To: A-AND-R-DOCKET[A-AND-R-DOCKET@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Charmley, William[charmley.william@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; ryan.hagen@dot.gov[ryan.hagen@dot.gov]; Jeffrey.Rosen@dot.gov[Jeffrey.Rosen@dot.gov]
Cc: Glen Darbyshire[GDarbyshire@bouhan.com]; Jeff Sims[jeff@ttmanet.org]; Theodore, Elisabeth[Elisabeth.Theodore@apks.com]; Fayne, Zachary[Zachary.Fayne@apks.com]
From: Martel, Jonathan S.
Sent: Mon 6/26/2017 9:30:07 PM
Subject: TTMA Petition for Reconsideration and Stay
TTMA Petition for Reconsideration and Stay.PDF

All –

Please see attached Petition for Reconsideration and Stay on behalf of the Truck Trailer Manufacturers Association with regard to GHG and fuel economy standards for trailers. This is also being transmitted by first class mail. Thank you very much.

Sincerely,

Jonathan Martel

Jonathan S. Martel
Partner

Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW | Washington | DC 20001-3743
T: +1 202.942.5470 | M: +1 301.412.2075 | F: +1 202.942.5999
jonathan.martel@apks.com | www.apks.com

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

To: Charmley, William[charmley.william@epa.gov]
Cc: Kitowski, Jack@ARB[jack.kitowski@arb.ca.gov]
From: Carter, Michael@ARB
Sent: Thur 6/15/2017 5:40:42 PM
Subject: RE: Trailer Workshop Timing

Ok, great. Thanks Bill. We've been doing all that. For example ATA, CTA, and other stakeholders already know what we plan to do.

Michael W. Carter, Assistant Chief

Mobile Source Control Division

Air Resources Board

From: Charmley, William [mailto:charmley.william@epa.gov]
Sent: Thursday, June 15, 2017 10:26 AM
To: Carter, Michael@ARB
Subject: RE: Trailer Workshop Timing

Mike –

I think that should be fine. My view is that CARB needs to start communicating what approach you will take for trailers in the event the EPA Phase 2 program for trailers does not come to fruition. Beginning to communicate that to stakeholders, and getting input from stakeholders, in the next month would be helpful.

Thanks

Bill

From: Carter, Michael@ARB [mailto:michael.carter@arb.ca.gov]
Sent: Thursday, June 15, 2017 1:07 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Trailer Workshop Timing

Bill, in discussing internally our proposed timing for the workshop, the 26th of June, it may be problematic for us. We may need to wait until July. We were thinking perhaps sometime during the first week that month (perhaps July 7th). Your thoughts?

Mike

Michael W. Carter, Assistant Chief

Mobile Source Control Division

Air Resources Board

To: Charmley, William[charmley.william@epa.gov]
Cc: Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Grundler, Christopher
Sent: Tue 5/23/2017 2:04:03 PM
Subject: RE: Rumor from Pat Quinn on HD Phase 2

Sounds good. I will try to reach Jed today

From: Charmley, William
Sent: Tuesday, May 23, 2017 9:43 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Rumor from Pat Quinn on HD Phase 2

Chris,

Regarding the rumor you heard **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

believe Heavy-duty Phase 2 is one of them.

Thanks

Bill

To: Orlin, David[Orlin.David@epa.gov]; Charmley, William[charmley.william@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Simon, Karl
Sent: Fri 4/28/2017 1:02:22 PM
Subject: RE: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

I do think that Byron should be brought into the conversation. I am not sure what it means to

Ex. 5 - Deliberative Process

From: Orlin, David
Sent: Thursday, April 27, 2017 6:31 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Subject: FW: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

(leaving Chris off)

Bill,

Can you let us know if there's any reason it would be a problem to Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Grundler, Christopher
Sent: Thursday, April 27, 2017 6:07 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Thanks David. Will give this some thought while flying to Detroit. Taking off now

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202/564-1682 (Washington DC)

734/214-4207 (Ann Arbor MI)

On Apr 27, 2017, at 6:00 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Chris,

This afternoon, Mark and I, along with Sue Chen from DOJ, had a call with counsel representing TTMA (Elisabeth Theodore, Jonathan Martel and Zachary Fayne).

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Please let me or Mark know if you'd like any more information about the call,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Tue 5/23/2017 1:28:33 PM
Subject: Fwd: Rumor

?

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

Begin forwarded message:

From: Pat Quinn <pquinn@theaccordgroup.com>
Date: May 23, 2017 at 9:20:12 AM EDT
To: "grundler.christopher@epa.gov" <grundler.christopher@epa.gov>
Subject: Rumor

Welcome back…there are a few things that I would like to chat about :

1) Wabash is hearing a rumor from a major fleet customer that the truck and trailer OEMs will be called to the White House for a meeting on Phase 2---are you hearing anything similar ?

2) Bill called me while you were away on trailer settlement possibilities—we should discuss further.

3) Leadership Group Call---interest by my guys in having a 30 minute call to hear from you on state of things…litigation; early implementation, etc. Could we look at calendar to get it scheduled ?

When are we retiring to SW Florida and drinking clear fluid …..?

To: Orlin, David[Orlin.David@epa.gov]; Charmley, William[charmley.william@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]
From: Kataoka, Mark
Sent: Mon 5/15/2017 4:50:03 PM
Subject: RE: HD Trailers Discussion

Ex. 5 - Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Orlin, David
Sent: May 12, 2017 3:10 PM
To: Charmley, William <charmley.william@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Brakora, Jessica <Brakora.Jessica@epa.gov>
Subject: RE: HD Trailers Discussion

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

-----Original Appointment-----

From: Charmley, William
Sent: Friday, May 12, 2017 2:23 PM
To: Kataoka, Mark; Orlin, David; Spears, Matthew; Moulis, Charles; Brakora, Jessica
Subject: HD Trailers Discussion
When: Wednesday, May 17, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: N158, call-in number 866-299-3188, code 734 214 4466

Dear Chuck , Jessica and Matt,

Ex. 5 - Attorney Client

- The briefing will provide the context for the challenge

Ex. 5 - Attorney Client

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Orlin, David
Sent: Wed 4/26/2017 9:38:43 PM
Subject: GHG HD phase 2 abeyance
opposition abeyance.pdf
ENV_DEFENSE-#804127-v3-Truck_GHG_reply_in_support_of_motion_for_abeyance.DOCX

Chris et al,

Attached, FYI, is the "partial opposition" to our motion for an abeyance which was filed by TTMA in the heavy duty GHG phase 2 litigation, as well as the reply which DOJ intends to file tomorrow or Friday.

Ex. 5 - Attorney Client

Please let Mark or me know if you have any questions or concerns about the reply or the litigation.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Orlin, David[Orlin.David@epa.gov]; Charmley, William[charmley.william@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
Cc: Spears, Matthew[spears.matthew@epa.gov]
From: Cook, Leila
Sent: Fri 5/12/2017 5:54:46 PM
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson
Heavy-duty Phase 2 Timeline and Background for Ryan Jackson v2 +dolhc.docx

I added one observation/question in David's file. I defer to others on a response.

Lee

From: Orlin, David
Sent: Friday, May 12, 2017 12:31 PM
To: Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

A few thoughts from me in the attached.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Friday, May 12, 2017 12:16 PM
To: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Moulis, Charles

<moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Dear all –

Here is an update that Matt and I worked on this morning.

Thanks

Bill

From: Simon, Karl
Sent: Friday, May 12, 2017 9:17 AM
To: Spears, Matthew <spears.matthew@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Ex. 5 - Deliberative Process

From: Spears, Matthew
Sent: Thursday, May 11, 2017 5:43 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Hi all,

I'd heard that concise bullet-point materials have been preferred so I tried to keep this draft high-level, and I kept it to one page. I used a timeline format because I thought it might be efficient and informative for someone trying to get up-to-speed quickly. This timeline format spreads the trailer background over a couple of main bullet headings.

