-General, when Mr Ban invited World Bank president Dr Kim to be co-chairman of the advisory board of the UN's 'Sustainable Energy For All' (SE4ALL) initiative.
- As examined in Section 7, low-carbon energy is extremely materials intensive. The resource inefficiency of renewables means the huge wind and solar build-out has major implications for the global supply and prices of raw materials. The resource-intensity of renewables also poses major disposal challenges.
- Section 8 summarises the development case against wind and solar energy and notes the realism of the UN General Assembly's position.
- Section 9 places the World Bank's anti-coal, pro-renewable policies in a strategic context. Significantly, China's New Silk Fund and the BRICS New Development

Bank are far less antagonistic towards coal than the World Bank in Washington, DC.

- The World Bank tags itself as 'working for a world free of poverty'. By prioritising renewable energy over the lowest cost path to universal access, it is betraying what it was set up to do. Section 10 outlines the steps the World Bank should take to revert to its core development mission.

2 Coal and energy consumption in perspective

The world's poor consume little electricity. In 2014, the world generated 23,844 TWh of electricity. Of this total, 4,521 TWh (19.0%) were generated in Asia Pacific excluding China, i.e. the most populous region of the world, and only 764.9 TWh (3.2%) were generated in Africa (see Table 1).[24]

Table 1: Global electricity generation in 2014.

Region	TWh	%
North America	5,315	22.3
South and Central America	1,277	5.4
Europe and Eurasia	5,269	22.1
Middle East	1,047	4.4
Africa	765	3.2
China	5,650	23.7
Asia-Pacific (ex-China)	4,521	19.0
Total	23,844	100.0

Source: *BP Statistical Review of World Energy 2017*, p. 46.

In both regions, thermal power stations generated the bulk of electricity. In 2014, Asia excluding China generated 53% of its electricity from coal and a further 22% from gas, with hydro-electricity the next largest contributor, at 12%. In Africa, the ranking is reversed: 37% of the continent's electricity was generated from gas and 34% from coal, with hydro contributing 17%. As shown in Table 2, in both regions, wind and solar made negligible contributions, totalling 1.8% in Asia-Pacific (ex-China) and 0.9% in Africa.

Often twinned as the world's two largest emerging economies, India and China are at very different stages of economic development in terms of energy consumption. In 2014, per capita electricity consumption in China was 3,937 kWh, nearly five times higher than India's 806 kWh. As shown in Figure 1, India's 2014 per capita electricity consumption is closer to that of North Korea than to China's. Whilst EU per

Table 2: Share of total electricity generated by wind and solar (2014).

	Asia-Pacific ex-China	Africa
Wind	1.5	0.7
Solar PV	0.3	0.2
Total	1.8	0.9

Source: IEA Statistics Portal.

capita electricity consumption is 50% higher than China's, South Korea's per capita electricity consumption is 78% higher than the EU's.[25]

However, the other countries of the Indian sub-continent in 2014 consumed less electricity per person than North Korea, as did sub-Saharan Africa (excluding South Africa). These can all be described as 'energy-starved' economies. This distinction needs to be made by those tabling energy policies so those countries where low energy consumption is an indicator of lack of development are not trapped by policies that suppress energy consumption.

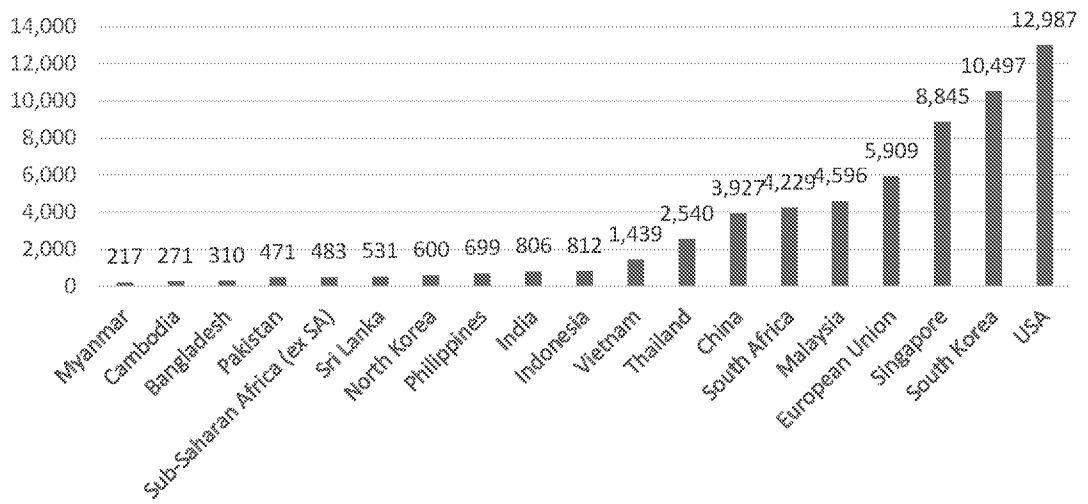

Figure 1: Per capita electricity consumption in 2014.

(kWh). Sources: *BP Statistical Review of World Energy* June 2015, p. 33; *IEA Atlas of Energy* portal; World Bank population data portal.

The nature of energy poverty can be seen from Figure 2, which compares coal consumption for electricity production for India, Pakistan, Bangladesh and other selected countries (data is more limited than for overall electricity consumption). In 2014, China consumed 1.125 tonnes of hard coal (1.24 US tons) per person in its power stations, just over four times more per person than India (0.27 tonnes, 0.30 US tons). Meanwhile, Pakistan consumed 1.2 kg (2.6 lbs) of hard coal per person and Bangladesh consumed 300 g (10.5 oz) of coal per person.[26]

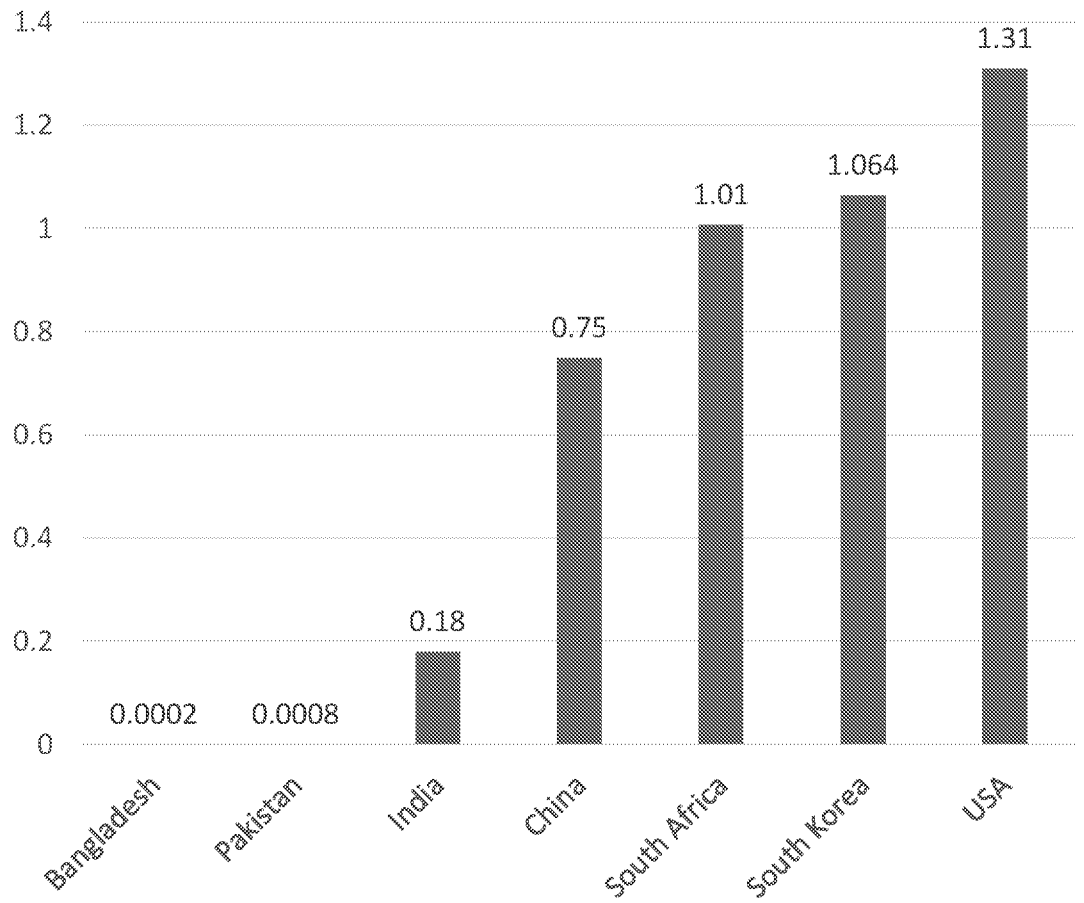

Figure 2: Coal consumption for electricity production per capita, 2014

(Tonnes of oil equivalent). Source: *BP Statistical Review of World Energy* June 2015, p. 33; *IEA Atlas of Energy* portal; World Bank population data portal.

The charts also show the relatively high level of South Africa's per capita electricity consumption. Owing to its past, South Africa has some economic features of a high-income country. Ninety percent of its electricity is generated from coal and it has coal reserves estimated at 66.7 billion tons.[27] Nonetheless, in 2014 *The Economist*

reported that South Africans were experiencing rolling blackouts due to maintenance backlogs and delays to completion of the 4,674 MW Medupi coal-fired power station in Limpopo province. According to President Zuma, South Africa's energy system had been built to funnel power to white homes, arguing that 'energy was structured racially to serve a particular race, not the majority'.[28]

South Africa's energy problems are ones the rest of Africa would be fortunate to have. In 2014, South Africa accounted for 90.7% of Africa's coal consumption. Excluding South Africa, the rest of the continent consumed 13.8 million tonnes (15.2 m US tons) of coal. With a population of approximately 1,150 million, this works out at an average of 12 kg (26.5 lbs) of coal per head a year, less than one twentieth the per capita amount of coal used in India's power stations (270 kg per person) a year.

Africa's rapid urbanisation is putting additional strain on its energy infrastructure. With a population of over 20 million, Lagos has overtaken Cairo as Africa's largest city. As the *New York Times* reported in 2015, Nigeria's electrical grid churns out so little power that sub-Saharan Africa's largest economy runs mostly on private generators.[29] Nigeria's National Electric Power Authority (NEPA) is nicknamed 'Never Expect Power Always, Please Light a Candle'. In Lagos, power cuts occur daily and residents rely on mini-generators, rechargeable torches and the lights from their mobile phones. Nigeria's mobile phone company MTN, with 62 million subscribers, spends 70% of its operating expenditure on diesel to keep its network powered up, demonstrating how having an unreliable grid raises costs throughout the economy.[30]

In his first post 9/11 speech, Tony Blair famously described the state of Africa as 'a scar on the conscience of the world'.[31] After leaving office, Blair established the Africa Governance Initiative. In 2015, he explained why his foundation was making electricity a major focus of its activities and how access to electricity was 'the single most important precondition for a country's success'.[32] As well as backing solar projects in Rwanda, Blair's foundation works closely with President Obama's Power Africa initiative, launched in 2013, which also promotes a host of renewable energy projects.[33] To date, progress has been slow. Power Africa is a 'well-intentioned effort with a lot of smart people', according to a senior General Electric executive. 'But if you look today at the number of megawatts that are actually on the grid directly related to the Power Africa initiative, it is very little'.[34]

Although the Power Africa initiative also backs oil and gas, what for many African countries would be the lowest-cost path to ubiquitous electrical power – coal – is rejected. Yet the impact on global coal use and on greenhouse gas emissions if energy-starved countries consumed more coal would be negligible. In 2014, India's consumption of coal for the power sector amounted to 6.1% of global demand.

Doubling India's power consumption from its 2014 level would be the equivalent to five and a half years' historic growth in Chinese coal demand. South Africa could triple its demand for coal-fired power and it would be the equivalent of two and a half

years of China's historic growth. As for the rest of Africa, its coal consumption could increase tenfold and it would only be the equivalent of two and a quarter years of recent Chinese growth. Those who are worried about anthropogenic global warming must understand that enabling Africans to have more coal-fired electricity is genuinely not a problem.

Leaders in the developing world recognise the realities of the energy requirements of their development ambitions. Increasingly they voice frustration at pressure from the West to bar them from having the cheap energy that powered the Industrial Revolution. Moreover, some of the World Bank's clients are expressing their opposition to its anti-coal stance (Table 3).

Table 3: The West and coal: Comments from Nigeria, India and Bangladesh

Nigeria: Kemi Adeosun, Minister of Finance

'We want to build a coal power plant because we are a country blessed with coal, yet we have a power problem. So it doesn't take a genius to work out that it will make sense to build a coal power plant.

'However, we are being blocked from doing so, because it is not green. This is not fair because they have an entire western industrialisation that was built on coal-fired energy.'

'This is the competitive advantage that was used to develop Europe, yet now that Nigeria wants to do it, they say it's not green, so we cannot'.[35]

India – Piyush Goyal, Minister of Railways and Coal

'We will be expanding our coal-based thermal power. That is our baseload power. All renewables are intermittent. Renewables have not provided baseload power for anyone in the world. After all, solar works when the sun is shining, wind works when the wind is blowing, hydro works when there is water in the rivers. You must have coal.

'The people of India want a certain way of life. They want jobs for their children, schools and colleges, hospitals with uninterrupted power. This needs a very large amount of baseload power and this can only come from coal.

'I do wish people would reflect on the justice of the situation. Europe and America and Australia have messed up the world and the planet, and they're saying to us, we're sorry but you Indians can only have power for eight hours a day. The rest of the time you must live in darkness'.[36]

Bangladesh: an open letter to Al Gore from Annisul Huq, mayor of Dhaka, having watched a session at Davos between Gore and the prime minister of Bangladesh, Sheikh Hasina, criticising the Rampal coal-fired station project

> 'While the biggest emitters of carbon happen to be the developed world, quite ironically, Bangladesh, with a coal-based power plant in Rampal, has come under fire from a celebrity like you, oblivious to the dire straits that we are in.
>
> 'The answer to sustainable development must be based on fairness and objectivity. Considering the position of Bangladesh as a low emitter of carbon, there should not be any doubt about Rampal being the answer to Bangladesh's energy needs'.[37]

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3 Intermittent energy and the grid

By contrast with gas and coal, wind and solar have inherent cost and reliability problems. The shortcomings of weather-dependent sources of electricity are known to both the World Bank and to the IMF. A May 2017 IMF working paper notes objections to solar and wind on the basis of their capital costs and their intermittency, going on to cite a 318-page MIT study on solar energy that examined the economics of solar electricity generation in the USA (see Table 4).[38] Although the MIT report suggested that solar could have a very large role to play in meeting the challenge of global warming – these sorts of studies tend to say that – it then qualified that conclusion by stating that solar had to overcome several major hurdles with respect to cost, the availability of technology and materials to support large-scale expansion, and successful integration into existing electric systems:

> Without government policies to help overcome these challenges, it is likely to supply only a small percentage of world electricity needs and that the cost of reducing carbon emissions will be higher than it could be.[39]

As yet, wind and solar are not economically viable at scale, a point that, as we shall see, has been recognised by the UN General Assembly. It might make sense for developed countries to bear the learning costs of large-scale renewable deployment and run the risk of a huge policy failure. But it is irresponsible for multilateral aid providers to induce vulnerable countries to stake their development on energy technologies that are technologically mature but still not economically viable and which remain manifestly inferior in both cost and performance to gas and coal.

Table 4: Solar energy issues identified in the MIT solar energy study (2015)

Issue	Ref	Developmental learning
Cost per peak watt 80% higher for residential than utility-scale PV plant	p. xv	Small-scale PV only makes sense if no prospect of being connected to the grid
Difficulty in interpreting reported declines in PV prices which have been driven down by Chinese overproduction, ensuing bankruptcies and bail-outs by Chinese authorities, leading to US-China dispute over trade practices	p. 80	Reported declines in PV prices are not a sound basis for assessing the competitiveness of solar against other generating technologies
Cost of PV modules now a smaller proportion of PV installation costs, utility-scale non-module costs rising from 41% in 2008 to 64% in 2014	p. 82	
Reducing the cost of PV modules by 50% only reduces estimated plant-level costs for utility-scale projects by 15%	p. 118	
Value factor of PV output declines dramatically with higher penetration	p. 106	The economics of solar PV deteriorate with scale
Even on a levelised cost basis (which ignores the systems cost of intermittency), natural gas is 36.6% cheaper than PV in Southern California. Even with a $38/tonne carbon tax, gas is 23% cheaper	p. 109	If there is no economic case for grid-scale PV deployment in California, why are aid agencies pushing PV on developing nations?
Residential solar and net metering involve cost shifting, producing political conflict	p. xviii	Mispricing of electricity endemic in many developing nations, constituting a major barrier to investment in grid infrastructure and generating capacity which wind and solar energy worsens
Research needed to design pricing systems to better allocate network costs to the entities that cause them	p. xviii	

Issue	Ref	Developmental learning
At high levels of PV penetration, production subsidies lead to short-term inefficiencies in system operation and changes in generating mix.	p. 197	Wind and solar at scale makes provision of non-intermittent power more costly and raises electricity prices
As cycling of thermal plant intensifies in response to more solar, the need to recover increased costs will push up electricity prices.	p. 181	
Without pump storage capacity, going beyond moderate levels of solar penetration with summer peak loads does not reduce the system's overall capacity requirements	p. 178	Adding wind and solar meant effectively paying twice over for generating capacity – once for the wind and solar and again for the thermal generating capacity
The larger the solar PV presence, the larger the system's operating reserve requirements	p. 183	
More solar results in sharper, narrower demand and prices in excess of $300/MWh	p. 183	How are developing nations meant to solve the problems created by the extreme price volatility caused by wind and solar when developed nations have not?
In a system like Texas, when PV capacity reaches 35 GW, the number of hours with zero prices reaches 2927 hours (equivalent to 122 days a year)	p. 196	

Any fair-minded reading of the MIT solar study reveals the inherent problems caused by weather-dependent technologies and the significant and escalating economic penalties they incur. These are problems that developed countries, as yet, don't know how to solve without increasing already high costs still further.