Please let me know if you have any questions, comments or revisions, thanks.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Charmley, William
Sent: Thursday, May 11, 2017 3:28 PM
To: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

Ben and David –

Ex. 5 - Deliberative Process

Ben – if we get something by noon tomorrow back to you, Karl, Lee, David for comments – is that okay, or would you like it sooner?

Thanks

Bill

From: Orlin, David
Sent: Thursday, May 11, 2017 2:06 PM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

I revised what I had before to bring it more up to date. Feel free to pull from this or I can review something if you like.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Thursday, May 11, 2017 11:54 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

Ben,

It would be very helpful if you and I could talk, so we put the right information together.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Hengst, Benjamin
Sent: Thursday, May 11, 2017 11:15 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: Heavy Duty inquiry from Ryan Jackson

Bill: at the end of a fuels meeting with Sarah this morning, she received an email from Ryan Jackson (chief of staff). See below.

She composed the reply to him below and sent it (David was there to confirm the litigation points).

Ex. 5 - Deliberative Process

David Orlin mentioned he had some material already written down on the second issue, so **David**, can you please circulate that?

From: Dunham, Sarah
Sent: Thursday, May 11, 2017 10:32 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin

<schwab.justin@epa.gov>
Subject: Re:

Ex. 5 - Deliberative Process

On May 11, 2017, at 10:18 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Can I get information on the Phase 2 heavy duty truck GHG emissions rule from last October?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

To: Charmley, William[charmley.william@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
Cc: Spears, Matthew[spears.matthew@epa.gov]
From: Orlin, David
Sent: Fri 5/12/2017 4:31:16 PM
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson
Heavy-duty Phase 2 Timeline and Background for Ryan Jackson v2 +do.docx

A few thoughts from me in the attached.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

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Sent: Friday, May 12, 2017 12:16 PM
To: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Dear all –

Here is an update that Matt and I worked on this morning.

Thanks

Bill

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To: Spears, Matthew <spears.matthew@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Ex. 5 - Deliberative Process

From: Spears, Matthew
Sent: Thursday, May 11, 2017 5:43 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
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Please let me know if you have any questions, comments or revisions, thanks.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Charmley, William
Sent: Thursday, May 11, 2017 3:28 PM
To: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>
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Ben and David –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ben – if we get something by noon tomorrow back to you, Karl, Lee, David for comments – is that okay, or would you like it sooner?

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Subject: RE: Heavy Duty inquiry from Ryan Jackson

I revised what I had before to bring it more up to date. Feel free to pull from this or I can review something if you like.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

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To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

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Ex. 5 - Deliberative Process

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Bill

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Cc: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: Heavy Duty inquiry from Ryan Jackson

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Ex. 5 - Deliberative Process

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Sent: Thursday, May 11, 2017 10:32 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re:

Ex. 5 - Deliberative Process

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> Can I get information on the Phase 2 heavy duty truck GHG emissions rule from last October?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

To: Charmley, William[charmley.william@epa.gov]
From: Spears, Matthew
Sent: Fri 5/12/2017 3:43:31 PM
Subject: Here are my edits to HD Phase 2 background
Heavy-duty Phase 2 Background for Ryan Jackson.docx

Hi Bill,

Your edits look great. I tweaked a couple phrases, and I added a couple bullets under the Industry Views section. I also removed the "DRAFT" and updated the file name.

Please let me know if I can do anything else on this.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Charmley, William
Sent: Friday, May 12, 2017 11:03 AM
To: Spears, Matthew <spears.matthew@epa.gov>
Subject: RE: Bill, I'm available to help with HD Phase 2 background doc. I'll be away from office 12:15-1:30pm.

Matt –

Thanks for the first draft. Here's an updated version. Many of my edits were to move things

Ex. 5 - Deliberative Process

Let me know what you think, then we can send back to Ben, Karl, David etc.

Bill

From: Spears, Matthew
Sent: Friday, May 12, 2017 9:36 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: Bill, I'm available to help with HD Phase 2 background doc. I'll be away from office 12:15-1:30pm.

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Charmley, William
Sent: Friday, May 12, 2017 9:18 AM
To: Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Karl –

I'm going to work those into some suggested updates that I will send around based on Matt's first draft.

Thanks

Bill

From: Simon, Karl
Sent: Friday, May 12, 2017 9:17 AM
To: Spears, Matthew <spears.matthew@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Ex. 5 - Deliberative Process

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Sent: Thursday, May 11, 2017 5:43 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Hi all,

I'd heard that concise bullet-point materials have been preferred so I tried to keep this draft high-level, and I kept it to one page. I used a timeline format because I thought it might be efficient and informative for someone trying to get up-to-speed quickly. This timeline format spreads the trailer background over a couple of main bullet headings.

Please let me know if you have any questions, comments or revisions, thanks.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Charmley, William
Sent: Thursday, May 11, 2017 3:28 PM
To: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

Ben and David –

Ex. 5 - Deliberative Process

Ben – if we get something by noon tomorrow back to you, Karl, Lee, David for comments – is that okay, or would you like it sooner?

Thanks

Bill

From: Orlin, David
Sent: Thursday, May 11, 2017 2:06 PM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

I revised what I had before to bring it more up to date. Feel free to pull from this or I can review something if you like.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Thursday, May 11, 2017 11:54 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

Ben,

It would be very helpful if you and I could talk, so we put the right information together.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Hengst, Benjamin
Sent: Thursday, May 11, 2017 11:15 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: Heavy Duty inquiry from Ryan Jackson

Bill: at the end of a fuels meeting with Sarah this morning, she received an email from Ryan Jackson (chief of staff). See below.

She composed the reply to him below and sent it (David was there to confirm the litigation points).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Dunham, Sarah
Sent: Thursday, May 11, 2017 10:32 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re:

Ex. 5 - Deliberative Process

On May 11, 2017, at 10:18 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Can I get information on the Phase 2 heavy duty truck GHG emissions rule from last October?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

To: Charmley, William[charmley.william@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
Cc: Moran, Robin[moran.robin@epa.gov]
From: Yanca, Catherine
Sent: Tue 4/25/2017 7:41:49 PM
Subject: RE: Request for a few slides on heavy-duty Phase 2 for future briefing for new political leadership: please complete by 3pm on Wednesday, April 26
Heavy Duty Phase 2 slides 2017.pptx

Hi Bill,

Here are draft slides on the HD Phase 2 piece from Chuck, Matt and I.

Thanks,

~Cay

From: Charmley, William
Sent: Monday, April 24, 2017 1:00 PM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>
Subject: Request for a few slides on heavy-duty Phase 2 for future briefing for new political leadership: please complete by 3pm on Wednesday, April 26

Cay, Matt and Chuck –

OTAQ has received a request to brief the some of the Administrator's new leaders on a few elements of our portolio – including the LD MTE and HD Phase 2.

This briefing has not been scheduled, but I am going to try and complete a first draft by COB on Wednesday of this week.

Please take a look at this outline, but in particular the text I higlighted in yellow on HD Phase 2 – those are the slides I am requesting from you.

Thanks

Bill

DRAFT Outline for Briefing;

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Charmley, William[charmley.william@epa.gov]
From: Grundler, Christopher
Sent: Mon 4/24/2017 8:32:30 PM
Subject: Fwd: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

Bill-when are we getting together to review our options?

Couple of thoughts:

Ex. 5 - Deliberative Process

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

Begin forwarded message:

From: "Orlin, David" <Orlin.David@epa.gov>
Date: April 24, 2017 at 1:44:48 PM EDT
To: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Cook, Leila" <cook.leila@epa.gov>
Cc: "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>
Subject: RE: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Kataoka, Mark
Sent: Monday, April 24, 2017 11:30 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

Here is TTMA's "partial opposition" to our motion for 90 day abeyance

- They oppose 90 day abeyance and propose 30 day delay of briefing format deadline
- They claim harm in light of 1/1/18 compliance date
- Our reply, if any, is due this Fri 4/28

Based on preliminary chat with DOJ atty (neither of us have talked to managers yet):

- DOJ will draft short reply

Ex. 5 - Deliberative Process and Attorney Client

I expect we will consult our front office and DOJ again later today.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: April 22, 2017 8:11 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Fwd: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

Begin forwarded message:

From: "Byron, H. Thomas (CIV)" <HByron@CIV.USDOJ.GOV>
Date: April 21, 2017 at 8:42:51 PM EDT
To: "Kolodziej, Kerry (NHTSA)" <Kerry.Kolodziej@dot.gov>, "Geier, Paul (OST)" <Paul.Geier@dot.gov>, "Perry, Christopher (OST)" <Christopher.Perry@dot.gov>, "Stephens, Jordan (NHTSA)" <jordan.stephens@dot.gov>, "Lee, Paula (OST)"

<paula.lee@dot.gov>
Cc: "Chen, Sue (ENRD)" <SChen@ENRD.USDOJ.GOV>
Subject: FW: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

Here is the Trailer petitioner's opposition to our abeyance motion. If we choose to file a reply, it is due by next Friday 4/28.

Tom

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Orlin, David
Sent: Tue 4/4/2017 10:49:48 PM
Subject: Fwd: Truck GHG: trailer petitioner's letter
17-0995 INCOMING(1).pdf
ATT00001.htm

TTMA apparently sent a request to the Administrator (and DOT) to stay (and eventually rescind) the phase 2 trailer standards (and to meet to discuss the issue) (see attached from DOJ, who got it from NHTSA)

Begin forwarded message:

From: "Chen, Sue (ENRD)" <Sue.Chen@usdoj.gov>
To: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Subject: Truck GHG: trailer petitioner's letter

Mark & David,

NHTSA just forwarded this to me. Should we plan on a call to discuss?

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

To: Charmley, William[charmley.william@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Orlin, David
Sent: Wed 3/29/2017 6:17:27 PM
Subject: RE: RFS 2014-2016 oral argument + HD GHG litigation
ENV_DEFENSE-#796827-v1-Truck_GHG_2017_02_22_DN_1662488_STATEMENT_OF_ISSU....pdf

Bill,

Ex. 5 - Deliberative Process, Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Wednesday, March 29, 2017 2:03 PM
To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: RFS 2014-2016 oral argument + HD GHG litigation

David and Mark –

Regarding this part of David's email:

Ex. 5 - Deliberative Process, Attorney Client

Two questions.

Ex. 5 - Deliberative Process, Attorney Client

Thanks

Bill

From: Orlin, David
Sent: Wednesday, March 29, 2017 1:49 PM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Cc: Dubois, Roland <Dubois.Roland@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RFS 2014-2016 oral argument + HD GHG litigation

Ex. 5 - Deliberative Process, Attorney Client

Let me know if you'd like to discuss further (not sure of the right distribution list, so feel free to forward),

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Charmley, William[charmley.william@epa.gov]
From: Orlin, David
Sent: Mon 1/23/2017 4:33:59 PM
Subject: FW: discussion with DOJ on trailers

Just passing this on because (as you can see) Ex. 5 - Attorney Client
Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Monday, January 23, 2017 11:30 AM
To: Moulis, Charles <moulis.charles@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Subject: discussion with DOJ on trailers

Chuck,

I wanted to give you a heads up that if TTMA files a motion with the DC Circuit to stay the trailer provisions of the HD GHG standard we Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client Are there times or days this week that would be good for you to have that discussion, or should we just pick a time that looks good on outlook calendars?

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]
From: Sutton, Tia
Sent: Mon 1/23/2017 2:42:01 PM
Subject: RE: Transition Info Request (Consent Decrees)

+ Julia

From: Orlin, David
Sent: Monday, January 23, 2017 9:24 AM
To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: Transition Info Request (Consent Decrees)

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Sutton, Tia
Sent: Thursday, January 19, 2017 11:03 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: RE: Transition Info Request (Consent Decrees)

The word from Josh is that it's a subset.

From: Hengst, Benjamin
Sent: Thursday, January 19, 2017 10:57 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>
Subject: Re: Transition Info Request (Consent Decrees)

Plus Julia (should have cc'd her earlier)

Bill: I think it is a subset of the CD question.

On Jan 19, 2017, at 9:00 AM, Charmley, William <charmley.william@epa.gov> wrote:

Ben,

Ex. 5 - Deliberative Process

Sent from my iPhone

On Jan 19, 2017, at 8:57 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Tia may be sending more on this around, but I wanted to make sure the DDs saw this and weighed in, too. Ben

---

From: Lewis, Josh
Sent: Thursday, January 19, 2017 8:43 AM
To: Koerber, Mike; Noonan, Jenny; Hengst, Benjamin; Burch, Julia; Sutton, Tia; Gitlin, Bonnie; Krieger, Jackie
Cc: Cyran, Carissa
Subject: Transition Info Request (Consent Decrees)

One additional transition request from OP....related to consent decrees. See below and let me and Carissa know if you have any items that fit in these categories. Would be great to have the info by COB today but if you need more time please let us know.

Ex. 5 - Deliberative Process

To: Spears, Matthew[spears.matthew@epa.gov]; Charmley, William[charmley.william@epa.gov]; Sargeant, Kathryn[sargeant.kathryn@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]
From: Hoyer, Marion
Sent: Fri 1/20/2017 7:47:25 PM
Subject: RE: 3rd DRAFT SAE Govt Industry 2017 Matt Spears Presentation

Thanks Matt. I don't know if we'll have time Monday so just briefly, I think that having an

Ex. 5 - Deliberative Process

From: Spears, Matthew
Sent: Friday, January 20, 2017 2:39 PM
To: Hoyer, Marion <hoyer.marion@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: 3rd DRAFT SAE Govt Industry 2017 Matt Spears Presentation

Hi Marion,

Yes, I have to submit the presentation to SAE, and they do make it accessible online to SAE members.

I deleted the slides as you requested. Perhaps we could discuss the sensitivity of those slides during our Monday Center Directors meeting or some other time because I don't understand the sensitivities (As written, I thought they were safe and factual).

Regards,

P.S. I formatted Slide 7 and rearranged the information to make it into a logical flow that I feel comfortable presenting.

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Hoyer, Marion
Sent: Friday, January 20, 2017 2:00 PM
To: Spears, Matthew <spears.matthew@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: 2nd DRAFT of SAE Govt Industry 2017 Matt Spears' Presentation

Do you have to provide a copy of the presentation to SAE for their use? If so, could you delete the last two slides? Molly supplied those just to help you answer questions if needed but we wouldn't want those going into a presentation that you have to hand off to SAE to post.

Thanks Matt,

Marion

From: Spears, Matthew
Sent: Friday, January 20, 2017 11:14 AM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: 2nd DRAFT of SAE Govt Industry 2017 Matt Spears' Presentation

Hi All,

Here is the revised draft for everyone's review. Please let me know if you have any questions, comments or concerns.

I have incorporated Bill's recommendations, below (and I added some Website references to our trailer certification workshop and the CARB Low NOx workshop and workgroup page. I have also incorporated what I received from Molly and what I received earlier from Kathryn.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Also, if you are ok with it Bill,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Charmley, William
Sent: Friday, January 20, 2017 6:26 AM
To: Spears, Matthew <spears.matthew@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: 1st DRAFT of SAE Govt Industry 2017 Matt Spears' Presentation

Matt-

Is there a revised version of this draft briefing?

Ex. 5 - Deliberative Process

I would consider including a quote from EMA's response to the petition – perhaps the first sentence of this paragraph:

EMA looks forward to its engagement and collaboratio
assessment of a new, harmonized and comprehensive national NC
engines and vehicles. EPA's response to the previously-filed rulen
first step in the development of such a harmonized and data-driven a

From: Spears, Matthew
Sent: Tuesday, January 10, 2017 12:55 PM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: 1st DRAFT of SAE Govt Industry 2017 Matt Spears' Presentation

To all:

Please find attached a first draft of my SAE Government Industry presentation. I have 10-15 minutes to speak.