The inherent problems caused by intermittent renewables came to the fore with last year's South Australian blackout. Whatever the precise trigger of the 28 September 2016 blackout, removing coal-fired power stations and having more wind and solar made South Australia's grid more fragile. In its report on the incident, the Australian Energy Market Operator (AEMO) noted the reduction in grid reliability provided by the synchronous inertia from thermal power stations:

> …a synchronous generator responds to disturbances by virtue of its physical characteristics (size, mass, rotational inertia) and by the action of its automatic

> voltage regulator. This provides fault ride-through capability and network voltage support.[40]

Having less synchronous generation reduces the robustness of the grid and its ability to cope with demand surges or sudden reductions in supply:

> The generation mix now includes increased amounts of non-synchronous and inverter-connected plant. This generation has different characteristics to conventional plant, and uses active control systems, or complex software, to ride through disturbances. With less synchronous generation online, the system is experiencing more periods with low inertia and low available fault levels, so AEMO is working with industry on ways to use the capability of these new types of power generation to build resilience to extreme events.[41]

An independent review chaired by the Australian government's chief scientist, Dr Alan Finkel, highlighted the need for thermal capacity on the grid when there are large amounts of wind and solar:

> The past few years has seen the retirement of significant coal-fired capacity from the NEM [National Electricity Market], while there has been no corresponding reinvestment in new dispatchable capacity…New variable renewable electricity (VRE) generation is being incentivised and brought forward by the Renewable Energy Target…, but other investment has been lacking.
>
> This is a problem because, at present, a certain amount of dispatchable capacity is required to maintain system reliability. Capacity is dispatchable if it can respond to electricity demand on call. Dispatchable capacity can be provided by a range of sources, including dispatchable generation (for example, coal, gas, hydro, solar thermal, and biomass), interconnectors, storage and demand response mechanisms. VRE generators, like wind and solar photovoltaic, have variable generation and so require complementary dispatchable capacity to maintain system reliability.
>
> If new dispatchable capacity is not brought forward soon, the reliability of the NEM will be compromised.[42]

Everything has a price. The need for shadow thermal capacity, to cover for the intermittency of wind and solar and provide the grid reliability that renewables cannot, has clear cost implications. According to a recent analysis by energy consultants CME, South Australia now has the world's most expensive electricity.[43] This has economy-wide impacts. As regulatory economist Alan Moran has written, the transition to intermittent generation 'translates into a deindustrialization process with profound consequences for all our living standards'.[44]

This has profound implications for developing countries struggling to raise their populations out of poverty and to find the energy policies best suited to their development needs. As a very rough approximation, every dollar of development aid that goes to fund variable renewable energy investment requires a second dollar to compensate for the damage it will do to the economics of the grid.

Even this could be an underestimate. In his November 2011 vision statement on sustainable energy for all, then UN Secretary-General Ban Ki-moon conceded that renewable energy and energy efficiency programmes would be much more costly. Access to modern universal energy could be achieved for less than $50 billion a year. But doubling the global share of renewable energy could cost $500 billion a year – ten times the cost of providing universal access to on-demand power – and energy efficiency costing a further $500 billion annually, according to Mr. Ban's own figures.[45]

4 World Bank support for renewable energy

Self-evidently, pouring development funding into renewable energy schemes represents extremely poor value for money and stunts recipients' development potential (see Table 5). It is in direct conflict with the World Bank's overarching aims of eliminating absolute poverty and sharing prosperity. This policy is particularly damaging because the World Bank's impact is greater than the loans it makes.

Although World Bank lending in 2012 represented only about 5% of aggregate private capital flows to developing countries, its support levers in other funding.[46] As we have seen, World Bank Group support for the Kosovo power station project was seen as essential in funding the project. In this case, the $40m World Bank Group commitment supported $1,960m of third-party financing.[47] As Martin Ravallion, formerly director of the World Bank's research department, writes in a 2016 article on the World Bank losing its way, private sector lending to low-income countries can be risky. There are problems of uninsured risk (including asymmetric information), externalities, and contract enforcement. The World Bank can address these problems by making loans directly, by giving the private sector a positive signal through its decision to make loans, and by providing trusted sources of information that give the private sector the ability to assess risk and to make loans.[48]

The World Bank's function in supplying the public good of development knowledge came to the fore in 1996 when its then president James Wolfensohn, articulated the vision of the World Bank as a 'knowledge bank', providing of state-of-the-art expertise on development. Where the World Bank leads, private sector flows would follow. If this strategy works, it implies that the World Bank's renewable footprint is considerably larger than the $21 billion it has ploughed into energy efficiency and renewable projects since 2010.[49] And, as Ravallion argues, being a knowledge bank explicitly committed to global poverty reduction requires the World Bank to commit to actually understanding the needs of its client countries and to be consistent advocates for well-informed pro-poor policies 'even when such policies are unpopular with the powers-that-be'.[50]

Table 5: Key World Bank Group renewable energy deals

Country	World Bank Group participation	Ref
International Solar Alliance	Collaboration to boost solar with goal of mobilizing $1 trillion in investments by 2030 across 121 countries.	51
India	$1 billion to support solar expansion in the World Bank's largest financing of solar for any country $625m Grid Connected Rooftop Solar Program to finance at least 400 MW of PV installations. Preparation of a $200m deal for Shared Infrastructure for Solar Parks Project. 'The World Bank Group will do all it can to help India meet its ambitious targets, especially around scaling up solar energy' – Jim Yong Kim.	52
Bangladesh	Rural Electrification and Renewable Energy Development in various tranches totalling $546.5m 2002–2015.	53
	In November 2014, Bangladesh suffered a nationwide blackout after a transmission from India failed, leading to a cascade of failures.	54
Ghana	Energy Development and Access project provides grants to developers of renewable energy generation projects – approved in 2007 with total project cost of $210.55m at July 2017	55
	The same year as the project gained approval, oil was discovered off the Ghanaian coast and the first commercial output from the Jubilee Field was pumped in 2010.	56
Mozambique	$55m financing package for a 40.5-MW PV plant – Mozambique's utility scale solar plant. 'Access to reliable energy is a prerequisite for development and this solar plant will be an important first step in increasing Mozambique's renewable power generation', Norfund, the plant's Norwegian developer, said in June 2017.	57
Morocco	$23.95m for 400 MW of grid-connected PV located at 16 different sites costing an estimated $158.31m (March 2015).	58

5 The UN's green takeover

In adopting a strong pro-renewable energy mandate, the World Bank did not, as Ravallion argued it should do, put the interests of the poor ahead of the presumptions of the 'powers that be'. The World Bank's capitulation to renewable fervour can, at least in part, be explained by external pressure, notably that exerted from the UN. In June 2009, Ban Ki-moon established an Advisory Group on Energy and Climate Change (AGECC). When it reported in April 2010, the advisory group recommended adoption of two goals: improving energy access and strengthening energy efficiency. Yet when Ban Ki-moon came to make his energy vision statement in November 2011, a third goal had been added: doubling the share of renewable energy in the global energy mix.

Although the AGECC made warm noises about renewables ('The impact of this increased energy consumption can be reduced through energy efficiency and a transition to a stronger reliance on cleaner sources of energy, including renewable energy and low-GHG-emitting fossil fuel technologies, such as a shift from coal to natural gas'), it was leavened with realism on the economics of wind and solar.[59] Renewable energy technologies were ideally suited to mini-grid and off-grid applications 'since they can be deployed more rapidly than grid solutions and do not require excess generation capacity' – recognition that wind and solar require far more capacity because of their intermittency – and went on to note that the cost of non-hydro, renewable-based sources were 'typically somewhat higher than fossil fuel-based technologies'.[60]

In the intervening period between the AGECC report and Ban Ki-moon's vision statement, the Paris–Nairobi Climate Initiative, launched by the French government in cooperation with the Kenyan government, produced a white paper on access to clean energy. The document, which was published in April 2011, added a third goal to the AGECC's two: a massive increase in local and renewable energy, with at least half new capacity in Africa being renewable.[61] Where France led on renewables, Ban Ki-moon followed.

'To defeat poverty and save the planet', Ban Ki-moon's vision statement begins, 'we can, and must achieve sustainable energy for all by the year 2030'.[62] This is a classic example of the error of ignoring the mathematical impossibility of simultaneously optimizing two independent characteristics of a system, in this case the two variables being minimised are cost and emissions of carbon dioxide.

Mr. Ban tries to overcome this by arguing that renewable energy is a leap frog technology, even though his own numbers show it is ten times more costly. 'Developing countries, many of them growing rapidly and at large scale, have the opportunity to leapfrog conventional energy options', the then UN Secretary-General declared.[63] This assertion was backed up by a false analogy with mobile telephony, where penetration had reached 70% in developing countries. 'A similar paradigm may emerge in distributed energy generation', he mused.[64]

The reason for the success of mobile telephony is in giving everything a user can get from a fixed line, *plus* personalisation (fixed-line phones tend to belong to households) and mobility, but *without* bearing the costs of fixed-line infrastructure. Mobile telephony's attractiveness would have been very different if it had all the constraints of a fixed-line phone and could not be used in the hours of darkness, when it was cloudy or when there wasn't enough wind, and if it cost a lot more. Whereas mobile telephony is a superior technology, renewables are an inferior one, as they are not capable of supplying reliable, on-demand power and still require all the transmission and generating infrastructure of the conventional grid.

In his list of barriers to be overcome, Ban Ki-moon omitted intermittency and the word is not mentioned at all in his vision statement. Instead there are bald assertions that we cannot 'burn our way to prosperity', even though increased fossil fuel usage is the only low-cost energy route to prosperity for poorer nations.[65] The unreality of Mr Ban's position is made clear with his admission that meeting the $500 billion per year cost of his renewable energy target is ten times that of providing universal energy access.

6 The World Bank's capitulation

Mr Ban's objectives became part of the United Nations' Sustainable Energy for All initiative (SE4ALL). He invited Dr Kim to become co-chair alongside him on SE4ALL's advisory board and the World Bank joined the UN in what is described a 'unique partnership' for both organisations. 'For both men and their institutions, the close collaboration underscores one thing they have in common; their strong belief that sustainable development must be pursued as a top priority for their administrations', the SEE4ALL website states.[66]

These objectives were in turn adopted by the World Bank in its July 2013 guidance paper *Toward a Sustainable Energy Future for All*.[6] Although the World Bank cost estimates are slightly lower than the $1 trillion dollars a year mentioned in Dr Ban's vision statement, they are still huge. Annual global investment in 2010 in the three areas covered by the UN is estimated at about $400 billion.

Against this figure, the annual investments required to achieve the three goals are calculated to be at least $600–800 billion *over and above* the current investments, entailing a doubling or tripling of the current financial flows. The bulk of those investments are associated with energy efficiency and renewable energy, with access-related expenditures representing a relatively small percentage of the incremental costs.[67]

The paper goes on to make an obvious point: 'Such an unprecedented increase in financing would require transformation of the energy market conditions, especially in developing countries, to enable massive infusion of capital from the private sector

and leveraging of scarce public funds through public-private partnerships'.[68] To set out these conditions is to acknowledge that they're not going to be met. It means sacrificing universal access for unrealisable green ideology. As the World Bank recognises, the incremental greenhouse gas emissions from extending access to the poor 'will not make a material difference'.[69]

7 Decarbonisation and materials intensification

Overcoming the intermittency of wind and solar requires more resources. 'Depleting our natural resources will deplete our chances of true prosperity', Mr Ban declared in his 2011 vision statement.[70] Entirely overlooked in the SE4ALL initiative is the impact of wind and solar on the demand and supply of the materials used to make them and the environmental implications of disposing of them at the end of their operating lives. Because they are so inefficient at generating electricity, they are extremely materials-intensive.

According to calculations by Professor Michael Kelly of Cambridge University, 300 tonnes of steel in a combined cycle gas turbine can use natural gas to produce a generator with a capacity of 600 MW. This is equivalent to 2 kW/kg of steel. The same kilogram of steel in the nacelle of a wind turbine contributes only 2 W of capacity.[71] The World Bank concurs, stating that it is not contentious to say that low-carbon energy systems are more likely to be more materials intensive:

In fact, all literature examining material and metals implications for supplying clean technologies agree strongly that building these technologies will result in considerably more material-intensive demand than would traditional fossil fuel mechanisms.[72] Despite this, the issue has been largely ignored:

> The vast majority of climate and carbon scenarios have paid little, if any, attention to the implications of the requirements for the material necessary to 'feed' the carbon-constrained future.[73]

The study reckons that relevant metals demand for wind and solar technologies roughly doubles, the largest increase being for battery storage technologies, with a rise of more than 1000% (see Table 6).[74] Demand for lithium has 'the potential to hold low carbon technology manufacturers to lithium suppliers' proclivities and capacities', the report says.[75] The report also acknowledges the risk of negative environmental impacts from the sharp increases in materials demand, creating, it says

> ...a new suite of challenges for the sustainable development of minerals and resources. Simply put, a green technology future is materially intensive and, if not properly managed, could bely the efforts and policies of supplying countries to meet their objectives of meeting climate and related Sustainable Development Goals. It also carries potentially significant impacts for local ecosystems, water systems, and communities.[76]

The World Bank report only mentions the possible environmental impact of materials extraction in the manufacture of renewable technologies. It therefore ignores the environmental impact of disposing of wind, solar and battery technologies at the end of their useful lives. The Environmental Progress think tank points out that the amount of solar panel waste in Japan will rise from 10,000 tons a year to 800,000 tons a year but that it has made no plans for safely disposing of it. Neither does California. Outside Europe, solar waste ends up in the larger stream of electronic waste.

It is people living in poorer countries, where environmental protections are weakest or non-existent, who will be most affected by the growing volume of solar PV waste.

In countries like China, India, and Ghana, communities living near e-waste dumps often burn the waste in order to salvage the valuable copper wires for resale. Since this process requires burning off the plastic, the resulting smoke contains toxic fumes that are carcinogenic and teratogenic (birth defect-causing) when inhaled.[77]

8 The UN's development case against renewable energy

In summary, intermittent sources of energy incur operating and cost penalties that are not reflected in plant-level cost comparisons. Their materials intensity clearly conflicts with the UN's sustainability mantra. Lastly, they create huge and as yet untackled disposal problems. All these present substantial challenges to rich nations in their rush to adopt wind and solar. Grid stability is compromised, costs and prices spiral and the full extent of the solar PV disposal problem is still emerging. For poorer nations still in the process of extending the benefits of the twentieth century to all their people, providing incentives to adopt wind and solar would represent a development calamity.

There is no evidence from his vision statement that Mr Ban had thought about any of these problems before setting the global target of doubling the share of renewables in the energy mix. A UN General Assembly Resolution in February 2011 had declared 2012 the International Year of Sustainable Energy for All.[78] It was followed in March 2013 by a further resolution promoting renewables, declaring 2014–2024 the 'United Nations Decade of Sustainable Energy for All'. The resolution stressed 'the need to increase the share of new and renewable sources of energy in the global energy mix as an important contribution to achieving universal access to sustainable modern energy services'.[79] However, the General Assembly entered an important caveat in the resolution's next clause:

> Recognizes that the current share of new and renewable sources of energy in the global energy supply is still low owing to, among other factors, high costs

Table 6: World Bank estimate of mean cumulative metals demand, 2013–50, to meet 2°C limit as percentage of 2013 production.

% of 2013 production	Metals	Comment
≤3	Aluminium, chromium, cobalt, copper, iron and steel, manganese, nickel	Incremental iron production for renewables estimated to be close to 2.5 billion tons. In 2015, China accounted for 55% world aluminium production. US aluminium output 5% of China's.
5	Lead	China accounted for 54% of world output in 2015.
5	Molybdenum	China world's largest producer (38% of 2015 output) followed by the US (21%).
5	Zinc	China the world's largest producer (37% of 2015 world production), possessing the largest reserves after Australia.
18	Neodymium	China accounted for 85% of world production of neodymium and other rare earths in 2015.
19	Silver	Depending on adoption of thin-film PV technology, could require 79% increase in annual silver production.
146	Indium	In 2015, China accounted for 49% of world production of 755 tonnes.
1480	Lithium	Between them, Australia and Chile accounted for 77% of 2015 world output Chile is reckoned to have around half of the world's lithium reserves. The Democratic Republic of Congo is estimated to have one million tonnes (cf. global reserves of 14m tonnes).

Source: World Bank Group, *The Growing Role of Minerals and Metals for a Low Carbon Future*, June 2017, Figs 2.6, 2.11, Tables 3.1–3.21.

> and lack of access to appropriate technologies, and calls for action to achieve economic viability of new and renewable sources of energy through enhanced research and development support along with appropriate policy initiatives and investments at the national and international levels.[80]

In other words, the General Assembly recognised what the then UN Secretary-General did not, namely that intermittent wind and solar are not economically viable. The leadership of the World Bank is all the more culpable for ignoring the UN General Assembly's caution and overruling the expertise of its staff, allowing its development mission to be hijacked by green ideologists.

9 Hydrocarbons, renewable energy and soft power

Speaking at the US Department of Energy on 29 June 2017, President Donald Trump remarked on America's energy abundance: nearly 100 years' worth of natural gas and more than 250 years of coal. Thanks to hydraulic fracturing, the US is the world's top producer of hydrocarbons.