Would you please let me know if you have any comments, questions or suggestions for revision? Thanks.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

ORAL ARGUMENT NOT YET SCHEDULED

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

TRUCK TRAILER MANUFACTURERS ASS'N, INC., Petitioner, v. U.S. ENVIRONMENTAL PROTECTION AGENCY; SCOTT PRUITT, in his official capacity as Administrator, U.S. Environmental Protection Agency; NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; and JACK DANIELSON, in his official capacity as Acting Deputy Administrator, National Highway Traffic Safety Administration,[1] Respondents, and CALIFORNIA AIR RESOURCES BOARD, et al, Intervenors.	No. 16-1430

[1] Pursuant to Fed. R. App. P. 43(c)(2), Scott Pruitt has been substituted for Gina McCarthy and Jack Danielson for Mark Rosekind.

RACING ENTHUSIASTS AND SUPPLIERS COALITION, Petitioner, v. U.S. ENVIRONMENTAL PROTECTION AGENCY and SCOTT PRUITT, in his official capacity as as Administrator, U.S. Environmental Protection Agency,[1] Respondents.	No. 16-1447

MOTION TO HOLD CASES IN ABEYANCE FOR 90 DAYS

Respondents U.S. Environmental Protection Agency et al. respectfully request that the Court hold these consolidated cases in abeyance for 90 days, until July 20, 2017, to give Respondents time to review a request for review and reconsideration submitted by Petitioner Truck Trailer Manufacturers Association (Trailer Petitioner). Within the 90-day abeyance period, Respondents will file a motion to govern further proceedings. Counsel for Respondents has conferred with counsel for the parties: Trailer Petitioner opposes this motion; Petitioner

Racing Enthusiasts and Suppliers Coalition supports this motion; and Intervenors[2] take no position on this motion. In support of this motion Respondents state:

1. These consolidated cases seek review of the action "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2," 81 Fed. Reg. 73,478 (Oct. 25, 2016) (the Rule). The petitions for review were filed on December 22, 2016 (No. 16-1430) and December 27, 2016 (No. 16-1447). The Rule was promulgated by the U.S. Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration on behalf of the U.S. Department of Transportation (DOT) under the Clean Air Act and the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act.
2. A briefing schedule has not been established. On March 22, 2017, the Court ordered the parties to submit proposed briefing formats by April 21, 2017.
3. On April 3, 2017, Trailer Petitioner submitted a letter to EPA and DOT requesting that the agencies review, reconsider, and, in the interim, stay the

[2] Intervenors are the California Air Resources Board, State of Connecticut, State of Iowa, State of Massachusetts, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, Center for Biological Diversity, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club, and the Union of Concerned Scientists.

effectiveness of the Rule's trailer standards.[3] Respondents recently began the process of reviewing Trailer Petitioner's request and will require additional time for that review.

4. Abeyance would preserve the resources of the parties and the Court, especially where briefing has not begun and oral argument has not been scheduled. It is possible that after reviewing the request, the agencies could decide to conduct further rulemaking or undertake other actions that could obviate the need for judicial resolution of some or all the issues raised by Trailer Petitioner. As such, abeyance is warranted.
5. No party will be prejudiced by the relief requested in this motion: No briefing schedule has been set and the requested 90-day abeyance will preserve the parties' positions while Respondents review Trailer Petitioner's request.
6. Respondents will file a motion to govern further proceedings in which they will advise the Court whether further abeyance is appropriate.

Respondents therefore respectfully request that the Court grant their motion to hold these consolidated cases in abeyance for 90 days, until July 20, 2017.

---

[3] Trailer Petitioner's request contends in part that reconsideration is warranted because the President's March 28, 2017, Executive Order, entitled "Promoting Energy Independence and Economic Growth," requires review of actions relating to or arising from the President's June 2013 Climate Action Plan.

Dated: April 20, 2017

Respectfully submitted,

JEFFREY H. WOOD
Acting Assistant Attorney General

/s/ Sue Chen
SUE CHEN
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
Tel: (202) 305-0283
Sue.Chen@usdoj.gov

CHAD A. READLER
Acting Assistant Attorney General

DOUGLAS N. LETTER
H. THOMAS BYRON III
U.S. Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Avenue, N.W.
Room 7529
Washington, D.C. 20530
Tel: (202) 616-5367
H.Thomas.Byron@usdoj.gov

Counsel for Respondents

Certificate of Compliance

I certify that this filing complies with Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Times New Roman, a proportionally spaced font.

I further certify that this filing complies with the type-volume limitations of Fed. R. App. P. 27(d)(2)(A), because it contains 562 words, excluding the parts of the filing exempted under Fed. R. App. P. 32(f), according to the count of Microsoft Word.

/s/ Sue Chen
SUE CHEN

EPA-HQ-2018-001738: Production Set #2

Certificate of Service

I certify that on April 20, 2017, I filed the foregoing with the Court's CMS/ECF system, which will send notice to each party.

/s/ Sue Chen
SUE CHEN

ED_001546_00000882-00007

ED_001546_00000882

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

TRUCK TRAILER MANUFACTURERS ASSOCIATION, INC., *et al.*, Petitioners, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *et al.* Respondents, and CALIFORNIA AIR RESOURCES BOARD, *et al.*, Intervenors.	No. 16-1430 (consolidated with No. 16-1447)

Partial Opposition to Motion to Hold Cases in Abeyance

Petitioner Truck Trailer Manufacturers Association, Inc. ("TTMA") partially opposes Respondents' motion to hold this case in abeyance for 90 days because Respondents have not proposed to stay or extend implementation of the challenged regulations for an equivalent period.[1] TTMA seeks judicial review of a final rule

[1] *See* Mot. to Hold Cases in Abeyance for 90 Days (Apr. 20, 2017). On March 22, 2017, the Court ordered the Parties to submit proposed briefing formats by April 21, 2017. In light of Respondents' Motion, TTMA submits this opposition in lieu of a proposed briefing format.

—Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2 ("Final Rule")—promulgated by the U.S. Environmental Protection Agency ("EPA") and the National Highway Traffic Safety Administration ("NHTSA") (collectively, the "Agencies"). TTMA challenges only the provisions in that Final Rule that pertain to heavy-duty trailers. TTMA has also separately requested that the Agencies reconsider and rescind the trailer provisions in the Final Rule in light of Executive Order 13777, issued on March 28, 2017, and that the Agencies stay implementation of the rule in the meantime.

Although TTMA supports the Agencies' efforts to review and reconsider the Final Rule as it applies to trailers, TTMA is compelled to partially oppose Respondents' request for a 90-day abeyance period because the Final Rule imposes imminent compliance obligations on trailer manufacturers. TTMA and its members would be unfairly prejudiced by a 90-day abeyance, absent some action by the Agencies to defer trailer manufacturers' compliance obligations by an equivalent time period. As counsel for TTMA communicated to Respondents, TTMA is willing to support a 30-day delay in setting the briefing schedule to give Respondents additional time to review TTMA's request for reconsideration and a stay.

The new greenhouse gas ("GHG") standards for trailers require compliance by TTMA members beginning January 1, 2018. *See* 81 Fed. Reg. 73,478, 74,049 (Oct. 25, 2016); 40 C.F.R. § 1037.5(h)(4). For 2018 trailer production, these new GHG standards will mandate installation of side skirts, trailer tails, low rolling resistance tires, and tire pressure inflation/monitoring systems on nearly all trailers manufactured and sold in the United States by TTMA's members.[2]

Trailer manufacturers must take steps well before January 1, 2018 to comply with these new EPA requirements. Trailer manufacturing is a highly customized business, and purchase orders are typically placed six months in advance of actual manufacture so that production engineering can be completed for each order and necessary component parts can be procured. To incorporate the GHG equipment that will be required on new orders starting in 2018, trailer manufacturers must first conduct the engineering needed to support the new component options in their sales books, train sales representatives on the compatibility of those options for different trailer models, train assembly line employees in the installation of these new components, reconfigure assembly lines to accommodate installation of these various components, purchase the new components for inventory, and train quality assurance inspectors and regulatory compliance officers so they can certify to the

[2] NHTSA's fuel efficiency standards applicable to trailers do not require installation of equipment until 2021. 81 Fed. Reg. at 74,238; 49 C.F.R. § 535.3(d)(5)(iv).

Agencies that the new standards are being met. These tasks cannot be delayed and then compressed into a three-to-four-month period later this Fall if the Agencies are allowed a 90-day abeyance to consider whether to stay or reconsider the Final Rule and then decide to do neither. Thus, contrary to Respondents' contention, a 90-day abeyance without an accompanying stay or extension of the Final Rule's implementation date would prejudice TTMA's members and unfairly burden their right to seek review of the Final Rule.

TTMA does not oppose an abeyance period to preserve judicial resources and afford the Agencies additional time to review and reconsider the Final Rule. But any such abeyance must be limited to 30 days, or must be accompanied by a corresponding deferral in the deadlines for trailer manufacturers to comply with the new GHG trailer standards. Absent some administrative or judicial action to stay the compliance deadlines, postponing the litigation of this case by 90 days—which effectively ensures that TTMA could not obtain relief from this Court by the time TTMA members must expend substantial resources to comply—would be fundamentally unfair to TTMA and its members.

TTMA does not object to a 30-day extension of the deadline to submit a briefing format, if that will allow afford EPA time to consider a process for administratively staying the trailer-related GHG standards in the Final Rule during the pendency of any abeyance period. In other words, TTMA would not oppose an

extension of the deadline for setting a briefing schedule from April 21, 2017 to May 22, 2017. TTMA communicated its support for such an interim extension to Respondents prior to the filing of their motion, and further communicated that TTMA may be open to a further extension if Respondents indicate that they are reconsidering the Final Rule or that they are willing to grant interim relief to the TTMA while they decide whether to reconsider the Final Rule. But at this time, because the Final Rule remains in effect and TTMA members face imminent compliance deadlines, a 90-day abeyance period is unnecessary and would substantially prejudice TTMA and its members.

Dated: April 21, 2017

Respectfully submitted,

/s/ Elisabeth S. Theodore
Lisa S. Blatt
Jonathan S. Martel
Elisabeth S. Theodore
ARNOLD & PORTER KAYE
SCHOLER LLP
601 Massachusetts Ave., NW
Washington, D.C. 20001
Tel: (202) 942-5000
Fax: (202) 942-5999
elisabeth.theodore@apks.com

S. Zachary Fayne
ARNOLD & PORTER KAYE
SCHOLER LLP
Three Embarcadero Center
San Francisco, CA 94111
Tel: (415) 471-3114
Fax: (415) 471-3400
zachary.fayne@apks.com

Attorneys for Petitioner Truck Trailer Manufacturers Association

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 875 words, excluding the parts of the filing exempted by Fed. R. App. P. 32(f). The filing complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and 32(a)(6), respectively, because it was prepared in a proportionately spaced typeface using Microsoft Word 2010 in Times New Roman 14-point font.

Dated: April 21, 2017

/s/ Elisabeth S. Theodore
Elisabeth S. Theodore

CERTIFICATE OF SERVICE

I hereby certify that, on April 21, 2017, the foregoing was electronically filed with the Court via the appellate CM/ECF system, and that copies were served on counsel of record by operation of the CM/ECF system on the same date.

Dated: April 21, 2017

/s/ Elisabeth S. Theodore
Elisabeth S. Theodore

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Kataoka, Mark
Sent: Wed 4/19/2017 10:21:45 PM
Subject: RE: Revised draft abeyance motion in TTMA case
blackline MK.docx

Thanks - tomorrow before noon is fine.

Ex. 5 - Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Grundler, Christopher
Sent: April 19, 2017 5:44 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Revised draft abeyance motion in TTMA case

Got it. Am traveling and will get back with you tomorrow

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202/564-1682 (Washington DC)

734/214-4207 (Ann Arbor MI)

On Apr 19, 2017, at 5:10 PM, Kataoka, Mark <Kataoka.Mark@epa.gov> wrote:

Ex. 5 - Attorney Client

Let me know if you have any questions and sorry for the rush.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: April 19, 2017 12:33 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Revised draft abeyance motion in TTMA case

Chris – attached is a revised draft abeyance motion to be filed Fri 4/21. Let us know if you have comments.

We think the revised draft is fine

Ex. 5 - Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: April 14, 2017 3:43 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Draft abeyance motion

Ex. 5 - Attorney Client

Mark Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: Thursday, April 13, 2017 10:51 AM
To: Grundler, Christopher; Srinivasan, Gautam
Cc: Hengst, Benjamin; Charmley, William; Cook, Leila; Anderson, Lea
Subject: RE: Draft abeyance motion

Chris,

Thank you for spending time on this and giving us a path to proceed.

I'll talk with our DOJ atty later today; DOJ attys will confer with petitioners' attys Fri at 11 and will also communicate with intervenors' attys. As Gautam says, it ain't over and may have just begun.

Mark M. Kataoka
Attorney
EPA OGC ARLO (2344A)
202-564-5584

-----Original Message-----
From: Grundler, Christopher
Sent: April 12, 2017 7:25 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>
Subject: Re: Draft abeyance motion

This will work. (thanks Mark for your advocacy)

C-

Christopher Grundler, Director
Office of Transportation and Air Quality U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

> On Apr 12, 2017, at 6:12 PM, Srinivasan, Gautam <Srinivasan.Gautam@epa.gov> wrote:

Ex. 5 - Attorney Client

> ++++++++++
> (202) 564-5647 (o)
> (202) 695-6287 (c)
>
> <ENV_DEFENSE-#802403-v3-Truck_GHG_2017_04_21_motion_for_abeyance.DOCX>

<ENV_DEFENSE-#802403-v6-Truck_GHG_2017_04_21_motion_for_abeyance.DOCX>

To: Charmley, William[charmley.william@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Haugen, David[haugen.david@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
Cc: Cook, Leila[cook.leila@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Bradish, Tracey[bradish.tracey@epa.gov]
From: Haley, Mike
Sent: Tue 2/14/2017 3:30:12 PM
Subject: Discussion items for today's DD Group Meeting
FY 17 Initial Division Requests 2-14-2017.xlsx

To help organize our discussion this afternoon at our 2:00 pm DD Group meeting, I've pulled together a proposed list of issues for discussion. Your comments and suggestions are welcome. I've also attached an Excel spreadsheet which consolidates into one location everyone's current FY 17 proposals.

Issues for discussion at DD Working Meeting

Tuesday, February 14, 2017

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Moulis, Charles[moulis.charles@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
Cc: Spears, Matthew[spears.matthew@epa.gov]; Charmley, William[charmley.william@epa.gov]
From: Dickinson, David
Sent: Tue 5/30/2017 9:55:02 PM
Subject: RE: DRAFT Trailer Reconsideration Briefing - V2.pptx
DRAFT Trailer Reconsideration Briefing - V2-DD5-30-17.pptx

Chuck et al –

Attached are my edits and comment bubbles. Could be that we talk about this a bit. I will wait on Karl's comments and suggest a path at that point.

David

From: Moulis, Charles
Sent: Tuesday, May 30, 2017 2:47 PM
To: Simon, Karl <Simon.Karl@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: DRAFT Trailer Reconsideration Briefing - V2.pptx

Karl/David

Here is a revised version of the trailer briefing. Bill is especially interested in your thoughts on slide 11.