> With these incredible resources, my administration will seek not only American energy independence that we've been looking for so long, but American energy dominance…We will export American energy all over the world.[81]

By contrast, the US does not have a comparative advantage in renewable energy. If any country does, it is China. According to the World Bank's material report, 'the most notable finding is the global dominance China enjoys on the metals – both base and rare earth – required to supply technologies in a carbon-constrained future'.[82]

The World Bank's refusal to back coal-fired projects (other than in the most stringent circumstances) denies developing countries what is likely to be their only opportunity to provide universal access to reliable energy. It is also contrary to the interests of the USA, a major coal producer, while boosting the interests of China.

China is in a stronger position as it can play both sides of the game. They had a helping hand from the Obama administration, which lobbied America's allies to boycott President Xi Jinping's Asian Infrastructure Investment Bank. According to an October 2014 *New York Times* article, the Obama administration viewed this new body as a political tool in a soft power play through which China would pull South-east Asian countries into its orbit. They therefore argued that the new bank would fail to meet environmental standards: 'How would the Asian Infrastructure Investment Bank be structured so that it doesn't undercut the standards with a race to the bottom?' an anonymous Obama administration official commented.

The position adopted by the Obama administration amounts to saying that the shareholders of multilateral development banks should decide where financing goes to meet their policy objectives and over-ride the development needs of the bank's

clients. By subordinating client needs to shareholder priorities, the Obama administration created an opening for China. A senior official at the Asian Development Bank, traditionally dominated by the US and Japan, was quoted in the article as saying 'Energy is one of the biggest needs of economic growth in Asia, and China will be able to promise projects without these hindrance'. In 2013, it noted, the US had already said it would oppose financing of coal-fired power plants by the Asian Development Bank.[83]

At this stage, it isn't clear whether the Asian Infrastructure Investment Bank will be financing coal projects. However, according to a June 2017 report in *Foreign Policy*,

> There are other pots of Chinese money underwriting big investments across southeast Asia and Central Asia, including the New Silk Road Fund and the New Development Bank (the so-called BRICS bank), and they don't seem to have the same environmental standards as AIIB. In Pakistan alone, Beijing plans to invest tens of billions of dollars in energy projects, including coal-fired power plants.[84]

What is clear is that between them, the Obama administration and the World Bank have given China a major opportunity to grow its influence across Asia by supporting energy projects that the World Bank bans itself from financing.

10 Recommendations

In September 2015, the 193 members of the UN agreed Agenda 2030. Number 7 of its seventeen Sustainable Development Goals is to 'ensure access to affordable, reliable, sustainable and modern energy for all'. The renewable energy target set out in the SE4ALL initiative of Ban Ki-moon and the World Bank appears in diluted form in SDG 7.2 ('By 2030, increase substantially the share of renewable energy in the global energy mix') and its energy-efficiency goal in SDG 7.3 ('By 2030, double the global rate of improvement in energy efficiency'.)[85]

SE4ALL's fingerprints can also be found in a draft of the 2015 Paris Agreement circulated by the president of the Conference of the Parties. The draft preamble acknowledged 'the need to promote universal access to sustainable energy in developing countries, in particular Africa, through the enhanced deployment of renewable energy'.[86] However, this was removed from the final text of the agreement, which does not contain any reference to renewables or to sustainable energy.

This excision, together with the February 2011 UN General Assembly resolution and the watering down of SE4ALL's goal of doubling renewables share in the energy mix in Agenda 2030, indicates that the World Bank, in adopting wholesale the SE4ALL goals, had gone considerably further than the international community had agreed. Indeed, in enthusiastically backing Ban Ki-moon's renewable energy target, the World Bank betrayed its core development mission. Rich countries are finding it hard enough to integrate growing amounts of wind and solar capacity into their

electricity grids. For poorer countries with underdeveloped grid infrastructure and inadequate thermal generating capacity, being force-fed renewable energy is a development calamity. Mr Ban's own numbers ($50 billion a year for universal access to electricity vs $500 billion a year for renewables) illustrate the colossal scale of the waste of resources in the drive to double renewables' share in the global energy mix.

Matters might be starting to change, as member governments start to rein in the bank. Under the Trump administration, the US Treasury Department has issued new guidance for the US to use its voice and vote for multilateral development banks to:

- promote universal access to affordable, reliable, sustainable and clean energy
- help countries access and use fossil fuels more cleanly and efficiently, and help deploy renewable and other clean energy sources
- support development of robust, efficient, competitive, and integrated global markets for energy.[87]

In view of the deleterious effects of intermittent sources of energy on the economics of the grid and the vast increase in the cost of providing universal access to reliable power, for the World Bank to return to its development mission, shareholders need to go much further. In addition to adopting the US proposals, they should require the World Bank to:

- withdraw from the UN SE4ALL initiative until the requirement of the March 2013 UN General Assembly resolution (67/215) on the economic viability of renewable energy is met
- abandon all targets to increase deployment of renewable energy
- develop strict criteria that, for the foreseeable future, financial support for intermittent renewable sources will only be forthcoming for use in remote locations where there is little prospect of grid connectivity within ten years.

Diverse voices such as those of Deepak Lal and Martin Ravallion have suggested that the institution they both worked for has lost its way. The misguided attempt by the Obama administration to get the World Bank and the Asian Investment Bank to prioritise combatting global warming over economic development created an opening for China to launch a rival development bank. The World Bank's capitulation to green ideology was formalised when it entered into the unique partnership with the UN to double renewables' share in the global energy mix by 2030. The World Bank needs to go back to what it was set up to do. That means taking the lowest-cost path to cheap, reliable power.

Notes

1. Nduka Chiejina, 'Coal for electricity: Adeosun blasts World Bank, IMF,' *The Nation*, 5 October 2016.
2. Robert Colvile, 'Deepak Lal on the problem with planning', Capx.co, 27 July 2017 https://capx.co/deepak-lal-on-the-problem-with-planning/.
3. Charles Ebinger, 'India's Energy Policy and Electricity Production', *Policy Q&A*, National Bureau of Asian Research, October 2011
4. Kofi Annan, 'Opening Remarks by Kofi Annan', Abidjan, 13 March 2017 https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/SPEECH_ENGL_Opening_Remarks_Kofi_Annan_Abidjan_LightsPowerAction_Report.pdf.
5. Jim Yardley and Gardiner Harris, '2nd day of power failures cripples wide swath of India,' *New York Times*, 31 July 2012.
6. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. v.
7. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 1
8. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 1
9. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 2
10. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 2
11. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 2
12. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 2
13. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 2
14. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 3
15. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 3
16. For an account, see Keith Johnson, 'Tiny Kosovo faces a big energy dilemma', *Foreign Policy*, 5 April 2016 http://foreignpolicy.com/2016/04/05/tiny-kosovo-faces-a-big-energy-dilemma-kosovo-c-lignite-world-bank-coal/.
17. World Bank Group, *World Bank Group Climate Change Action Plan*, 19 March 2016, p. vii.
18. World Bank Group, *World Bank Group Climate Change Action Plan*, 19 March 2016, p. 18.
19. World Bank Group, *World Bank Group Climate Change Action Plan*, 19 March 2016, p. 19.
20. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. ix.
21. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 11.

22. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 26.

23. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. v.

24. *BP Statistical Review of World Energy 2017*, p. 46.

25. Under the Paris Agreement, South Korea avoided committing to cut domestic greenhouse gas emissions. They can double emissions compared to the 1990 baseline.

26. Million tonnes of oil equivalent multiplied by 1.5 to tonnes of hard coal as per *BP Statistical Review of World Energy 2017*, p. 48.

27. IEA, http://www.iea.org/ciab/South_Africa_Role_Coal_Energy_Security.pdf, p. 4.

28. *The Economist*, 'Unplugged', 30 December 2014 https://www.economist.com/news/middle-east-and-africa/21637396-rolling-power-cuts-are-fraying-tempers-unplugged.

29. Norimitsu Onishi, 'Weak power grids in Africa stunt economies and fire up tempers', *New York Times*, 2 July 2015.

30. Eromo Egbejule, 'Lagos's blackout nightmare: the suburb that's been in darkness for five years', *The Guardian*, 25 July 2015 https://www.theguardian.com/cities/2016/feb/25/blackout-blues-the-lagos-nigeria-suburbs-that-have-been-in-darkness-for-five-years.

31. Tony Blair, Speech to the Labour Party Conference, 2 October 2001 https://www.theguardian.com/politics/2001/oct/02/labourconference.labour6.

32. Tony Blair, 'Access to electricity is the single most vital precondition for success in African nations', *Quartz Africa*, 10 June 2015 https://qz.com/424640/tony-blair-access-to-electricity-is-the-single-most-vital-precondition-for-success-in-african-nations/.

33. See White House Fact Sheet: Power Africa, 30 June 2013 https://obamawhitehouse.archives.gov/the-press-office/2013/06/30/fact-sheet-power-africa.

34. Pilita Clark, 'Barack Obama's Power Africa initiative makes slow progress', *Financial Times*, 24 July 2016 https://www.ft.com/content/96dac28a-49c9-11e6-8d68-72e9211e86ab.

35. *Premium Times*, 'Nigeria accuses Europe, others of blocking efforts to build power plants', 5 October 2016 http://www.premiumtimesng.com/news/headlines/212123-nigeria-accuses-europe-others-blocking-efforts-build-power-plants.html.

36. Greg Sheridan, 'India's challenge is 24/7 electricity for all', *The Australian*, 13 February 2016 http://www.theaustralian.com.au/opinion/columnists/greg-sheridan/indias-challenge-is-247-electricity-for-all/news-story/178dc1ee3efdfecd61e23afc335f5d1f

37. *Dhaka Tribune*, 'An open letter to Al Gore from Annisul Huq', 3 April 2017 http://www.dhakatribune.com/opinion/op-ed/2017/04/03/open-letter-al-gore-annisul-huq/.

38. Reda Cherif, Fuad Hasanov and Aditya Pande, *Riding the Energy Transition: Oil Beyond 2040*, IMF Working Paper WP/17/120, May 2017, p. 19.

39. MIT, *The Future of Solar Energy: An Interdisciplinary MIT Study*, 2015, p. xx.

40. AEMO, *Black System South Australia 28 September 2016*, March 2017, p. 49.

41. AEMO, *Black System South Australia 28 September 2016*, March 2017, p. 5.

42. Alan Finkel (chair), *Independent Review into the Future Security of the National Electricity Market: Blueprint for the Future*, June 2017, p. 76.

43. Charis Chang, 'South Australia has the highest power prices in the world', news.com.au, 9 August 2017 http://www.news.com.au/finance/business/south-australia-has-the-highest-power-prices-in-the-world/news-story/178987d30a8e6f273cd8949f34a64c83.
44. Alan Moran, 'The way out of energy crisis is reliable coal plants, not renewables', *The Australian*, 27 April 2017 http://www.theaustralian.com.au/opinion/the-way-out-of-energy-crisis-is-reliable-coal-plants-not-renewables/news-story/5facd3c7169bb7fceff238664e6224c3.
45. UN, *A Vision Statement by Ban Ki-moon*, November 2011, p. 8.
46. Martin Ravallion, 'The World Bank: Why it is still needed and why it still disappoints', *Journal of Economic Perspectives*, Vol 30, No 1 Winter 2016, p. 78.
47. http://projects.worldbank.org/P118287/kosovo-power-project?lang=en.
48. Martin Ravallion, 'The World Bank: Why it is still needed and why it still disappoints', *Journal of Economic Perspectives*, Vol 30, No 1 Winter 2016, p. 80.
49. 'World Bank Group energy financing, including IBRD, IDA, IFC and MIGA guarantees, has topped $49 billion since 2010, of which over $21 billion was for energy efficiency and renewable energy projects. World Bank Group financing in the sector totalled $6.5 billion in FY15'. http://www.worldbank.org/en/topic/energy/projects.
50. Martin Ravallion, 'The World Bank: Why it is still needed and why it still disappoints', *Journal of Economic Perspectives*, Vol 30, No 1 Winter 2016, p. 78.
51. http://www.worldbank.org/en/news/press-release/2016/06/30/world-bank-india-sign-deal-to-boost-solar-globally.
52. http://www.worldbank.org/en/news/press-release/2016/06/30/world-bank-india-sign-deal-to-boost-solar-globally.
53. http://projects.worldbank.org/search?lang=en&searchTerm=&countrycode_exact=BD.
54. http://www.latimes.com/world/asia/la-fg-nationwide-blackout-in-bangladesh-ends-20141102-story.html.
55. http://projects.worldbank.org/P074191/ghana-energy-development-access-project?lang=en&tab=financial.
56. http://www.bbc.co.uk/news/world-africa-11996983.
57. https://ifcextapps.ifc.org/IFCExt/pressroom/IFCPressRoom.nsf/0/AD3A3B5920BAC79485258138002E6551
58. https://www.climateinvestmentfunds.org/projects/clean-and-efficient-energy-project
59. AGECC (Chaired by Kandeh K Yumkella), *Energy for a Sustainable Future*, 28 April 2010, p. 9.
60. AGECC (Chaired by Kandeh K Yumkella), *Energy for a Sustainable Future*, 28 April 2010, p. 16.
61. Initiative Climat Paris-Nairobi, *Accès aux Énergies Propres en Afrique et dans les Pays Vulnerables au Changement Climatique*, 21 April 2011, p. 7.
62. UN, *A Vision Statement by Ban Ki-moon*, November 2011, p. 4.
63. UN, *A Vision Statement by Ban Ki-moon*, November 2011, p. 4.
64. UN, *A Vision Statement by Ban Ki-moon*, November 2011, p. 5.
65. UN, *A Vision Statement by Ban Ki-moon*, November 2011, p. 3.
66. SE4ALL, 'Unique partnership' http://seforall.org/unique-partnership.
67. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 4.

68. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 4.
69. World Bank Group, *Toward a Sustainable Energy Future for All: Directions for the World Bank Group's Energy Sector* (July 2013), p. 20.
70. UN, *A Vision Statement by Ban Ki-moon*, November 2011, p. 3.
71. Michael Kelly, 'A challenge for renewable energies', The Global Warming Policy Forum, 5 July 2017 https://www.thegwpf.com/michael-kelly-a-challenge-for-renewable-energies/.
72. World Bank Group, *The Growing Role of Minerals and Metals for a Low Carbon Future*, June 2017, p. 19.
73. World Bank Group, *The Growing Role of Minerals and Metals for a Low Carbon Future*, June 2017, p. 7.
74. World Bank Group, *The Growing Role of Minerals and Metals for a Low Carbon Future*, June 2017, p. 58.
75. World Bank Group, *The Growing Role of Minerals and Metals for a Low Carbon Future*, June 2017, p. 21.
76. World Bank Group, *The Growing Role of Minerals and Metals for a Low Carbon Future*, June 2017, p. 59.
77. Jemin Desai and Mark Nelson, 'Are we headed for a solar crisis, 21 June 2017 http://www.environmentalprogress.org/big-news/2017/6/21/are-we-headed-for-a-solar-waste-crisis.
78. UN General Assembly, '65/151. International Year of Sustainable Energy for All', 16 February 2011.
79. UN General Assembly, '67/215. Promotion of new and renewable sources of energy', 20 March 2013.
80. UN General Assembly, '67/215. Promotion of new and renewable sources of energy', 20 March 2013.
81. The White House, 'Remarks by President Trump at the Unleashing American Energy Event', 29 June 2017 https://www.whitehouse.gov/the-press-office/2017/06/29/remarks-president-trump-unleashing-american-energy-event.
82. World Bank Group, *The Growing Role of Minerals and Metals for a Low Carbon Future*, June 2017, p. 27.
83. Jane Perlez, 'US opposing China's answer to World Bank', *New York Times*, 9 October 2014 https://www.nytimes.com/2014/10/10/world/asia/chinas-plan-for-regional-development-bank-runs-into-us-opposition.html.
84. David Francis, 'Even China-backed development bank won't touch coal projects', *Foreign Policy*, 14 June 2017 http://foreignpolicy.com/2017/06/14/even-china-backed-development-bank-wont-touch-coal-projects/
85. UN, *Transforming Our World: The 2030 Agenda for Sustainable Development*, p. 23.
86. UNFCCC, 'Adoption of the Paris Agreement: Proposal by the President', 12 December 2015, p. 2 https://unfccc.int/resource/docs/2015/cop21/eng/l09.pdf.
87. US Department of the Treasury, 'Treasury Guidance for US Positions on Multilateral Development Banks Engaging on Energy Projects and Policies', 17 July 2017 https://www.treasury.gov/resource-center/international/development-banks/Pages/guidance.aspx.

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6	Montford	Nullius in Verba: The Royal Society and Climate Change
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26	Tsonis	The Little Boy: El Nino and Natural Climate Change
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The Global Warming Policy Foundation is an all-party and non-party think tank and a registered educational charity which, while open-minded on the contested science of global warming, is deeply concerned about the costs and other implications of many of the policies currently being advocated.

Our main focus is to analyse global warming policies and their economic and other implications. Our aim is to provide the most robust and reliable economic analysis and advice. Above all we seek to inform the media, politicians and the public, in a newsworthy way, on the subject in general and on the misinformation to which they are all too frequently being subjected at the present time.

The key to the success of the GWPF is the trust and credibility that we have earned in the eyes of a growing number of policy makers, journalists and the interested public. The GWPF is funded overwhelmingly by voluntary donations from a number of private individuals and charitable trusts. In order to make clear its complete independence, it does not accept gifts from either energy companies or anyone with a significant interest in an energy company.

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Published by the Global Warming Policy Foundation

For further information about GWPF or a print copy of this report, please contact:

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www.thegwpf.org

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Message

From: David Vitter [dvitter@mercuryllc.com]
Sent: 9/29/2017 4:54:22 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Fwd: AHRI Speaking Invitation to Administrator Pruitt, Sunday Evening, November 12, Trump National Doral Resort, Miami
Attachments: Pruitt Invite Letter.docx; ATT00001.htm

Mandy--Any word on this?

Sent from my iPhone

Mercury

David Vitter
Co-Chairman
300 Tingey Street SE | Suite 202
Washington, DC | 20003
202.261.4000 office
www.mercuryllc.com

Begin forwarded message:

> **From:** "David Vitter" <dvitter@mercuryllc.com>
> **To:** "Gunasekara.Mandy@epa.gov" <Gunasekara.Mandy@epa.gov>
> **Subject: AHRI Speaking Invitation to Administrator Pruitt, Sunday Evening, November 12, Trump National Doral Resort, Miami**
>
> Mandy-- David Vitter here. Our client AHRI, with whom you met recently on the SNAP issue, has invited Administrator Pruitt to the major speaking opportunity referenced above at their national conference. AHRI is a friend and ally of this Administration and EPA on a broad host of issues and would really like to host and hear from the Administrator.
>
> Two questions: 1) Can you highlight the invitation to the Administrator and help us get a (hopefully positive) response? 2) Who should I follow up with re his schedule?
>
> Many thanks.

This email is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution, or copying of this email or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this email in error, please immediately notify us by calling our Network Operations Center at +1 855 237 8324.

AIR-CONDITIONING, HEATING, & REFRIGERATION INSTITUTE

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2111 Wilson Boulevard Suite 500 Arlington VA 22201-3001 USA
Phone 703 524 8800 | Fax 703 562 1942
www.ahrinet.org

August 31, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Pruitt:

The Air-Conditioning, Heating, and Refrigeration Institute (AHRI), whose 315 member companies manufacture quality, efficient, and innovative residential and commercial air conditioning, space heating, water heating, and commercial refrigeration equipment and components for sale in North America and around the world, will be meeting November 12-14, 2017, at the Trump National Doral Resort in Miami. I am pleased to invite you to address the attendees at our opening session on Sunday evening, November 12.

Let me explain why this would be worth your time:

- You would be addressing an audience of 350+ people, including C-Suite executives from many Fortune-500 companies, some of which are either located in, or have presence in Oklahoma. We would provide an opportunity for you to meet separately with these attendees.

- Our manufacturing companies – which must have a manufacturing presence in the United States to be a member of our association -- represent the cutting edge of heating, cooling, commercial refrigeration, and water heating technology and are recognized around the world for the quality, energy efficient equipment they produce. Your presence at our meeting will amplify President Trump's promotion of U.S. manufacturing and its importance in job creation and economic growth.

- AHRI supports the future of the HVACR industry by investing in the training and success of future HVACR technicians and contractors through the Clifford H. "Ted" Rees, Jr. Scholarship Foundation, a 501(c)(3) charitable foundation of AHRI and the Air Conditioning Contractors of America (ACCA). Since its founding in 2003, the Foundation has awarded more than $550,000 in scholarships to 330 deserving students, instructors, and returning veterans.

- Our member companies help keep Americans and people around the world healthy, comfortable, safe, and productive, in the most energy efficient, environmentally responsible way possible.

Because AHRI and our members work closely with the EPA on such critical issues as refrigerant policy and ENERGY STAR, we would benefit from your intimate knowledge of the President's plans with respect to those issues as well as increasing U.S. manufacturing and creating jobs for our fellow citizens.

I would greatly appreciate it if you or your staff could respond with an indication of your availability. Feel free to contact me directly for any additional information you might need. I can be reached at syurek@ahrinet.org, or by telephone at 703-600-0314.

Sincerely,

Stephen R. Yurek
President & CEO

Message

From: Executive Director [ExecutiveDirector@nationalenergyresources.com]
Sent: 10/6/2017 6:10:28 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: You Are Invited to NERO's Oktoberfest - 10.19.17

National Energy Resources Organization
NERO

Invites You To Attend

Oktoberfest Hill Staff Reception

*Invitations Not Transferable.

Thursday, October 19, 2017

5:00 – 7:00 PM

Café Berlin

322 Massachusetts Ave., NE, Washington, DC

Please RSVP by return EMAIL OR phone by 5:00 pm on Friday, 10/13

ExecutiveDirector@NationalEnergyResources.com

or 703-548-1764

*Invitations Not Transferable.

Please Note: Counsel has advised that under House and Senate rules, this event is a "widely attended event".

Under these rules, only NERO may extend invitations to House or Senate Members or staff to attend this event. Individual members of NERO are not permitted to extend invitations. Violations of these rules may result in criminal liability.

NERO is a non-profit, non-partisan organization bringing together individuals and groups actively engaged in fostering our national energy activities.

www.nationalenergyresources.com

Message

From: Terry Dotson [terry.dotson@thetruckpeople.com]
Sent: 10/14/2017 7:50:40 PM
To: Robert Nuss [rnuss@nussgrp.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: [SPAM] Re: letter to Hon. Scott Pruitt, Administrator, Environmental Protection Agency

Good letter

Sent from my iPhone

On Oct 14, 2017, at 3:23 PM, Robert Nuss <rnuss@nussgrp.com> wrote:

To: Mandy Gunasekara, Senior Advisor to the Administrator
Erik Baptist, Senior Deputy General Counsel

Please forward the attached letter to Hon. Scott Pruitt, Administrator, Environmental Protection Agency
I will send the original by mail

I can be reached at Personal Phone / Ex. 6 direct & cell, or email at Personal Phone / Ex. 6

Thank you,

Robert Nuss
President | CEO
Nuss Truck & Equipment
<image001.jpg>
2017 American Truck Dealer of the Year

<NT&E letter to Hon. Scott Pruitt, 10.14.pdf>

Message

From: Byers, Dan [DByers@USChamber.com]
Sent: 10/16/2017 9:21:16 PM
Subject: FW: Announcing: Fuel for Thought

ICYMI – we launched a new blog today and will be starting off with a short series revisiting CPP issues over the coming weeks. Below is the first one. Please feel free to sign up to get the updates automatically delivered. Thanks!

Dan

Dear Patrick:

The U.S. Chamber's Global Energy Institute is uniquely positioned to bring you the most important energy news and analysis from across the country and the world. So, today, we are launching our new blog, Fuel for Thought. Our experts contributing to the blog have decades of experience at the highest levels of government and industry, and have their fingers on the pulse of federal and state policy action.

FUEL for thought

ENERGY NEWS, ANALYSIS & INSIGHTS

Fuel for Thought features deeper dives into energy policies and regulations from Congress and the Administration, details on our latest reports, energy explainers and insights on the future of energy demand and production. Our most recent blog shares

insights from GEI Vice President Dan Byers on the proposed repeal of the Clean Power Plan, and the need for true flexibility as the EPA develops new emissions guidelines.

Because time can be tight, I've made sure that you can easily search **Fuel for Thought** to find content about the issues that matter most to you. Also, our weekly digest emails will put the latest energy analysis right in your inbox.

We have seen energy innovation and technology change America into an energy super power. And with a common sense approach that puts the right policies in place, we know that American energy can change the world. **Please visit Fuel for Thought and sign up to stay informed about the energy revolution.**

Sincerely,

Karen A. Harbert
President and CEO
Global Energy Institute
U.S. Chamber of Commerce

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October 14, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Honorable Scott Pruitt,

I am writing to you as a private business owner of eight truck and equipment dealerships in both Minnesota and Wisconsin, to address the subject of heavy duty truck "glider kits". I ask you to keep the volume cap on "glider kits", as written in the final Greenhouse Gas Phase 2 regulation.

All of today's new heavy duty diesel trucks meet US'10 emissions levels with the installation of very expensive (almost $40,000, per truck) exhaust emission reduction equipment that includes diesel particulate filter (DPF) and selective catalytic reduction (SCR) that also uses diesel exhaust fluid (DEF) to reduce the final emissions. The air coming out of today's diesel engine exhaust pipe is almost as clean the air going in the intake. Most of the trucking industry fleets and operators are conscientious owners complying with EPA's strict emissions standards. Together with truck engine manufacturers, truck dealers and leasing companies, most of the industry wants to have clean emissions for our children and our country, now and in the future. However, the "glider kits" are a way to avoid complying with today's emission mandates. They use recycled diesel engines that many times are from the 1990's, or earlier.

Also, we are required to pay a 12% Federal Retail Excise tax on the sales price of every heavy duty truck that we sell. Glider kits may not have to pay the excise tax, if they were assembled under the IRS 75% rule. Glider kits were originally designed to rebuild an individual truck that had been wrecked or needed a new cab, or frame rails. They were to include two out of three major components from the original truck. In other words, the engine, transmission and rear drive axle components were to be harvested from a specific truck into a specific glider kit for a specific owner. When glider kits were first introduced back in the 1970's, no one was assembling them to avoid diesel emissions standards. Today there are a few assemblers who are building "glider kits" into completed trucks and calling them like new trucks, but without complying with emission standards. Glider kit assemblers aren't creating new jobs; they are taking jobs away from new truck manufacturers and truck dealers who have no interest in skirting our U.S. diesel emissions standards. I know that our company has some customers who used to buy new trucks, but are now buying glider kits to avoid emissions compliance. We hope that those customers will eventually buy new trucks to help clean air, once glider kit production is slowed down.

Cont'd

Page two, letter to Honorable Scott Pruitt

I find it quite interesting that our government has made Volkswagen comply with new diesel emissions standards and has levied multi-billion dollar fines on the VW 2.0 and 3.0L engines.
I agree with the decision to enforce our air quality standards on every engine manufacturer.
So why do we even want to think about relaxing compliance standards on "glider kits"?
If we enforce the requirements to reduce "glider kit" assembly to just what their original intention was to re-build a specific wrecked truck and that truck will need to have current emissions compliance, then more new heavy duty trucks with new diesel engines will result in cleaner air quality for all.

Our dealership group represents Volvo Trucks North America and Mack Trucks, both of which have chosen not to offer glider kits that are used to avoid our current diesel emissions standards.
The other large volume manufacturer that does not offer glider kits is International.

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 glider kits today, but we just want to level the playing field so that we can fairly compete.

The obsolete diesel engines that don't meet today's emissions standards need to be scrapped as the trucks wear out, or the engines are no longer usable. We need to replace the obsolete diesel engines with new emissions compliant diesel engines that are installed in new complete trucks that offer new safety standards.

Thank you for considering my request and hopefully you will support my recommendation.

If you have any questions, please contact me at rnuss@nussgrp.com

Thank you,

NUSS TRUCK & EQUIPMENT

Robert W. Nuss

Robert W. Nuss
President

AMERICAN TRUCK DEALER OF THE YEAR - 2017

Cc: Many Gunasekara, Senior Advisor to the Administrator, Gunasekara.Mandy@epa.gov
Erik Baptist, Senior Deputy General Counsel, Baptist.erik@epa.gov

Message

From: Emily.Flitter@thomsonreuters.com [Emily.Flitter@thomsonreuters.com]
Sent: 10/10/2017 5:09:58 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Thanks, Liz! I have been refreshing my searches on the EPA website but it doesn't look like the docs are up there yet. Is that right?

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Tuesday, October 10, 2017 12:51 PM
To: Flitter, Emily R. (Reuters); Wilcox, Jahan
Cc: Gunasekara, Mandy
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Hi Emily – Let me see if we can get that.

From: Emily.Flitter@thomsonreuters.com [mailto:Emily.Flitter@thomsonreuters.com]
Sent: Tuesday, October 10, 2017 12:38 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Thanks Jahan! Hi Mandy and Liz, is there a way for me to see the actual proposal and analysis that was sent to the FR for publication, please? Thank you!

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, October 10, 2017 12:28 PM
To: Flitter, Emily R. (Reuters)
Cc: Gunasekara, Mandy; Bowman, Liz
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Adding Mandy and Liz.

From: Emily.Flitter@thomsonreuters.com [mailto:Emily.Flitter@thomsonreuters.com]
Sent: Tuesday, October 10, 2017 12:23 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Hi Jahan do you have the documents sent to the federal registry, please? IE the full proposal? Thanks!

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, October 10, 2017 12:17 PM
To: Flitter, Emily R. (Reuters)
Subject: FW: EPA Proposes Repeal Of Clean Power Plan - Preview

Off-the-record ...

For your knowledge we are sharing this press release with a handful of folks. You are welcome to report on the press release right now – there is no embargo – but we kindly ask that you do not tweet any images of the release until **today at 12:30 PM EDT**, which is when it will be sent to our full list.

Jahan

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Tuesday, October 10, 2017 12:00 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: EPA Proposes Repeal Of Clean Power Plan - Preview

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

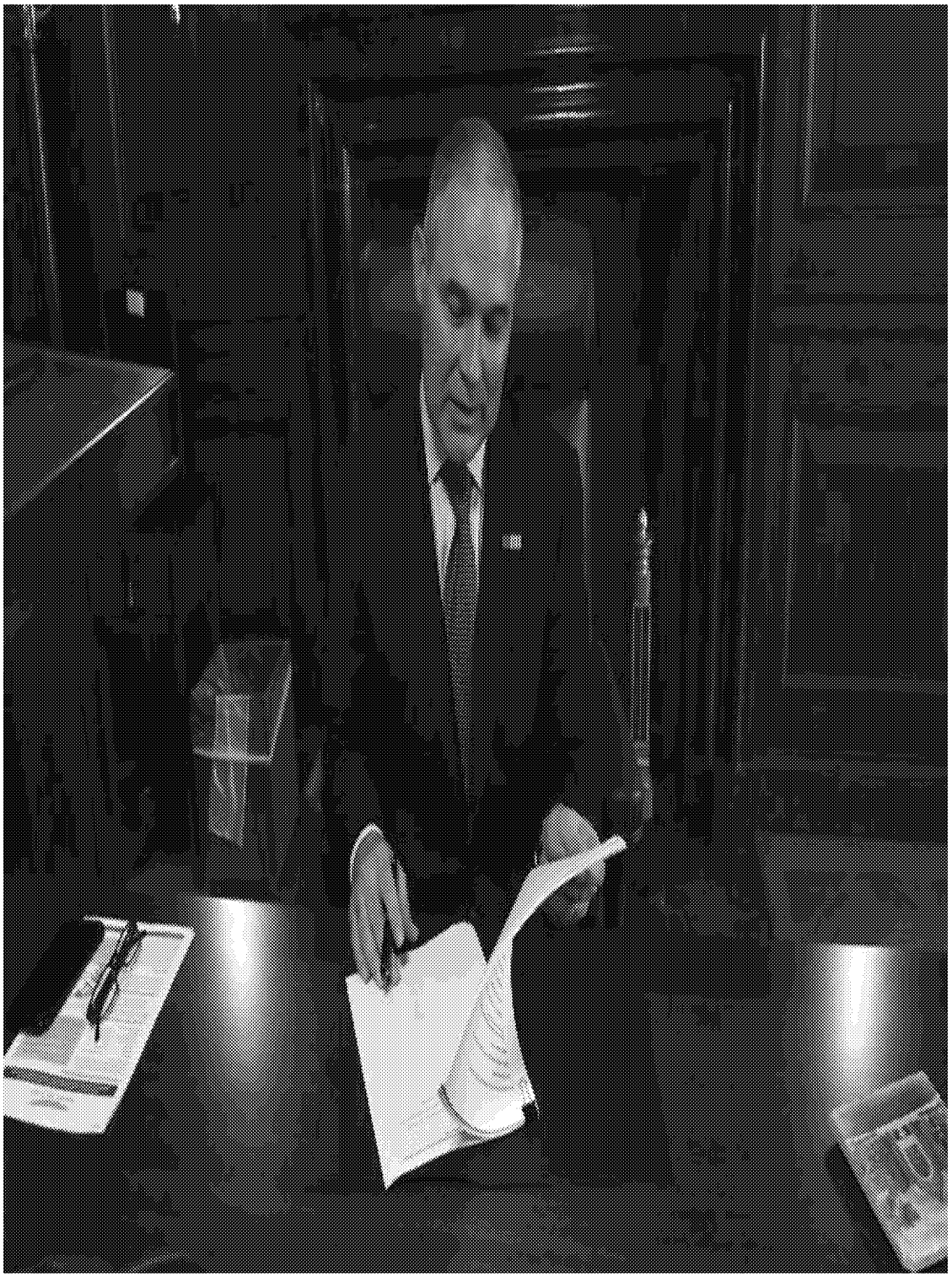
WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

EPA Takes Another Step To Advance President Trump's America First Strategy, Proposes Repeal Of "Clean Power Plan"

WASHINGTON (October 10, 2017) - Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called "Clean Power Plan (CPP)." After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency's statutory authority. Repealing the CPP will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles established in President Trump's Executive Order on Energy Independence.

"The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," **said EPA Administrator Scott Pruitt**. "We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule."



CPP Appears to be Inconsistent with the Clean Air Act

The CPP, issued by the Obama administration, was premised on a novel and expansive view of Agency authority that the Trump administration now proposes to determine is inconsistent with the Clean Air Act. In fact, the CPP was put on hold in February 2016, when the U.S. Supreme Court issued an unprecedented, historic stay of the rule.

"EPA will respect the limits of statutory authority. The CPP ignored states' concerns and eroded longstanding and important partnerships that are a necessary part of achieving positive environmental outcomes. We can now assess whether further regulatory action is warranted; and, if so, what is the most appropriate path forward, consistent with the Clean Air Act and principles of cooperative federalism," **said Administrator Pruitt**.

The CPP was issued pursuant to a novel and expansive view of authority under Section 111 of the Clean Air Act (CAA). The CPP required regulated entities to take actions "outside the fence line." Traditionally, EPA Section 111 rules were based on measures that could be applied to, for, and at a particular facility, also referred to as "inside the fence line" measures. Prior to the CPP being issued, every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit. As the CPP departed from this traditional limit on EPA's authority under an "inside the fence line" interpretation, EPA is proposing to repeal it.