To: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Cook, Leila[cook.leila@epa.gov]
Cc: Anderson, Lea[anderson.lea@epa.gov]
From: Srinivasan, Gautam
Sent: Wed 4/12/2017 10:12:47 PM
Subject: Draft abeyance motion
ENV_DEFENSE-#802403-v3-Truck_GHG_2017_04_21_motion_for_abeyance.DOCX

Ex. 5 - Attorney Client

++++++++++++
(202) 564-5647 (o)
(202) 695-6287 (c)

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]
From: Kataoka, Mark
Sent: Wed 4/12/2017 9:57:38 PM
Subject: Re: DC Cir. 16-1430 (Truck Trailer petition)

Gautam could you forward draft motion if not indisposed? Or else I'll send late tonight

Sent from my iPhone

On Apr 12, 2017, at 5:27 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Mark—

Thanks for framing up the issue so well for me. I've given this some more thought, and

Ex. 5 - Attorney Client

Thanks,

CHris

From: Kataoka, Mark
Sent: Wednesday, April 12, 2017 4:47 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: DC Cir. 16-1430 (Truck Trailer petition)

Ex. 5 - Attorney Client

FYI I'm leaving the office now but will have phone.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: April 12, 2017 4:09 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FW: DC Cir. 16-1430 (Truck Trailer petition)

Mark,
See below from Racing Enthusiasts. I guess they're probably not going to object to our abeyance request.

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

From: Broome, Shannon S. [mailto:SBroome@hunton.com]
Sent: Wednesday, April 12, 2017 3:02 PM
To: Chen, Sue (ENRD) <SChen@ENRD.USDOJ.GOV>
Subject: RE: DC Cir. 16-1430 (Truck Trailer petition)

Sue – I know that the Truck/Trailer group wants to proceed to set a briefing schedule on their issue. My client would like to engage in discussion of our reconsideration petition once there is staff in place to do that at EPA. We are thinking about filing a motion to sever our issues and to hold our case in abeyance – basically de-consolidate. I anticipate filing this motion soon and would appreciate your position. Please let me know.

Best regards,

Shannon S. Broome

Partner

sbroome@hunton.com
415.975.3718 (SF)

202.955.1912 (DC)

Ex. 6 - Personal Privacy

Hunton & Williams LLP
575 Market St.
Suite 3700
San Francisco, CA 94105

hunton.com

Check out Hunton's new Environmental and Energy Law Blog!
https://www.huntonnickelreportblog.com/

This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, please advise by return email immediately and then delete this message and all copies and backups thereof.

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: Wednesday, April 12, 2017 12:01 PM
To: Theodore, Elisabeth; Fayne, Zachary; Broome, Shannon S.; Knauss, Chuck
Subject: DC Cir. 16-1430 (Truck Trailer petition)

Counsel,

Are you available Friday after 11 to discuss this matter and next week's filing deadline?

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Schmidt, Lorie[Schmidt.Lorie@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Orlin, David
Sent: Fri 4/28/2017 4:48:57 PM
Subject: RE: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Thanks Chris. I checked in with DOJ and their view is that Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

We will talk in OGC next week about next steps Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Grundler, Christopher
Sent: Friday, April 28, 2017 12:17 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

David—

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

From: Orlin, David
Sent: Thursday, April 27, 2017 6:00 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Chris,

This afternoon, Mark and I, along with Sue Chen from DOJ, had a call with counsel representing TTMA (Elisabeth Theodore, Jonathan Martel and Zachary Fayne).

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Please let me or Mark know if you'd like any more information about the call,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Kataoka, Mark[Kataoka.Mark@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Cook, Leila[cook.leila@epa.gov]
Cc: Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]
From: Grundler, Christopher
Sent: Wed 4/12/2017 9:27:30 PM
Subject: RE: DC Cir. 16-1430 (Truck Trailer petition)

Mark—

Thanks for framing up the issue so well for me. I've given this some more thought, and

Ex. 5 - Attorney Client

Thanks,

CHris

From: Kataoka, Mark
Sent: Wednesday, April 12, 2017 4:47 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: DC Cir. 16-1430 (Truck Trailer petition)

Ex. 5 - Attorney Client

FYI I'm leaving the office now but will have phone.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: April 12, 2017 4:09 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FW: DC Cir. 16-1430 (Truck Trailer petition)

Mark,
See below from Racing Enthusiasts. I guess they're probably not going to object to our abeyance request.

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

From: Broome, Shannon S. [mailto:SBroome@hunton.com]

Sent: Wednesday, April 12, 2017 3:02 PM
To: Chen, Sue (ENRD) <SChen@ENRD.USDOJ.GOV>
Subject: RE: DC Cir. 16-1430 (Truck Trailer petition)

Sue – I know that the Truck/Trailer group wants to proceed to set a briefing schedule on their issue. My client would like to engage in discussion of our reconsideration petition once there is staff in place to do that at EPA. We are thinking about filing a motion to sever our issues and to hold our case in abeyance – basically de-consolidate. I anticipate filing this motion soon and would appreciate your position. Please let me know.

Best regards,

Shannon S. Broome

Partner

sbroome@hunton.com
415.975.3718 (SF)

202.955.1912 (DC)

415.818.2275 (cell)

Hunton & Williams LLP
575 Market St.
Suite 3700
San Francisco, CA 94105

hunton.com

Check out Hunton's new Environmental and Energy Law Blog!
https://www.huntonnickelreportblog.com/

This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, please advise by return email immediately and then delete this message and all copies and backups thereof.

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: Wednesday, April 12, 2017 12:01 PM
To: Theodore, Elisabeth; Fayne, Zachary; Broome, Shannon S.; Knauss, Chuck
Subject: DC Cir. 16-1430 (Truck Trailer petition)

Counsel,

Are you available Friday after 11 to discuss this matter and next week's filing deadline?

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

To: Simon, Karl[Simon.Karl@epa.gov]; Charmley, William[charmley.william@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]
From: Orlin, David
Sent: Fri 4/28/2017 1:48:31 PM
Subject: RE: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Adding Byron (who will probably want to start from the bottom)

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Simon, Karl
Sent: Friday, April 28, 2017 9:02 AM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

I do think that Byron should be brought into the conversation. I am not sure what it means to

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

From: Orlin, David
Sent: Thursday, April 27, 2017 6:31 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Subject: FW: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

(leaving Chris off)

Bill,

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Grundler, Christopher
Sent: Thursday, April 27, 2017 6:07 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Thanks David. Will give this some thought while flying to Detroit. Taking off now

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202/564-1682 (Washington DC)

734/214-4207 (Ann Arbor MI)

On Apr 27, 2017, at 6:00 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Chris,

This afternoon, Mark and I, along with Sue Chen from DOJ, had a call with counsel representing TTMA (Elisabeth Theodore, Jonathan Martel and Zachary Fayne).

Ex. 5 - Attorney Client

Please let me or Mark know if you'd like any more information about the call,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Charmley, William[charmley.william@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Hengst, Benjamin
Sent: Wed 4/12/2017 5:15:13 PM
Subject: HD litigation update--one pager
HD Litigation Update 4.12.17.docx

I pulled the attached together for our 4pm, based on various email exchanges with OGC on this topic

To: Orlin, David[Orlin.David@epa.gov]
Cc: Johnson, Dennis[Johnson.Dennis@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Wysor, Tad[wysor.tad@epa.gov]; Charmley, William[charmley.william@epa.gov]
From: Dickinson, David
Sent: Tue 1/31/2017 3:31:08 PM
Subject: HD Phase 2 litigation/trailers

David –

Would you mind letting me know who the OGC attorneys will be on this case as well as whom from DOJ? As you know, I worked a bit of the "trailer legal authority" issue with you and Silverman (I saw Steve's parting email re arguments to make on this topic).

Ex. 5 - Attorney Client

I'd like to help out with this case.

David

David Dickinson

202-343-9256

Dickinson.David@epa.gov

To: Grundler, Christopher[grundler.christopher@epa.gov]; Charmley, William[charmley.william@epa.gov]
From: Orlin, David
Sent: Tue 1/24/2017 2:29:24 PM
Subject: RE: HD2 Petition?

We were sued by TTMA and a racing coalition and we received petitions for reconsideration from the racing coalition and NBB.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

-----Original Message-----
From: Grundler, Christopher
Sent: Tuesday, January 24, 2017 9:19 AM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: HD2 Petition?

One of u remind me--did we receive petition(s) for reconsideration or just been sued by trailer mfg?