EPA has now sent the NPRM to the Federal Register for publication. Upon publication, the public will have 60 days to submit comments.

The repeal package includes:

1. The "preamble," which lays out the proposed legal interpretation, policy implications, and a summary of the cost-benefits analysis of the proposed repeal; and
2. The "Regulatory Impact Analysis (RIA)," an in-depth cost-benefit technical analysis.

CPP Repeal Saves up to $33 Billion in Avoided Costs in 2030

The proposed repeal both examines the Obama administration's cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health, and economic effects of the proposed repeal. The Trump administration estimates the proposed repeal could provide up to $33 billion in avoided compliance costs in 2030.

The previous administration's estimates and analysis of these costs and benefits was, in multiple areas, highly uncertain and/or controversial. Specific areas of controversy and/or uncertainty in the Obama administration's analysis of CPP include:

- **Domestic versus global climate benefits**: The previous administration compared U.S. costs to an estimate of supposed global benefits, and failed to follow well-established economic procedures in estimating those benefits.

- **"Co-benefits" from non-greenhouse-gas pollutants**: The Obama administration relied heavily on reductions in other pollutants emitted by power plants, essentially

hiding the true net cost of the CPP by claiming benefits from reducing pollutants that had nothing to do with the rule's stated purpose.

- **Energy cost and savings accounting**: The Obama administration counted "energy efficiency" results of their rule as an avoided cost, resulting in a cost estimate being considerably lower than it would have been if they used the appropriate practice of considering these effects as benefits, rather than subtracting them from costs. Had the Obama administration used the Office of Management and Budget's longstanding requirements and accounted cost and savings accordingly, it would have presented a more accurate accounting of the total cost of the CPP.

In this proposed repeal and its accompanying technical documents, this administration is, in a robust, open, and transparent way, presenting a wide range of analysis scenarios to the public.

As part of the notice-and-comment process for this proposed repeal, EPA will continue this analysis and inform the public, as necessary, to get feedback on new modeling and other information. The final action on this proposed repeal will address the results of this ongoing work.

Forthcoming is an Advanced Notice of Proposed Rulemaking (ANPRM) that will be reflective of a thoughtful and responsible approach to regulatory action grounded within the authority provided by the statute.

"With this action, the Trump administration is respecting states' role and reinstating transparency into how we protect our environment," **said Administrator Pruitt**.

Background:
On March 28, President Trump signed an Executive Order on Energy Independence, establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of the Executive Order (EO) is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources. That same day, EPA Administrator Scott Pruitt signed four Federal Register notices in response to the EO, including a formal announcement of review of the Clean Power Plan. After substantial review, the Agency has proposed to determine that the Clean Power Plan (CPP) must be repealed.

Visit The EPA's Newsroom

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Blockchain In Government Training Workshop [Training@BlockchainGov.org]
Sent: 10/6/2017 5:34:56 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: [SPAM] Register for Oct 19th - Blockchain Workshop for Gov Execs, Managers and Staff

Important Blockchain Workshop for Government Executives, Managers and Staff
Blockchain Technology is Often Called the "New Internet"
Important to Learn About Blockchain and Its Potential Uses
- No Sales - No Marketing - Useful Information for Government -

Blockchain and its Potential in Government Training Workshop:

A Primer for Government Executives, Managers, and Staff
Demystifying Blockchain: What You Need to Know About Blockchain,
the Use Cases Being Explored, and How it May be Used in Government
to Securely Meet Business Needs
What Executives, Managers and Staff Need to Know

Thursday, October 19, 2017

Willard InterContinental Hotel
Washington, D.C.

Link to Potomac Forum Website: www.PotomacForum.org

Government & Industry Invited to Attend
No Press Permitted to Encourage Candid Discussion

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Government Speakers from Treasury, DHS, Federal Reserve Board and more....

Overview:
Commonly described as the "next great disrupter," Blockchain technology is the "new Internet". While there are challenges associated with widespread use, its potential is drawing heavy interest and investment from both commercial and government leaders around teh world. Primarily known as the technology underlying Bitcoin, the strengths of Block's "distributed ledger" include increased transparency, speed, increased security.

Federal agencies are currently funding and building use cases to explore the potential of blockchain technologies. Potential applications continue to expand as government moves toward adoption of the technology to increase efficiencies, trim costs, and increase transparency, and improve security in their operations.

Driven by the advantages of Blockchain and efforts for government transparency and the DATA Act, there are numerous Blockchain use cases that agencies are considering that touch many parts and processes of an organization, including:

- **Financial management and services**
- **Procurement**
- **IT asset and supply chain management**
- **Smart contracts**
- **Patents, Trademarks Copyrights, Royalties**
- **Identity management and government-issued credentials like visas, passports, SSN and birth certificates**
- **Federal personnel workforce data**
- **Appropriated funds**
- **Federal assistance and foreign aid delivery**

This Workshop is for Government Executives, Managers and Staff to Understand Blockchain Technology (management level discussion) and its use and potential use for Government.

What You Will Learn:

- **Fundamentals of Blockchain and Distributed Ledger Technology**
- **How blockchain works, and how it applies to government processes**
- **Key opportunities to use Blockchain**
- **Examples of blockchain use "outside the beltway" (including other Governments) and why**

Why You Should Attend:

- Understand Blockchain and how it can be used in government
- Improve your knowledge of an exploding technology
- Be better equipped to support acquisition decisions
- Build communities of interest in your agency and across agencies
- Craft new strategies for improving business processes and government operations

Who Should Attend:

- Federal Government Executives, Managers and staff who are interested in learning about Blockchain and how it can be used in government
- Government Executives, Managers and staff responsible for implementing Agency restructuring plans
- Federal employees or members of employee affinity groups
- Technology leaders and technology implementers
- CIOs, CFOs and other CXOs
- Procurement Personnel
- Records Managers
- IGs and Staff
- State and local Government Executives, Managers and staff
- Industry Partners who support the government

Workshop for Government and Industry Partners
Press is NOT Permitted to Permit Candid Discussion

CEUs and CLUs Credits
Awarded for Attendance

Early Bird Reduced Registration Until October 12th
Team "Learn Together" Reduced Registration Fee

Workshop for Government and Industry Partners

Early Bird Reduced Registration Until Oct 12th
Learn Together Team Rates:
Reduced Registration for Multiple Attendees from the same organization

Registration and Information:
www.potomacforum.org

Call: (703) 683-1613
info@PotomacForum.org

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This email was sent to: gunasekara.amanda@epa.gov

Go here to leave this mailing list or modify your email profile.
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Potomac Forum, Ltd.

This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Troutman Sanders LLP [Events@troutman.com]
Sent: 10/4/2017 1:52:42 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Join Troutman Sanders at our 2017 WeIN Activities - 10/8

Click Here to view online

troutman sanders

Please Join Us

Choose from: **Sunrise Yoga • Networking Breakfast**

RSVP

As a sponsor for the Emerging Issues Policy Forum, Troutman Sanders is pleased to provide opportunities to energize your 2017 conference experience:

Activity #1 - Relax your mind and body with a sunrise Yoga session.

Activity #2 - Enjoy complimentary eats during the Morning Networking Breakfast.

Network with other conference attendees and gear up for the 2017 EIPF events while enjoying breakfast.

Sunrise Yoga Class will begin at 7:00 a.m. (Beachside; meet at Fitness Center @ 6:45 a.m.)

Networking Breakfast will begin at 8:30 a.m. (Ocean Ballroom)

For more information, please contact Monica Jones.

---

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Message

From: Schwab, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]
Sent: 10/12/2017 12:49:30 PM
To: Joe Bischoff [JBischoff@cgagroup.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Sorghum oil pathway

Mandy (CC'd here) is point on this and will call you (aspirationally today).

Sent from my iPhone

On Oct 11, 2017, at 10:09 PM, Joe Bischoff <JBischoff@cgagroup.com> wrote:

> Thank you Justin. Greatly appreciate it.
> — Joe
>
> ---
>
> **From:** "Schwab, Justin" <Schwab.Justin@epa.gov>
> **Date:** Wednesday, October 11, 2017 at 10:05 PM
> **To:** Joe Bischoff <jbischoff@cgagroup.com>
> **Subject:** Re: Sorghum oil pathway
>
> Joe,
>
> I will keep trying to shed light on this.
>
> Sent from my iPhone
>
> On Oct 11, 2017, at 9:41 PM, Joe Bischoff <JBischoff@cgagroup.com> wrote:
>
>> Justin,
>>
>> Very sorry to bother you again but wondering if you were able to find out anything? We initially met in April and we met with folks from Air and Water at the end of June. Each time the Sorghum guys felt like we would see progress but things still appear to be held up for some reason.
>>
>> Thanks
>> Joe
>>
>> ---

Joe Bischoff, PhD | Senior Vice President

Cornerstone Government Affairs

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www.cgagroup.com

@CGAgroup

From: "Schwab, Justin" <Schwab.Justin@epa.gov>
Date: Thursday, September 14, 2017 at 12:13 PM
To: Joe Bischoff <jbischoff@cgagroup.com>
Subject: RE: Sorghum oil pathway

Dear Joe,

I will make inquiries and try to figure out what is going on and how we can get answers on this.

Best,

Justin

From: Joe Bischoff [mailto:JBischoff@cgagroup.com]
Sent: Thursday, September 14, 2017 10:56 AM
To: Schwab, Justin <Schwab.Justin@epa.gov>
Subject: Sorghum oil pathway

Hi Justin,

Hope you're doing well and are better positioned to delegate some of what was a pretty intense workload a few months ago.

You may recall that one of the things the National Sorghum Producers met with you and Administrator Pruitt on back in April was the approval of the sorghum oil pathway. About 3 weeks ago we were told the pathway was approved and would be in the federal register in a day or two for a 30-day comment period. That has not happened.

In recent days Congressman Marshall from Kansas was told by someone at EPA that the pathway was approved and in comment period now. Unfortunately, that is not true.

Any chance you can help us figure out who we need to talk to for a clear answer. This has been more than 3 years of stops and starts and clarity at this point would be greatly appreciated.

Thank you for all of your help on this and the other issues we have discussed.

— Joe

Joe Bischoff, PhD | Senior Vice President
Cornerstone Government Affairs

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Message

From: Cindy Fontanesi [CFontanesi@AWMA.ORG]
Sent: 9/29/2017 8:18:42 PM
To: CC Conference 2017 [CCConference2017@AWMA.ORG]
CC: Webb, C. Flint [C.FLINT.WEBB@leidos.com]; Clara Poffenberger [clara@airandclimatelaw.com]; sardar.hassan@dodig.mil
Subject: 2017 Climate Change Conference – Keynote & Panelist Details

Importance: High

Finding Common Ground on Climate Change Mitigation and Adaptation
October 10-11, 2017
Arlington, VA

The 2017 Climate Change conference is almost here! Thank you for serving as a keynote speaker and/or panelist.

Final Program
The Final Program will be available for download from the conference website mid-week of October 2. Be sure to review your listing(s) in the Final Program as times may have changed slightly from the last version of the Preliminary Program.

Registration
Onsite registration will be available in the *Presidential Hallway* of the DoubleTree by Hilton Washington DC – Crystal City. You may either register (if you have not yet done so) or pick up your name badge and materials (if you are already pre-registered).

Registration Hours:
Tuesday, October 10: 7:00 a.m. - 5:00 p.m.
Wednesday, October 11: 7:30 a.m. - 4:00 p.m.

Presenters' Meeting
Presenters/Panelists/Session Chairs/Moderators will meet on the day of their session involvement to review program details. Breakfast will be held on Tuesday at 7:00 a.m. and on Wednesday at 7:30 a.m. in the *Presidential Hallway*. You may then take your breakfast into *Jackson* and find your place at the appropriately marked Session table to meet with your Session Chair/Panel Moderator. Presenters should bring a printed brief biography to give to your Session Chair for introductory purposes. **Also, please bring your PowerPoint presentation on a memory stick/USB to this meeting.**

Panel Presentations
Your Panel Moderator will contact you with specific details for your particular panel. In general, there will be an LCD projector, screen, and laptop available in the session room. Bring your presentation on a memory stick/USB in PowerPoint. You will have access to the laptop to load your presentation prior to your scheduled speaking time. Simply pull and save your presentation onto the desktop into the applicable session folder. Please leave this there at the conclusion of your presentation and session, as conference organizers will gather these for use in the proceedings.

Conference Proceedings
Online conference proceedings of extended abstracts will be available after the conference. PowerPoint presentations will be collected onsite, converted to PDF files, and then posted online. If you do NOT want your presentation to be posted, please let me know.

We are pleased that you will be an important part of this event and look forward to seeing you there!

Thank you,

Cindy Fontanesi
Conference & Events Planner
Air & Waste Management Association
Please consider the environment before printing this e-mail

Message

From: Thompson, David [DSThompson@BlankRome.com]
Sent: 10/5/2017 9:14:20 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: PBF Energy meeting request

Mandy and Alex, thanks for spending time with Brendan Williams and me yesterday to talk about the RFS. It's complicated and pick winners and losers so I've come up with an idea: just get rid of it. Boom. Done.

That was easy.

You were both very generous with your time and we really appreciate it.

David

David Thompson | Principal | Blank Rome Government Relations LLC
1825 Eye Street, NW | Washington, DC 20006
Office: +1.202.420.2771 | Mobile: +1.202.841.1638 | Email: DSThompson@BlankRome.com

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Monday, September 11, 2017 5:44 PM
To: Thompson, David <DSThompson@BlankRome.com>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: PBF Energy meeting request

Hi David,
This week is booked to the max, but next week should work. I've CC'd Alex who can help firm up logistics.
Best,
Mandy

Sent from my iPhone

On Sep 11, 2017, at 3:20 PM, Thompson, David <DSThompson@BlankRome.com> wrote:

> Hi Mandy, I spoke with Ryan Jackson this morning on the phone but he suggested I talk to you on this issue if we actually want something accomplished. He said he'd send you an email letting you know I would be reaching out to you.
>
> My name is David Thompson and I work at Blank Rome Gov't Relations here in DC. One if my clients is PBF Energy and I believe you've spoken and/or met with Brendan Williams, PBF's in-house person, in the past. I've known Ryan a long time which is why I called him. And I know he just loves talking about the RFS. I was looking to sit down with him for a few minutes to talk about PBF's recent docket submission on the proposed RVO. I was hoping to

get a read from him on one of the approaches PBF outlines in its comments regarding RINs and exports.

Do you think you might have time this week to sit down with Brendan and me to talk RFS/RINs? If not this week, maybe we can look at next week

Thanks Mandy. I hope all is well with you.

David

David Thompson | Principal | Blank Rome Government Relations LLC
1825 Eye Street, NW | Washington, DC 20006
Office: +1.202.420.2771 | Mobile: +1.202.841.1638 | Email: DSThompson@BlankRome.com

****
****

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Message

From: Brian Johnson [johnsonb@api.org]
Sent: 10/9/2017 8:16:45 PM
To: Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Khary Cauthen [cauthenk@api.org]; Chris Kelley [KelleyC@api.org]; Aaron P. Padilla [PadillaA@api.org]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: RE: NAFTA & ISDS Follow Up

Thank you.

Brian M Johnson MPA
Director – Federal Relations, *Tax & Trade Portfolio*

American Petroleum Institute
1220 L Street NW
Washington, DC 20005
202.682.8509 | www.api.org

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From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Monday, October 09, 2017 4:13 PM
To: Brian Johnson
Cc: Gunasekara, Mandy; Khary Cauthen; Chris Kelley; Aaron P. Padilla; Bolen, Brittany
Subject: RE: NAFTA & ISDS Follow Up

He and Ross have not connected, they are set to do that next week.

I'm not sure if EPA will be included on interagency review for the ISDS provision, but I will check.

From: Brian Johnson [mailto:johnsonb@api.org]
Sent: Monday, October 09, 2017 3:58 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Khary Cauthen <cauthenk@api.org>; Chris Kelley <KelleyC@api.org>; Aaron P. Padilla <PadillaA@api.org>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: NAFTA & ISDS Follow Up

Sorry, I fully blame Hilary for distracting me by talking about my awesome new candle!

I was writing to follow up and 1) thank you for the call with Mr. Gerard last week, I heard it went very well and was curious if there was any feedback if Administrator Pruitt had a chance to connect with Secretary Ross yet.

And 2) we understand that USTR is circulating a weakened ISDS provision in hopes to get interagency prior to this next round of negotiations taking place here in DC (well, Crystal City). We are encouraging agencies to oppose any proposed weakening or changes to the current ISDS.

If you have any questions, or want any additional info, please let me know.

Thank you,

Brian

Brian M Johnson MPA
Director – Federal Relations, *Tax & Trade Portfolio*

American Petroleum Institute
1220 L Street NW
Washington, DC 20005
202.682.8509 | www.api.org

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From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Monday, October 09, 2017 3:53 PM
To: Brian Johnson
Cc: Gunasekara, Mandy; Khary Cauthen; Stephen Comstock; Chris Kelley; Aaron P. Padilla; Bolen, Brittany
Subject: Re: NAFTA & North American Energy Documents

No attachments came through on this email

Sent from my iPhone

On Oct 9, 2017, at 3:51 PM, Brian Johnson <johnsonb@api.org> wrote:

Brian M Johnson MPA
Director – Federal Relations, *Tax & Trade Portfolio*

American Petroleum Institute
1220 L Street NW
Washington, DC 20005
202.682.8509 | www.api.org

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Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/3/2017 6:50:08 PM
To: Myron Ebell [Myron.Ebell@cei.org]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]
Subject: RE: Scheduling a meeting with a visitor

Great. I will confirm with Mandy and get back to you shortly.