Christopher Grundler, Director
Office of Transportation and Air Quality U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

To: Spears, Matthew[spears.matthew@epa.gov]
From: Charmley, William
Sent: Fri 5/12/2017 3:02:55 PM
Subject: RE: Bill, I'm available to help with HD Phase 2 background doc. I'll be away from office 12:15-1:30pm.
DRAFT Heavy-duty Phase 2 Timeline and Background for Ryan Jackson, v2.docx

Matt –

Thanks for the first draft. Here's an updated version. Many of my edits were to move things around, but I did add in some information on the stakeholders, and reactions to both Phase 1 and 2, and some edits on the trailer discussion on the end.

Let me know what you think, then we can send back to Ben, Karl, David etc.

Bill

From: Spears, Matthew
Sent: Friday, May 12, 2017 9:36 AM
To: Charmley, William <charmley.william@epa.gov>
Subject: Bill, I'm available to help with HD Phase 2 background doc. I'll be away from office 12:15-1:30pm.

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Charmley, William
Sent: Friday, May 12, 2017 9:18 AM
To: Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Karl –

I'm going to work those into some suggested updates that I will send around based on Matt's first draft.

Thanks

Bill

From: Simon, Karl

Sent: Friday, May 12, 2017 9:17 AM
To: Spears, Matthew <spears.matthew@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Ex. 5 - Deliberative Process

From: Spears, Matthew
Sent: Thursday, May 11, 2017 5:43 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: For your review: 1st DRAFT of HD Phase 2 Timeline & Background 1-pager for Ryan Jackson

Hi all,

I'd heard that concise bullet-point materials have been preferred so I tried to keep this draft high-level, and I kept it to one page. I used a timeline format because I thought it might be efficient and informative for someone trying to get up-to-speed quickly. This timeline format spreads the trailer background over a couple of main bullet headings.

Please let me know if you have any questions, comments or revisions, thanks.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Charmley, William
Sent: Thursday, May 11, 2017 3:28 PM
To: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

Ben and David –

I spoke with Matt earlier today, and he's going to take a first cut at an overall summary of the

Ex. 5 - Deliberative Process

Ben – if we get something by noon tomorrow back to you, Karl, Lee, David for comments – is that okay, or would you like it sooner?

Thanks

Bill

From: Orlin, David
Sent: Thursday, May 11, 2017 2:06 PM
To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

I revised what I had before to bring it more up to date. Feel free to pull from this or I can review something if you like.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Thursday, May 11, 2017 11:54 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: Heavy Duty inquiry from Ryan Jackson

Ben,

It would be very helpful if you and I could talk, so we put the right information together.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Hengst, Benjamin
Sent: Thursday, May 11, 2017 11:15 AM
To: Charmley, William <charmley.william@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: Heavy Duty inquiry from Ryan Jackson

Bill: at the end of a fuels meeting with Sarah this morning, she received an email from Ryan Jackson (chief of staff). See below.

She composed the reply to him below and sent it (David was there to confirm the litigation points).

We are now on the hook to get info down to him. I told Sarah we'd get to work on it, but didn't

commit to a time. I think tomorrow would be OK.

Ex. 5 - Deliberative Process

David Orlin mentioned he had some material already written down on the second issue, so **David**, can you please circulate that?

From: Dunham, Sarah
Sent: Thursday, May 11, 2017 10:32 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: Re:

Ex. 5 - Deliberative Process

On May 11, 2017, at 10:18 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Can I get information on the Phase 2 heavy duty truck GHG emissions rule from last October?

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

To: Orlin, David[Orlin.David@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Fri 2/10/2017 9:26:17 PM
Subject: RE: Phase 2 Petition Update

David – I think Chuck will have a draft to send around on Monday. I just gave him comments on his first draft, and I think he is on leave this afternoon. Chuck's draft included the summary from OGC.

I also set up a meeting for Monday afternoon so we can all discuss in advance of a meeting the briefing for Chris.

Thanks

Bill

From: Orlin, David
Sent: Friday, February 10, 2017 4:01 PM
To: Charmley, William <charmley.william@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Re: Phase 2 Petition Update

Just checking in in advance on this meeting. Mark and I are happy to talk from the one-pager we did for Sarah and I am thinking that is all the paper we need? Are there specific topics not covered on the one-pager you'd like us to discuss or is there anything

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Stewart, Gwen on behalf of Grundler, Christopher
Sent: Thursday, February 9, 2017 12:07 PM
To: Charmley, William; Spears, Matthew; Moulis, Charles; Hengst, Benjamin; Sutton, Tia; Orlin, David; Kataoka, Mark
Cc: Iffland, JoNell; Gonzalez, Gail
Subject: Phase 2 Petition Update
When: Tuesday, February 14, 2017 1:00 PM-2:00 PM.
Where: RM. 6520 DC/RM. C-174 DOD AA

MEETING REQUEST:

OTAQ MEETING REQUEST FORM

Requesting Meeting/Conference Call with: **Christopher Grundler**

Send form to: Gwen Stewart – 202 564-1682

Date of this Request: February 8, 2017

Point of Contact (Name/Number): Chuck Moulis/JoNell Iffland

Title of Meeting: Phase 2 Petition Update

Purpose of Meeting: Update Chris on the petitions related to the HD Phase 2 rule.

Priority Status: Critical or time sensitive ---__X____ Less Immediate _____

Last possible date for meeting: February 22

If the meeting is critical, please explain why: Approaching deadlines for certain petition actions

Location of Meeting: Chris's Office

Length of Meeting: 1 hour

Key Participants: (List all who need to be notified of the meeting)

Office/Organization Number	Email Address
Bill Charmley	charmley.william@epa.gov
Matt Spears	spears.matthew@epa.gov
Chuck Moulis	moulis.charles@epa.gov

Ben Hengst hengst.benjamin@epa.gov

Tia Sutton sutton.tia@epa.gov

David Orlin orlin.david@epa.gov

Mark Kataoka kataoka.mark@epa.gov

To: Bunker, Byron[bunker.byron@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]
From: Charmley, William
Sent: Mon 5/8/2017 5:40:47 PM
Subject: FW: Truck GHGs: Motion for 90-day Abeyance Granted
May 8 Order Holding Case in Abeyance for 90 days.pdf

Dear all –

Please see David's email below. The Court has granted EPA's request for a 90-day abeyance on the trailer law suit. The new date for filing motions is July 20, 2017.

From: Orlin, David
Sent: Monday, May 08, 2017 1:38 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>
Subject: FW: Truck GHGs: Motion for 90-day Abeyance Granted

We received a 90 day stay of the litigation over the trailers standards in the HD phase 2 rule. As you can see, the court declined to construe petitioners' opposition as a motion for a stay. OGC is

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hostetler, Eric (ENRD) [mailto:Eric.Hostetler@usdoj.gov]
Sent: Monday, May 08, 2017 1:32 PM
To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: sue.chen@usdoj.gov; Byron, H. Thomas (CIV) <H.Thomas.Byron@usdoj.gov>
Subject: Truck GHGs: Motion for 90-day Abeyance Granted

David and Mark,

In the attached short order, a motions panel just granted our request for a 90-day abeyance in the Truck GHG matter. The panel declined to address Trailer Manufacturers' request to defer the deadlines of the challenged rule based on Manufacturers' failure to address the stay factors.

Eric

From: Chen, Sue (ENRD)
Sent: Thursday, April 27, 2017 1:57 PM
To: Byron, H. Thomas (CIV) <HByron@CIV.USDOJ.GOV>; Orlin, David <Orlin.David@cpa.gov>; Kataoka, Mark <Kataoka.Mark@cpa.gov>
Cc: Hostetler, Eric (ENRD) <EHostetler@ENRD.USDOJ.GOV>
Subject: Truck GHG: contact info

Hi everyone,

Good talking to you all. Here's the contact information for everyone at DOJ & EPA:

Tom Byron, Civil / Appellate: H.Thomas.Byron@usdoj.gov, 202-616-5367

Eric Hostetler ENRD / EDS: Eric.Hostetler@usdoj.gov, 202-305-2326

David Orlin, EPA: Orlin.David@epa.gov, 202-564-1222

Mark Kataoka, EPA: Kataoka.Mark@epa.gov, 202-564-5584

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Dickinson, David[Dickinson.David@epa.gov]
From: Charmley, William
Sent: Fri 6/23/2017 8:51:00 PM
Subject: Revised HD Trailer Briefing for Chris's review
Briefing on Petitions for Review and Reconsideration for Trailers - DRAFT LEADERSHIP VERSION - V6.pptx

Chris,

Chuck updated the briefing based on your feedback from earlier this week to go with an options and pros/cons approach, and he addressed your other comments, and I have also reviewed.