From: Myron Ebell [mailto:Myron.Ebell@cei.org]
Sent: Tuesday, October 3, 2017 2:47 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: Scheduling a meeting with a visitor

Dear Alex, Later on Wednesday is better if that suits you. If it's late enough, we can meet for drinks! Thursday afternoon is out. Thanks, Myron.

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute
1310 L Street, N. W., Seventh Floor
Washington, DC 20005, USA
Tel direct: (202) 331-2256
Tel mobile: (202) 320-6685
E-mail: Myron.Ebell@cei.org
Stop continental drift!

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Tuesday, October 3, 2017 2:44 PM
To: Myron Ebell <Myron.Ebell@cei.org>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: Scheduling a meeting with a visitor

Myron - The earliest Mandy could do tomorrow is at 5:15 or Thursday at 5:00. Let me know if any of these work. If not I am happy to facilitate a call.

Alex

From: Myron Ebell [mailto:Myron.Ebell@cei.org]
Sent: Tuesday, October 3, 2017 2:37 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Scheduling a meeting with a visitor

Dear Brittany and Mandy, Do you still have any time to get together with Owen Paterson and me? He's meeting Lamar Smith at 9:30 on Thursday and someone in the OEOB at 10:30 and then has to be at Heritage before 12 noon. Tomorrow—Wednesday—afternoon, the only meeting he has after lunch that can't be moved is with Inhofe at 3 PM. Or you're welcome to come to lunch at CEI, where you'll see many friends. By the way, do you and Ryan know about the Weyrich Awards dinner on the 17th? If not, I'll tell you over the phone or in person. Yours, Myron

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute
1310 L Street, N. W., Seventh Floor
Washington, DC 20005, USA
Tel direct: (202) 331-2256
Tel mobile: (202) 320-6685
E-mail: Myron.Ebell@cei.org
Stop continental drift!

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Thursday, September 28, 2017 12:57 PM
To: Myron Ebell <Myron.Ebell@cei.org>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Scheduling a meeting with a visitor

Myron,
Great to hear from you. For me, the afternoon of the 4th is somewhat flexible. I'll be at the nomination hearing so hopefully that will wrap up by early afternoon and I'd be happy to meet with Owen. Is it best for use to coordinate with you or should we reach out to him?

I've also cc'd Alex who can firm up all the logistics from our end.
Best,
Mandy

From: Myron Ebell [mailto:Myron.Ebell@cei.org]
Sent: Thursday, September 28, 2017 12:18 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Scheduling a meeting with a visitor

Dear Brittany and Mandy, My friend of fifteen years, Owen Paterson, MP, is going to be in town next week, and I wonder if you or any of your colleagues would like to meet with him. Owen was cabinet minister for the Department of Environment, Food, and Rural Affairs in the Cameron government from 2012 to 2014. He was sacked because he was far too conservative and un-green for the Prime Minister. He is keen to re-establish contacts with key people in Washington on environmental and energy issues. I have pasted a short bio below. Owen is free for much of next Wednesday afternoon and evening the 4th and Thursday morning the 5th. He's giving a talk at lunch at CEI on Wednesday (which you are of course invited to attend), which will end at 1:30, and he's giving a speech at Heritage at noon on

Thursday. Right now, the only definite appointment he has is 3 PM Wednesday with Lamar Smith. Thanks, Myron.

Right Honorable Owen Paterson, MP

Owen comes from an old farming family in Shropshire and has represented his home constituency of North Shropshire in the House of Commons since 1997. He served in the Conservative shadow cabinet as shadow minister for agriculture, fisheries, and food and then as shadow minister for Northern Ireland. When the Cameron Coalition government took office in 2010, he first served as secretary of state for Northern Ireland and from 2012 to 2014 as secretary of state for environment, food, and rural affairs. Owen then founded the think tank UK2020 and in 2015 was one of the three founders of Vote Leave, where he played a leading role in the successful Brexit campaign. Owen is a Cambridge graduate in history and worked for twenty years in the British leather industry, which included a term as president of the European tanning association.

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute
1310 L Street, N. W., Seventh Floor
Washington, DC 20005, USA
Tel direct: (202) 331-2256
Tel mobile: (202) 320-6685
E-mail: Myron.Ebell@cei.org
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Message

From: Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]
Sent: 9/28/2017 9:48:03 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Wehrum, William L. [wwehrum@hunton.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: Sit Down on Monday

Let's do 3 p.m. on Monday, if that works. We can meet in our Dirksen office – SD-410.

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, September 28, 2017 3:56 PM
To: Wehrum, William L. <wwehrum@hunton.com>
Cc: Horner, Elizabeth (EPW) <Elizabeth_Horner@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Sit Down on Monday

Bill,

Do you have time for us to go up to visit with Elizabeth and a few of her colleagues Monday afternoon? It should not take too long—the focus is to do a final run through of some of the questions we discussed earlier today.

Many thanks,

Troy

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
202-309-2490 (cell)

Message

From: Abraczinskas, Michael [michael.abraczinskas@ncdenr.gov]
Sent: 9/27/2017 5:52:55 PM
To: Banister, Beverly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1d7573525c894f5dbfc19abd6a7fda91-Banister, Beverly]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Kemker, Carol [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=765ad99166db4233bd15febf6e9917b3-Kemker, Carol]; Ceron, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b03966abf9ea4f0490c8fe49ed5519b4-Ceron, Heather]
Subject: NC Response to Duke Roxboro order
Attachments: 2017_09_27_NC_response_Roxboro_Order_signed.pdf

Beverly,
Please find attached NC's response to the June 30, 2017 order related to Duke Energy Roxboro.
Please further distribute to those folks within your agency that I have not cc'ed.
A hard copy will be sent via USPS.
Thank you,
-Mike

Mike Abraczinskas, EIT, CPM
Director, Division of Air Quality
North Carolina Department of Environmental Quality

919 707 8447 office
michael.abraczinskas@ncdenr.gov

217 West Jones Street
1641 Mail Service Center
Raleigh, NC 27699

Nothing Compares

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Air Quality
ENVIRONMENTAL QUALITY

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MICHAEL A. ABRACZINSKAS
Director

September 27, 2017

Beverly Banister
US EPA Region IV
Sam Nunn Atlanta Federal Center
61 Forsyth St, SW
Atlanta, GA 30303-8960

Dear Ms. Banister:

The North Carolina Division of Air Quality (DAQ) within the Department of Environmental Quality (NCDEQ) received an order from the United States Environmental Protection Agency (EPA) granting a petition for objection to the Duke Energy Roxboro Steam Station Title V permit (number 01001T49[1]) on June 30, 2017. The EPA order was in response to a petition from the Sierra Club dated June 23, 2016.

In responding to the petition, EPA noted that the Petitioner had demonstrated that the Title V permit and permit record are "unclear" and the response to comments by DAQ is "insufficient" (Order, p. 12). In the EPA's direction to DAQ in the order, it requires an expanded response to comments, not a change to the permit itself. Further, in a letter dated August 8, 2017 to NCDEQ from EPA Administrator Pruitt indicated EPA "was unable to determine" how DAQ interprets and applies rules that EPA has approved into North Carolina's State Implementation Plan (SIP).

In Section 505(b)(2) of the Clean Air Act (CAA), a standard of review is established regarding Title V petitions. It reads: "*The Administrator shall issue an objection within such period if the petitioner demonstrates to the Administrator that the permit is not in compliance with the requirements of this chapter, including the requirements of the applicable implementation plan.*"

In reviewing this matter, it is evident the Administrator granted the petition not because the Petitioner demonstrated the permit failed to comply with the requirements of the CAA, but because the EPA found that there was a lack of clarity in the review documents. "*...[T]he EPA finds that the RTC and the permit record as a whole are inadequate for the EPA to sufficiently evaluate the Petitioner's substantive claim...*" (Order p.14). Therefore, in the absence of any findings by EPA of deficiency in the permit, we conclude that EPA's granting of Sierra Club's petition does not require action under Section 505 of the CAA.

Despite our concerns enumerated above, we are responding to the specific text on page 14 of the order ("Direction to the NCDEQ"). The attached document provides an expanded response to

[1] *On April 13, 2016, permit 01001T49 was issued as an administrative amendment for a name change. Proposed permit 01001T49 was publicly noticed on April 6, 2016, and issued as Permit 01001T50 on June 20, 2016.*

EPA-HQ-2018-002296

comments in the Statement of Basis (also referred to as the Permit Review document) that directly addresses the order. We believe our changes to the Statement of Basis close this matter.

We look forward to continuing to work together with EPA on the common goal of protecting and improving air quality for our citizens.

Sincerely,

Michael A. Abraczinskas, Director
NC Division of Air Quality, NCDEQ

c: Raleigh Regional Office Files
Mandy Gunasekara

Attachment

ED_002110_00032120-00002

Attachment

Date: September 27, 2017

Addendum to the 01001T50 permit review originally issued June 20, 2016.

North Carolina Division of Air Quality (DAQ) offers the following expanded response to the Sierra Club's comments received on May 4, 2016.

DAQ affirms, consistent with our March 18, 2014 infrastructure State Implementation Plan (SIP) submittal for the 2010 1-hour SO_2 National Ambient Air Quality Standards (NAAQS) (relevant portions approved by EPA as of May 26, 2016), it has a state plan which provides for implementation, maintenance, and enforcement of the NAAQS. Amongst the regulatory tools available to carry out the NAAQS are the rules in Sections .0400 and .0500 of Subchapter 02D in Title 15A of the North Carolina Administrative Code (NCAC). Among other things, the provisions in 15A NCAC 02D .0401 provide for the enforcement of the ambient standards predicated on monitored concentrations of pollutants in ambient air. Next, in 15A NCAC 02D .0501, DAQ is provided the authority to issue a permit with conditions that prevent a violation of the ambient air quality standards in 02D .0400. It is important to note that this regulatory framework provides the DAQ with the proper tools to address monitored exceedances of ambient standards, while also providing the agency the discretion to act before a violation occurs.

An additional regulatory tool, important in this matter, is EPA's Data Requirements Rule (DRR) for the 2010 1-hour SO_2 NAAQS. This federal rule establishes the criteria for identifying emissions sources and associated areas for which state and local air agencies are required to characterize SO_2 levels in ambient air. This regulation gives state agencies, including the DAQ, the flexibility to characterize air quality using either modeling of actual emissions or using appropriately sited ambient air quality monitors. In the case of Duke Energy Roxboro, DAQ identified this facility as being subject to further air quality characterization, as required by the DRR, and chose the option to monitor air quality. DAQ has worked closely with EPA staff to establish an appropriately sited air quality monitor on the timelines required by the DRR. The monitor provides the DAQ the opportunity to assess SO_2 levels in ambient air on a continuous basis. The use of a monitor fulfills the requirements of the DRR and it is consistent with DAQ's authority under the SIP provisions cited above.

DAQ's practical use of these regulatory tools and broad discretion rely on highly case specific facts. In the case of Duke Energy Roxboro, we have not yet reached the point where more stringent control is required. However, DAQ acknowledges that as the analysis continues via SO_2 ambient monitoring at Duke Energy Roxboro, consistent with the DRR, the case specific facts may evolve with time. DAQ is confident it has the regulatory tools to take additional steps as needed to protect air quality in the vicinity of this facility.

Message

From: Barr Kelly J [Kelly.Barr@srpnet.com]
Sent: 9/29/2017 7:46:07 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: FW: Coronado SIP Revision / FIP Withdrawal

Hi Mandy,

Meredith Kurpius from EPA Region 9 called me this morning to share this great news. Thank you for all of your help getting this across the finish line. We sincerely appreciate it.

A couple of items that I hope you might be able to assist us with. The current FIP, which will be replaced by this order, requires the installation of an SCR on the unit by *December 5, 2017*. I understand that typically orders do not become effective until 30 days after publication in the Federal Register. The timing here is very close. If the notice is not published quickly in the Federal Register, we will be required to stop operating the unit on December 5, 2017. Is there any way you can speed up the Federal Register process or make the rule effective upon publication to avoid the issue? Also, I am wondering if you might be able to get me a copy of the signed notice. We have not seen it and would appreciate the ability to review it.

Finally, any word on the possibility of a press event when Administrator Pruitt is in Phoenix?

Sorry for the 20 questions. And thanks so much for all of your help with this.

Kelly

Kelly J. Barr
Senior Director, Environmental Management and
Chief Sustainability and Compliance Executive
SRP

From: Kurpius, Meredith [mailto:Kurpius.Meredith@epa.gov]
Sent: Friday, September 29, 2017 11:10 AM
To: Timothy Franquist Jr. <FranquistJr.Timothy@azdeq.gov>; Barr Kelly J <Kelly.Barr@srpnet.com>; Montalvo Kara M <Kara.Montalvo@srpnet.com>; Bruce Polkowsky (bvpolk@gmail.com) <bvpolk@gmail.com>; Michael Hiatt (mhiatt@earthjustice.org) <mhiatt@earthjustice.org>; Kevin Dahl (kdahl@npca.org) <kdahl@npca.org>; Sandy Bahr (sandy.bahr@sierraclub.org) <sandy.bahr@sierraclub.org>
Subject: Coronado SIP Revision / FIP Withdrawal

*****SRP EXTERNAL WARNING: IS THIS A SUSPICIOUS EMAIL? IF YOU THINK IT IS - REPORT IT!!*****

Dear Colleagues,
On September 28, 2017, Administrator Pruitt signed the Final Approval of Arizona Regional Haze State Implementation Plan (SIP) Revision and Withdrawal of Federal Implementation Plan (FIP) for Coronado Generating Station. This final action approves a source-specific revision to the Arizona Regional Haze SIP for Coronado and withdraws a FIP promulgated by the EPA in 2012 for Coronado, a facility located in eastern Arizona and owned and operated by the Salt River Project Agricultural Improvement District (SRP). We expect publication within a few weeks and will share the published notice as soon as it is available.

Please feel free to contact me (see information below) regarding questions on this or any other matters. I look forward to working with you on upcoming air quality challenges in Arizona.

Regards,
Meredith

~~~~~~

Meredith Kurpius
Associate Director, EPA Region 9, Air Division
Kurpius.meredith@epa.gov
415-947-4534 (o); 415-638-3413 (m)
75 Hawthorne St., AIR-1, San Francisco, CA 94105
~~~~~~

Message

From: Stanko, Joseph [jstanko@hunton.com]
Sent: 10/13/2017 3:07:35 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: FYI
Attachments: Vistra Energy Sandow Brown Closure News Release 10 13 17 FINAL (2)-c.PDF

VISTRA ENERGY

NEWS RELEASE

Luminant to Close Two Texas Power Plants

Decision a Result of Challenging Plant and Market Economics

IRVING, Texas — Oct. 13, 2017 — Luminant, a subsidiary of Vistra Energy (NYSE: VST), today announced that it will close two coal-fueled power plants in Central Texas: its two-unit Sandow Power Plant in Milam County and its two-unit Big Brown Power Plant in Freestone County. In total, approximately 2,300 MW of nameplate power will be taken offline in early 2018.

These two plants are economically challenged in the competitive ERCOT market. Sustained low wholesale power prices, an oversupplied renewable generation market, and low natural gas prices, along with other factors, have contributed to this decision.

Curt Morgan, Vistra Energy's president and chief executive officer, said, "This announcement is a difficult one to make. It is never easy to announce an action that has a significant impact on our people. Though the long-term economic viability of these plants has been in question for some time, our year-long analysis indicates this announcement is now necessary. These employees have kept both plants reliably powering Texas for decades, and we greatly appreciate their service."

Sandow Site

Earlier this week, the company and Alcoa entered into a contract termination agreement pursuant to which the parties agreed to an early settlement of a long-standing power and mining agreement. In consideration for the early termination, Alcoa made a one-time payment to Luminant. The settlement follows a decrease in wholesale power prices in ERCOT and the prior closure of Alcoa's smelter operation next to Sandow. The contract has helped shield Sandow from significant exposure to the downturn in the wholesale power market; however, the standalone economics of the Sandow complex no longer support continued investment in the site in this low wholesale power price environment.

Also closing will be Three Oaks Mine, located primarily in Bastrop County, which supports this plant.

Luminant estimates that approximately 450 employees will be impacted by the Sandow plant and Three Oaks mine closure. Eligible and affected employees will be offered severance benefits and outplacement assistance.

As part of the closure process, today Luminant filed a 90-day notice of suspension of operations with ERCOT, which will trigger a 60-day reliability review. If ERCOT determines the Sandow units are not needed for reliability following this 60-day review, Luminant expects to cease plant operations on Jan. 11, 2018.

Luminant will take the necessary steps to responsibly decommission the facility in accordance with all federal and state regulations. In addition, ongoing reclamation work will continue at Three Oaks Mine.

6555 SIERRA DRIVE IRVING, TEXAS 75039 214-875-8004 VISTRAENERGY.COM

Big Brown Site

Over the last few years, the Big Brown team has made tremendous operational adjustments to remain viable given the challenging market conditions. However, despite these best efforts, the economics of operating Big Brown do not make it a sustainable option for our fleet. The company will explore a sales process for the site during the ERCOT notification period.

Turlington Mine, which supplies Big Brown, was already scheduled to wind down operations by the end of 2017. Reclamation work will continue there.

Luminant estimates that about 200 employees will be impacted by the Big Brown closure. Eligible and affected employees will be offered severance benefits and outplacement assistance.

As part of the closure process, today Luminant filed a 120-day notice of suspension of operations with ERCOT, which will trigger a 60-day reliability review. Luminant is extending the 90-day notice to 120 days to permit a more complete sales process and give ERCOT additional time to conduct their reliability analysis. If ERCOT determines the Big Brown units are not needed for reliability following the 60-day review, and if the site has not been sold, Luminant expects to cease operations on Feb. 12, 2018.

Financial Impact

Vistra expects to record one-time charges of approximately $70 to 90 million in the fourth quarter of 2017 related to the expected retirements, including employee-related severance costs and non-cash charges for writing off materials inventory and a contract intangible asset associated with Sandow 4. We expect to record additional one-time charges in the fourth quarter of 2017 related to changes in the timing and amounts of asset retirement obligations for mining and plant-related reclamation obligations at these facilities.

Media

Allan Koenig
214-875-8004
Media.Relations@vistraenergy.com

Analysts

Molly Sorg
214-812-0046
Investor@vistraenergy.com

About Vistra Energy

Vistra Energy is a premier Texas-based energy company focused on the competitive energy and power generation markets through operation as the largest retailer and generator of electricity in the growing Texas market. Our integrated portfolio of competitive businesses consists primarily of TXU Energy and Luminant. TXU Energy sells retail electricity and value-added services (primarily through our market-leading TXU Energy™ brand) to approximately 1.7 million residential and business customers in Texas. Luminant generates and sells electricity and related products from our diverse fleet of generation facilities totaling approximately 18,000 MW of generation in Texas, including 2,300 MW fueled by nuclear power, 8,000 MW fueled by coal, and 7,500 MW fueled by natural gas, and is a large purchaser of renewable power including wind and solar-generated electricity. The company is currently developing one of the largest solar facilities in Texas by capacity.

Cautionary Note Regarding Forward-Looking Statements

This press release includes forward-looking statements, which are subject to risks and uncertainties. All statements, other than statements of historical facts, are forward-looking statements. These statements are often, but not always, made through the use of words or phrases such as "may," "should," "could," "predict," "potential," "believe," "will likely result," "expect," "continue," "will," "anticipate," "seek," "estimate," "intend," "plan," "project," "forecast," "goal," "target," "would" and "outlook," or the negative variations of those words or other comparable words of a future or forward-looking nature. Readers are cautioned not to place undue reliance on forward-looking statements. Any such forward-looking statement involves uncertainties and is qualified in its entirety by reference to the discussion of risk factors under "Risk Factors" and the discussion under "Management's Discussion and Analysis of

Financial Condition and Results of Operations" in the Form 10-Ks and Form 10-Qs filed by Vistra Energy Corp. and other important factors that could cause actual results to differ materially from those implied by such forward-looking statements.

Any forward-looking statement speaks only at the date on which it is made, and except as may be required by law, Vistra Energy undertakes no obligation to update any forward-looking statement to reflect events or circumstances after the date on which it is made or to reflect the occurrence of unanticipated events. New factors emerge from time to time, and it is not possible to predict all of them; nor can Vistra Energy assess the impact of each such factor or the extent to which any factor, or combination of factors, may cause results to differ materially from those contained in any forward-looking statement.

Message

From: survey-noreply@mr.surveymonkeyuser.com [survey-noreply@mr.surveymonkeyuser.com]
on behalf of marcus@netcommworks.com via surveymonkey.com [member@surveymonkeyuser.com]
Sent: 10/12/2017 5:40:18 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: A Note from the EIPF Team

Powering the Future 2017

Thank you for making this year's EIPF Energy Forum a success! We hope you left feeling as inspired as we did and know that it would not be possible without your participation.

You are what makes EIPF a success so, as we begin planning for 2018, we invite you to participate in a brief survey below. Tell us what we did right, what we can do better and share your ideas on how to make the 2018 EIPF Energy Forum the best yet.

Thank you again and we look forward to welcoming you back next year.

EIPF Team

Begin Survey

Please do not forward this email as its survey link is unique to you.
Unsubscribe from this list

Powered by SurveyMonkey

Message

From: Chris Bliley [cbliley@growthenergy.org]
Sent: 10/3/2017 2:42:34 PM
Subject: RFS Letter to the President
Attachments: POTUSletterOct3.pdf

Please see the attached joint letter to the President on the Renewable Fuel Standard. Thank you in advance for your attention, and please let me know if you have any questions.

Chris

Chris Bliley | Vice President, Regulatory Affairs
Growth Energy
701 8th St NW Suite 450
Washington DC 20001
OFFICE 202.545.4023 CELL 202.579.7418
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October 3, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear President Trump,

We commend your commitment to reinvigorate economic growth in America's heartland. The biofuels industry is poised to lead the next manufacturing wave across America. However, we are concerned about the Environmental Protection Agency's (EPA's) consideration of drastic, unprecedented changes to the Renewable Fuel Standard (RFS) that would undercut investments in the production of American-made biofuels such as ethanol and biodiesel. The proposed changes are inconsistent with the law and threaten the growth and prosperity of the U.S. biofuels industry.

EPA's changes are also inconsistent with Administrator Pruitt's assurances to uphold the law and your long-standing support of ethanol and the RFS. If the proposed changes are finalized, EPA's actions would cause severe harm to our industry, undermining your efforts to drive economic growth and secure America's status as the global leader in biofuel production. We urge you to act quickly to continue to grow the RFS, and we would look forward to working with you and your staff to do so.

Under the Agency's most recent RFS proposal, and the follow-up Notice of Data Availability (NODA) released on September 26, EPA is proposing to implement a series of changes to the regulation that would discourage U.S. investment in new production capacity and biofuel blending infrastructure, undermine the energy and economic security goals of the RFS, and disadvantage America in the global race to develop new technologies and commercialize next-generation biofuels.

To that end, we would like to clarify where our industry stands on several key RFS issues. We are requesting that you act quickly to prevent actions that will freeze innovation, hurt numerous rural manufacturing sectors, and slow economic growth in America's heartland.

1. The final 2018 RFS Renewable Volume Obligation (RVO) must require 15 billion gallons of conventional biofuels, as proposed. While EPA did not propose to invoke its general waiver authority to reduce the conventional biofuel requirement, it left the door open on the matter for the final rule. We oppose any weakening of the conventional biofuel standard.

2. The proposed rule rolls back the advanced biofuel requirement for the first time by flat-lining the 2019 biomass-based diesel standard and cutting the cellulosic biofuel standard by roughly 25 percent from 2017 levels. The volumetric cuts are unwarranted, and we have serious procedural concerns about how EPA reached its conclusions. According to the public record, EPA sent a stronger, pro-growth proposal to the White House Office of Management and Budget (OMB), but EPA leadership intervened to make drastic changes to the proposal after OMB review. EPA leadership inserted a modified methodology that discounts projected advanced biofuel volumes based on "actual production" from 2016. This new approach would signify a major policy shift long sought by the oil industry. The original version of the

proposed 2018 rule approved by OMB in early June warns against the exact path ultimately proposed, noting that "doing so could result in inappropriately low production projections for a commercially successful technology." The new methodology should be dropped. The final proposal must be forward-looking and continue to grow advanced biofuel volumes. Already-finalized volumes for biomass-based diesel in 2018 must not be reduced.

3. On September 26, EPA published a Notice of Data Availability (NODA) exploring options for further reducing RFS advanced and total renewable fuel volumes. EPA is considering making biofuel imports ineligible for the RFS, while also reportedly exploring the prospect of making biofuel exports eligible for RFS compliance. These proposals originate from the same small group of petroleum refiners seeking to avoid the law by moving the RFS point of obligation, and would serve no purpose other than to paralyze growth in U.S biofuel markets, slow investment in blending infrastructure, strand investment in advanced biofuels, and export innovation overseas. Creating an "Export Subsidy RIN" may violate the statute and will almost certainly provoke a trade backlash – including potentially damaging tariffs on U.S. agriculture – via the World Trade Organization, which agreed in 2015 to abolish export subsidies. The current treatment of imports/exports under the RFS strikes the right balance and should be maintained.

4. For the first time, EPA is proposing to exclude new cellulosic biofuel gallons from facilities unable to secure registration from EPA *the year before* the actual compliance year. While we would not expect EPA to allow non-registered fuels to be eligible for compliance credits, there is no harm in receiving registration early in the compliance year and selling fuel thereafter. There is no better example of over-regulation than this one. If finalized, the new approach would slow down, rather than accelerate, the commercialization of cellulosic fuels.

Mr. President, thank you for your strong support of the RFS. We look forward to working with you to ensure that EPA and your Administration remains firm in that commitment.

Sincerely,

ADVANCED BIOFUELS BUSINESS COUNCIL

American biogas Council

american coalition for ethanol

AEM

Bio Biotechnology Innovation Organization

growth energy

Iowa Renewable Fuels Association

NATIONAL BIODIESEL BOARD

NATIONAL CORN GROWERS ASSOCIATION

National Farmers Union

RFA RENEWABLE FUELS ASSOCIATION

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 9/27/2017 10:20:00 PM
To: Rachel Jones [RJones@nam.org]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
Subject: RE: Meeting Notice

Hey Rachel – We are all set. Mandy will be there tomorrow.

From: Rachel Jones [mailto:RJones@nam.org]
Sent: Wednesday, September 27, 2017 5:33 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: Meeting Notice

Will—I just spoke with Mandy and she said that she can step in tomorrow morning. So crisis averted!

Alex—Please let me know if you need additional details to those below. I'll be staffing an event this evening but will be available by cell.

Thanks!

Rachel Jones
National Association of Manufacturers
Director, Energy and Resources Policy
E-mail: rjones@nam.org
Direct: (202) 637-3175
Mobile: (804) 380-6542

NATIONAL ASSOCIATION OF Manufacturers

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Wednesday, September 27, 2017 5:10 PM
To: Rachel Jones <RJones@nam.org>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: Meeting Notice

Rachel,

I am extremely sorry, but Samantha will not be able to make it tomorrow. Very last minute travel with the Administrator just came up today and we finalized her travel plans recently. Additionally, Brittany is also travelling for work tomorrow so she cannot go in her stead.

If you will still have her, I hope we can arrange for another meeting in the future. I have cc'd the Chief of Staff for the Office of Policy, Robin Kime, to help coordinate such a meeting. Again, I cannot apologize enough for the inconvenience caused by this turn of events.

Sincerely,

Will

From: Rachel Jones [mailto:RJones@nam.org]
Sent: Wednesday, September 27, 2017 5:02 PM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Meeting Notice

All good for in the morning?

Rachel Jones
(202) 637-3175

From: Lovell, Will (William) [mailto:lovell.william@epa.gov]
Sent: Friday, September 22, 2017 10:37 AM
To: Rachel Jones <RJones@nam.org>
Subject: RE: Meeting Notice

Thank you, Rachel!

From: Rachel Jones [mailto:RJones@nam.org]
Sent: Friday, September 22, 2017 10:34 AM
To: Lovell, Will (William) <lovell.william@epa.gov>
Subject: Meeting Notice

I wanted to send you a copy. Please let me know if you guys need anything. Thanks!

Rachel Jones
(202) 637-3175

From: Ross Eisenberg, NAM [mailto:Ross.E.Eisenberg@nam.org]
Sent: Wednesday, September 20, 2017 11:36 AM
To: Rachel Jones <RJones@nam.org>
Subject: Meeting Notice - Energy Forum, September 28 at the NAM

Energy Forum

A Joint Project of ACC, AFPM, API, INGAA, NAM, and the U.S. Chamber

Dear Energy and Natural Resources Committee Members:

Our next Energy Forum will take place on September 28, 2017 and will feature Samantha Dravis, Associate Administrator for the Office of Policy at the U.S. Environmental Protection Agency.

Attendance is in-person only, and *seating will be limited*. If you would like to attend, please RSVP here.

Thursday, September 28, 2017
10:00 am – 11:00 am
National Association of Manufacturers
733 10th Street, Suite 700
Washington, DC 20001

We will continue to hold these events every two weeks, rotating speakers among the federal agencies and relevant congressional committees of jurisdiction. We hope this will be a valuable way to obtain up-to-date information from the key players making policy in Washington. As a reminder: the meetings will be in-person attendance only, closed-press and off-the-record.

We look forward to seeing you on September 28th.

Thanks,
Ross

Ross Eisenberg
Vice President, Energy and Resources Policy
National Association of Manufacturers
Direct: 202.637.3173
Mobile: 703.517.1655
Email: reisenberg@nam.org

To no longer receive invites to NAM's Energy Forums, click here.

Message

From: The White House [noreply@whitehouse.gov]
Sent: 10/10/2017 10:11:16 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RSVP Confirmation

THE WHITE HOUSE
WASHINGTON

Dear Amanda,

Thank you for submitting your RSVP. We have received your information. Please reach out to your point of contact with any questions.

Sincerely,
The White House

The White House • 1600 Pennsylvania Avenue, N.W. • Washington, D.C. 20500 • 202-456-1111

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 10/6/2017 5:03:49 PM
To: Berry Steve [steve.berry@volvo.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Motley, Judy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Motley, Judy]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: RE: Meeting with Volvo Group, Cummins and Navistar

Steve,

Would you be able to do Friday, October 13th at 4:30 or Monday, October 16th at 11:00?

Best,
Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Baptist, Erik
Sent: Friday, October 6, 2017 12:11 PM
To: Berry Steve <steve.berry@volvo.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Motley, Judy <motley.judy@epa.gov>
Subject: Re: Meeting with Volvo Group, Cummins and Navistar

Hi Steve,

I just received your voicemail. Please coordinate with Judy Motley and Alex Dominguez (both copied) to see if our schedules can accommodate the proposed dates below.

Best,
Erik

Sent from my iPhone

On Oct 3, 2017, at 1:45 PM, Berry Steve <steve.berry@volvo.com> wrote:

> Hello Erik and Mandy,
>
> It was good to meet with both of you last week during our meeting with Administrator Pruitt.
>
> As I discussed with you post-meeting, Erik, the Volvo Group, Cummins and Navistar legal representatives would like to have an opportunity to meet with you to discuss what we believe to be strong legal arguments that EPA has not only the authority, but the *obligation* to regulate **glider vehicles**.

We can also discuss business impacts and emissions impacts with respect to gliders, so it would be great if you could be available for the meeting as well, Mandy.

If you agree, we'd like to inquire as to you availability for a meeting in EPA Washington offices on either Oct 12, 13, 15, or 16. Please send us some date/time proposals to consider.

Thanks very much, and we look forward to a productive discussion.
Steve Berry

Steve Berry
Volvo Group Trucks Product Planning
2900 K St NW
House of Sweden, Suite 401
Washington, DC 20007
Office 202-536-1567
Cell: 301-660-0037
steve.berry@volvo.com

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Message

From: Peter Mihalick [pmihalick@federaladvocates.com]
Sent: 10/4/2017 1:31:06 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Region III

Thanks, greatly appreciate it.

From: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Date: Wednesday, October 4, 2017 at 9:30 AM
To: Peter Mihalick <pmihalick@federaladvocates.com>
Subject: Re: Region III

I do not, but will ask.
Hope all is well,
Mandy

Sent from my iPhone

On Oct 4, 2017, at 9:19 AM, Peter Mihalick <pmihalick@federaladvocates.com> wrote:

> Mandy-
>
> Any idea on who will be taking over as Administrator?
>
> Thanks.
>
> Sincerely,
>
> Peter
>
> --
> **Peter J. Mihalick, Esq. |** Director of Government Affairs
> Federal Advocates, Inc.
> 1666 K Street NW, Suite 1110
> Washington, DC 20006
> O: 202.626.3033
> www.federaladvocates.com
>
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Message

From: Emily.Flitter@thomsonreuters.com [Emily.Flitter@thomsonreuters.com]
Sent: 10/10/2017 4:49:20 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]
CC: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Awesome.

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Tuesday, October 10, 2017 12:49 PM
To: Flitter, Emily R. (Reuters); Wilcox, Jahan
Cc: Bowman, Liz
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Our web team is in the process of uploading those documents right now. It should be available in the next few minutes.

From: Emily.Flitter@thomsonreuters.com [mailto:Emily.Flitter@thomsonreuters.com]
Sent: Tuesday, October 10, 2017 12:38 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Thanks Jahan! Hi Mandy and Liz, is there a way for me to see the actual proposal and analysis that was sent to the FR for publication, please? Thank you!

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, October 10, 2017 12:28 PM
To: Flitter, Emily R. (Reuters)
Cc: Gunasekara, Mandy; Bowman, Liz
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Adding Mandy and Liz.

From: Emily.Flitter@thomsonreuters.com [mailto:Emily.Flitter@thomsonreuters.com]
Sent: Tuesday, October 10, 2017 12:23 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: EPA Proposes Repeal Of Clean Power Plan - Preview

Hi Jahan do you have the documents sent to the federal registry, please? IE the full proposal? Thanks!

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, October 10, 2017 12:17 PM
To: Flitter, Emily R. (Reuters)
Subject: FW: EPA Proposes Repeal Of Clean Power Plan - Preview

Off-the-record ...

For your knowledge we are sharing this press release with a handful of folks. You are welcome to report on the press release right now – there is no embargo – but we kindly ask that you do not tweet any images of the release until **today at 12:30 PM EDT**, which is when it will be sent to our full list.

Jahan

From: EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office
Sent: Tuesday, October 10, 2017 12:00 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: EPA Proposes Repeal Of Clean Power Plan - Preview

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

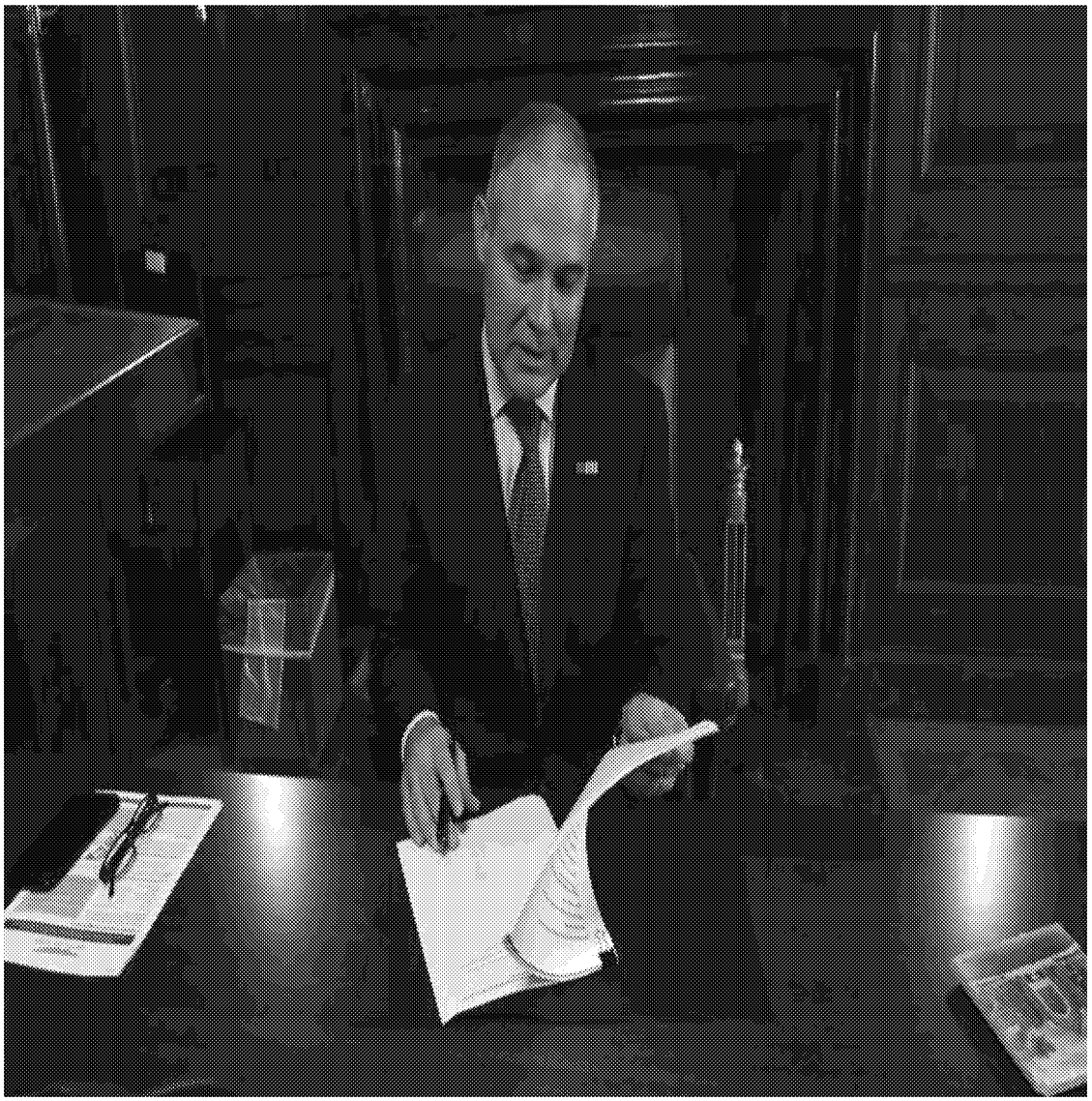
WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

EPA Takes Another Step To Advance President Trump's America First Strategy, Proposes Repeal Of "Clean Power Plan"

WASHINGTON (October 10, 2017) - Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called "Clean Power Plan (CPP)." After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency's statutory authority. Repealing the CPP will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles established in President Trump's Executive Order on Energy Independence.

"The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," **said EPA Administrator Scott Pruitt.** "We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule."



CPP Appears to be Inconsistent with the Clean Air Act

The CPP, issued by the Obama administration, was premised on a novel and expansive view of Agency authority that the Trump administration now proposes to determine is inconsistent with the Clean Air Act. In fact, the CPP was put on hold in February 2016, when the U.S. Supreme Court issued an unprecedented, historic stay of the rule.

"EPA will respect the limits of statutory authority. The CPP ignored states' concerns and eroded longstanding and important partnerships that are a necessary part of achieving positive environmental outcomes. We can now assess whether further regulatory action is warranted; and, if so, what is the most appropriate path forward, consistent with the Clean Air Act and principles of cooperative federalism," **said Administrator Pruitt.**

The CPP was issued pursuant to a novel and expansive view of authority under Section 111 of the Clean Air Act (CAA). The CPP required regulated entities to take actions

"outside the fence line." Traditionally, EPA Section 111 rules were based on measures that could be applied to, for, and at a particular facility, also referred to as "inside the fence line" measures. Prior to the CPP being issued, every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit. As the CPP departed from this traditional limit on EPA's authority under an "inside the fence line" interpretation, EPA is proposing to repeal it.

EPA has now sent the NPRM to the Federal Register for publication. Upon publication, the public will have 60 days to submit comments.

The repeal package includes:

1. The "preamble," which lays out the proposed legal interpretation, policy implications, and a summary of the cost-benefits analysis of the proposed repeal; and
2. The "Regulatory Impact Analysis (RIA)," an in-depth cost-benefit technical analysis.

CPP Repeal Saves up to $33 Billion in Avoided Costs in 2030

The proposed repeal both examines the Obama administration's cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health, and economic effects of the proposed repeal. The Trump administration estimates the proposed repeal could provide up to $33 billion in avoided compliance costs in 2030.

The previous administration's estimates and analysis of these costs and benefits was, in multiple areas, highly uncertain and/or controversial. Specific areas of controversy and/or uncertainty in the Obama administration's analysis of CPP include:

- **Domestic versus global climate benefits**: The previous administration compared U.S. costs to an estimate of supposed global benefits, and failed to follow well-established economic procedures in estimating those benefits.

- **"Co-benefits" from non-greenhouse-gas pollutants**: The Obama administration relied heavily on reductions in other pollutants emitted by power plants, essentially hiding the true net cost of the CPP by claiming benefits from reducing pollutants that had nothing to do with the rule's stated purpose.

- **Energy cost and savings accounting**: The Obama administration counted "energy efficiency" results of their rule as an avoided cost, resulting in a cost estimate being considerably lower than it would have been if they used the appropriate practice of considering these effects as benefits, rather than subtracting them from costs. Had the Obama administration used the Office of Management and Budget's longstanding requirements and accounted cost and savings accordingly, it would have presented a more accurate accounting of the total cost of the CPP.

In this proposed repeal and its accompanying technical documents, this administration is, in a robust, open, and transparent way, presenting a wide range of analysis scenarios to the public.

As part of the notice-and-comment process for this proposed repeal, EPA will continue this analysis and inform the public, as necessary, to get feedback on new modeling and other information. The final action on this proposed repeal will address the results of this ongoing work.

Forthcoming is an Advanced Notice of Proposed Rulemaking (ANPRM) that will be reflective of a thoughtful and responsible approach to regulatory action grounded within the authority provided by the statute.

"With this action, the Trump administration is respecting states' role and reinstating transparency into how we protect our environment," **said Administrator Pruitt.**

Background:
On March 28, President Trump signed an Executive Order on Energy Independence, establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of the Executive Order (EO) is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources. That same day, EPA Administrator Scott Pruitt signed four Federal Register notices in response to the EO, including a formal announcement of review of the Clean Power Plan. After substantial review, the Agency has proposed to determine that the Clean Power Plan (CPP) must be repealed.

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Prashant Mehta [pmehta@kyrasolutions.com]
Sent: 9/27/2017 5:21:48 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Week of October 9th

Good afternoon Mandy,

As a follow up to the txt I am reaching out to see what days work for you the week of October 9th for a meeting in D.C. I am open all days except Friday that week. However, if Friday works better for you then I will figure out a way to make it work.

Thank you and look forward to hearing from you.

Thanks,
Prashant Mehta
Kyra Solutions Inc.
Tallahassee, FL
850 459 0671 Cell
pmehta@kyrasolutions.com

Sent from my iPhone

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Message

From: Susan Miller [SMiller@bia.org]
Sent: 9/28/2017 5:09:01 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Tsirigotis, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d19c179f3ccb4fadb48e3ae85563f132-PTSIRIGO]; Barnett, Keith [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=539d3cb498494c49a400212adc19d839-Barnett, Keith]; Storey, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bba90f214cbf4f97907a9ea0c5802212-Storey, Bri]
CC: Paul Regina [pregina@bia.org]; terry.schimmel@boral.com; Garth Tayler [gtayler@brick.com]
Subject: Brick Industry request for Reconsideration
Attachments: BIA to Pruitt- Sept 28 2017-Reconsideration.pdf

Please see attached.

Thanks

Susan

Susan J Miller
Vice President, Environment, Health & Safety
Brick Industry Association
130 Iowa Lane, Suite 103
Cary, North Carolina 27511

919 924-1185 (cell)
smiller@bia.org

When you talk, you are only repeating what you already know; when you listen, you may learn something new!
-Dalai Lama

Message

From: Mulkin, Elliott (Cruz) [Elliott_Mulkin@cruz.senate.gov]
Sent: 9/28/2017 9:03:23 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Region 6 Call

Hi Mandy,

Senator Cruz recently sent a letter Administrator Coleman regarding TCEQ's Exceptional Event Demonstration Document. Do you have time to talk over the phone tomorrow morning about this issue? I appreciate your time.

Best,

Elliott Mulkin
U.S. Senator Ted Cruz (R-TX)
Elliott_Mulkin@cruz.senate.gov
www.cruz.senate.gov

Message

From: Laura B Siegrist [laura_b_siegrist@whirlpool.com]
Sent: 10/4/2017 8:47:29 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Good to see you // Touching base on preemption and HFC's
Attachments: ENERGYSTAR Class Action Summary.pdf; Preemption Rulemaking Memo for DOE (2017-09-22).pdf

Mandy -

Great seeing you last week at the Chamber and thank you again for keeping the Energy Star preemption issue on your radar. On that front, I'd be more than happy to replicate the recent meeting we held with DOE General Counsel staff with your GC office if that would be helpful. Defer to you. Attached are two memos we have shared with DOE on this topic and I would be happy to walk anyone through this. This is a huge priority for us this year and it would be great to keep the conversation going.

Additionally, I was hoping you could help suggest potential EPA staff we should meet with to take a deeper dive on the technical side of the HFC / charge size issue(s). My colleague from our regulatory affairs team will be in town the week of October 16 and he was hoping to make connections with the right EPA staff to discuss. Let me know what you think and thank you in advance for your insights.

Best,

Laura

LAURA SIEGRIST SENIOR MANAGER, GOVERNMENT RELATIONS
T: (202) 639-9420 | C: (202) 738-3895 | Whirlpool Corporation | WhirlpoolCorp.com
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Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFFF06-HENGST, BENJAMIN]
Sent: 10/11/2017 9:09:52 PM
To: rgrileyjr@feedenergy.com
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: EPA contact on RFS

Hi Mr. Riley—

It was good speaking just now with Mandy and you.

I'm emailing you so you have my contact information.

I'll check in with my team tomorrow and get back to you on some potential meeting dates.

Regards,
Ben Hengst

Associate Director
Office of Transportation and Air Quality
US EPA
202-564-1495

Message

From: Chris Sarley [csarley@cgagroup.com]
Sent: 10/10/2017 4:45:12 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: RE: Circling Back - Help connecting me with the right EPA Staff?
Attachments: Kirby Engine Issue Summary.pdf

Hi Mandy! Ryan thanks for looping us all in.

Kirby stands ready to file the application, we just want to make sure we were sequencing things correctly. The hesitation stems from EPA career staff previously taking a position with Kirby that an acquisition cannot be the primary reason for hardship relief, although there is no statutory prohibition for using an acquisition as the basis of hardship relief. Before just submitting the application to flow through those channels again we wanted to ensure they were presenting their legal justification in the correct manner to the right EPA personnel.

Mandy – more information below and attached. Let me know what you think is best and we will heed your advice on how best to proceed.

Thanks – Chris

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Tuesday, October 10, 2017 12:10 PM
To: Chris Sarley <csarley@cgagroup.com>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Circling Back - Help connecting me with the right EPA Staff?

Mandy is the best person and maybe daubs Harlow can now be read into this.

However, I think if they can submit their application it will help us to refine that further to get it permitted.

Ryan Jackson
Chief of Staff
U.S. EPA
Personal Phone / Ex. 6

On Oct 10, 2017, at 11:50 AM, Chris Sarley <csarley@cgagroup.com> wrote:

> Hey man – circling back on the Kirby issue from a few weeks ago. I think by now you have probably heard from Culberson and Flores folks on the House side and Cornyn's staff on the Senate looking into this a little more. Unfortunately there is a bit of a time crunch to have this resolved by the end of the month in order for Kirby to build and deliver units by the end of the year. The final application is

prepared and will be ready to file with EPA. That being said, before Kirby sends the application to EPA I wanted to get some feedback and direction from you to help us figure out who to discuss with on your team and determine how best to proceed before entering into that formal process.

Appreciate any guidance you can provide to steer us toward the right discussion. – Sarley

---

From: Chris Sarley
Sent: Tuesday, September 26, 2017 10:55 AM
To: jackson.ryan@epa.gov
Subject: Help connecting me with the right EPA Staff?

Ryan – hope all is well my man. Been a long time since we've been able to catch up, I'm sure you're in a constant state of busy but hopefully we can all find some time soon. I work with your former colleague at EPW, Lazer (great guy) and he said he caught up with you out a couple times with some of team Inhofe so I know we can make it happen. That aside, I had an EPA related issue I was hoping you could connect me with the right people on your team to discuss with. I've attached a full summary of the situation but briefly:

Kirby Corporation has a waiver issue arising from a recent acquisition of a company Stewart and Stevenson (S&S). Both companies participate in the EPA "Transition Program for Engine Manufacturers" using the "single family compliance option." This allows each company to use a certain number of Tier 2 engines from a single manufacturer during the period of the program, which expires at the end of 2017. S&S entered into contracts before the Kirby acquisition to produce equipment using engines it obtained under the program. EPA regulations stipulate that post-acquisition, S&S must use engines that are the same as Kirby's other engine subsidiaries. Problem arising in S&S cannot satisfy its existing contractual obligations using the other engine. Reasoning being, this is the only engine in their frac fleet so their entire maintenance and parts system is built around supporting this engine. The engines are in S&S's inventory and ready to be installed as the units are constructed. Kirby cannot meet its acquired contractual obligations except by using these engines.

We were seeking a dialogue with EPA staff you have brought in on the team about a hardship provision that currently exists giving EPA the discretion to allow relief. It is my understanding that EPA career staff has previously taken a position that an acquisition cannot be the primary reason for hardship relief, although there is no statutory prohibition for using an acquisition as the basis of hardship relief. Kirby maintains that the law allows the hardship exception in this case which in turn will mean contractual obligations can be met and keep workers employed building products that customers need.

Appreciate it if you can help me identify the right folks at EPA to engage on this with. Kirby is positions to submit their application on a rapid timeline so we can make any in person or conference call happen immediately. As a head's up they are also getting in touch with Culberson and Cornyn to engage on the issue so you might get some inquires coming your way from the hill as well.

Thanks in advance – I really appreciate it – and let me know if there is anything else you need from my end to set something up with Kirby.

- Chris

Chris Sarley | Vice President
<image001.jpg>

Annapolis | Atlanta | Austin | Baton Rouge | Chicago | Des Moines
Houston | Jackson | Richmond | Springfield | **Washington**

202.448.9511 Direct | 202.494.0960 Mobile | 202.448.9500 Office

300 Independence Avenue, SE
Washington, DC 20003

www.cgagroup.com | @CGAgroup

<Kirby Engine Issue Summary.pdf>

Message

From: Heilman, Joel M. [Joel.Heilman@lyondellbasell.com]
Sent: 9/29/2017 7:02:02 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: NAM meeting follow up

Hi Mandy,

Thanks for your email. We had an internal discussion today at LyondellBasell on the topic of exported ethanol generating RINs. Initially it looks like any benefit to our refining business would be outweighed by negative impacts to one of our chemical businesses. Our main concern is that these additional RINs might function as a subsidy for ethanol exports. One of our non-subsidized exported U.S. products is competing directly with ethanol in countries such as Mexico. I can explain this further when we meet in person. In the meantime, my colleagues and I will be collecting some additional information both internally and externally.

To that end, I wanted to ask you a few preliminary questions that will help us shape our position on this proposal:

1. When we spoke at NAM, I think you said that EPA attorneys looked at whether RINs generated by ethanol exports would function as a subsidy for those exports. Can you please remind me what their conclusion was and how they came to that conclusion?

2. At what level in EPA or the Administration is this proposed change being championed?

3. If EPA decides to further pursue this change, will there be a separate rulemaking and comment period? If so, what would the timing be?

Thanks for your willingness to continue to dialog on this issue.

Best regards,
Joel

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Thursday, September 28, 2017 4:38 PM
To: Heilman, Joel M. <Joel.Heilman@lyondellbasell.com>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: NAM meeting follow up

Hi Joel,
Great talking with you and I apologize for having to cut it short. Yes, I'd be very interested in the reaction from your colleagues and look forward to the discussion. I've cc'd Alex who can help set up logistics once you have the relevant information.
Best,
Mandy

From: Heilman, Joel M. [mailto:Joel.Heilman@lyondellbasell.com]
Sent: Thursday, September 28, 2017 2:55 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: NAM meeting follow up

Hi Mandy,

Thanks for your informative remarks at the NAM meeting this morning. It was a pleasure speaking with you after the meeting. I'm in the process of collecting more feedback from some of my colleagues at LyondellBasell on the possibility of ethanol exports generating RINS. I will get back in touch with you after gathering this information and perhaps we can then schedule a meeting.

Thanks,
Joel

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