Please take another look at this. I would also like Mark or David to review the attached (& Karl).

Once we are good, my understanding is we will be sending a copy to Sarah Dunham for her review, but we will not be doing a pre-brief with Sarah. As of today a briefing has been scheduled for next week on Wednesday morning with Mandy, Brittany and Samantha.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Chuck drafted the following, which we could add in as a stand-alone slide at the end.

Thanks

Bill

<< Potential Additional Slide for Briefing Regarding 2018 Compliance Date >>

Ex. 5 - Deliberative Process

To: Spears, Matthew[spears.matthew@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]
From: Charmley, William
Sent: Thur 2/2/2017 3:22:28 PM
Subject: FW: LDV/HDV litigation question
Phase 2 GHG Standards Litigation update 2-2-17.docx

Matt and Chuck,

OGC had to pull together in the last 16 hours a 1 pager for Sara Dunham (Acting AA for OAR) a summary of the HD Phase 2 litigation.

I think that along with David and Mark K. we should get on Chris Grundler's calendar within the next 2 weeks to discuss these topics and make sure Chris understands what is at play.

Thanks

Bill

From: Orlin, David
Sent: Thursday, February 02, 2017 9:34 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: LDV/HDV litigation question

Here's what we put together. If it seems too much we (or you) could cut it down. This only covers the HD phase 2 rule because as Bill noted there is no pending litigation on the MTE (or other LD standards).

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin
Sent: Wednesday, February 01, 2017 3:57 PM
To: Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Subject: FW: LDV/HDV litigation question

Bill, David:

Sarah Dunham needs a quick summary of any litigation issues related to either LD or HD GHG programs. This is not to hand out to folks—this is just for Sarah's background in case she gets asked in upcoming briefings for the beach head team. She anticipates getting asked, however.

David—can you (or the right folks) put together a summary? Nothing detailed—she is thinking bullet points or a table. Deadline is COB tomorrow.

Thanks

Ben

From: Lewis, Josh
Sent: Wednesday, February 01, 2017 3:37 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: LDV/HDV litigation question

Either of you have handy info on whether there's (1) any active litigation on LDV (related: a summary of previous major court decisions on the earlier rule); and (2) any schedule/next steps on HDV litigation (I assume it's too early…given we only recently received the two petitions for judicial review).

I can give some more background, if needed.

Josh

-2095

To: Moran, Robin[moran.robin@epa.gov]
From: Charmley, William
Sent: Wed 5/3/2017 3:56:03 PM
Subject: FW: Updated draft LD & HD Briefing for today's meeting with Acting AA Dunham
OTAQ LD_HD Rule Briefing May 2017 draft 5.pptx

From: Charmley, William
Sent: Wednesday, May 03, 2017 11:47 AM
To: OTAQ Materials <OTAQMaterials@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Haugen, David <haugen.david@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Updated draft LD & HD Briefing for today's meeting with Acting AA Dunham

Chris –

Robin and I made an attempt to address the comment you raised that I had not explicitly addressed in the attached update. We can use this with Sarah at 12 today (version 5), or stay with the version from this morning (version 4)

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

And here is part of the Auto Alliance March 23 letter to Gary Cohn, Director of the National Economic Council;

> the MTR was part of the original Agreement. All parties wanted to make sure that the assumptions about consumer behavior, gas prices and technology costs and adoptio valid. The need to make sure we are right about these assumptions is critical determination that fully recognizes, and then optimizes, the broad public policy concerns by these standards, including affordability, employment and carbon reduction.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

And here is part of the Auto Alliance's February 21 letter to Administrator Pruitt;

- EPA estimated that these standards will cost the industry at least $200 billion. But EPA underestimated the burden. Contrary to EPA's assumptions, manufacturers will have to rely on much more expensive electrified technologies (i.e., hybrids and plug-ins), driving up vehicle prices and depressing auto sales.

- EPA refused to conduct an analysis of consumer acceptance and technology affordability needed for compliance, claiming this was too difficult.

- EPA refused to analyze substantively the economic impact of the MY 2022-2025 standards, instead making cursory assertions that downplayed the impact of its mandate on auto sales and employment.

- EPA refused to consider many of the Alliance's technical concerns even when supported by an outside consultant[14], asserted the Alliance provided insufficient data, and then refused further meetings for clarification.

Note the use of the terms;

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

In the new slide, we don't go into detail, but we do explain that EPA staff did analyze a wide range of technical issues, including the issues that are important to the auto companies.

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Wednesday, May 03, 2017 8:10 AM
To: OTAQ Materials <OTAQMaterials@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Haugen, David <haugen.david@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Updated draft LD & HD Briefing for today's meeting with Acting AA Dunham

The attached incorporates the comments Chris sent last night. Chris said he wanted to review this one more time before it goes to OAR.

The one comment Chris made that I did not make any changes in response to was the following;

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We can discuss today if that is something we should consider.

Ex. 5 - Deliberative Process

Thanks

Bill

Ex. 5 - Deliberative Process

To: Bradish, Tracey[bradish.tracey@epa.gov]
Cc: Storhok, Ines[storhok.ines@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]
From: Charmley, William
Sent: Thur 7/20/2017 5:11:47 PM
Subject: FW: Recusal follow-up for Matt Spears
Matt Spears Recusal Memo.docx

Dear Tracey,

I would like to have a discussion with you regarding this memo from Matt.

Specifically, I would like to get a better understanding of what subject areas/projects Matt could continue to work on in his remaining time here are EPA.

This memo is clear to me regarding rulemaking activities, but I have some open questions on a few other topics. I may come up with a few others, but there are 3 specific topics I wanted to talk with you about, and how I figure out if Matt can or cannot work on these. Those topics are;

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I can explain in more detail in person what these projects are, and how they related to, or don't, Matt's new future employer, the Engine Manufacturers Association.

It looks like you are working on Friday, so I will propose a 30 minute meeting scheduler.

Thanks

Bill

From: Spears, Matthew
Sent: Monday, July 17, 2017 5:37 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Recusal follow-up

Hi Bill,

After consulting with Tracey Bradish, I am submitting to you for your review the attached recusal memo.

Once you and I have agreed on a communications plan to staff, I believe I am supposed to share this memo with relevant agency employees.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

To: Spears, Matthew[spears.matthew@epa.gov]
From: Charmley, William
Sent: Sat 1/21/2017 1:07:46 PM
Subject: RE: 3rd DRAFT SAE Govt Industry 2017 Matt Spears Presentation

Matt –

Just 2 minor comments.

- The text on slide 5 will be very hard for an audience to read, maybe reformat just to make the font larger

- On Slide 10, the last set of bullets – consider the edits I have made below.

Ex. 5 - Deliberative Process

The presentation looks good to me, and I think it will be very helpful for the attenees at the conference next week

Thanks

Bill

From: Spears, Matthew
Sent: Friday, January 20, 2017 2:39 PM
To: Hoyer, Marion <hoyer.marion@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: 3rd DRAFT SAE Govt Industry 2017 Matt Spears Presentation

Hi Marion,

Yes, I have to submit the presentation to SAE, and they do make it accessible online to SAE members.

I deleted the slides as you requested. Perhaps we could discuss the sensitivity of those slides during our Monday Center Directors meeting or some other time because I don't understand the sensitivities (As written, I thought they were safe and factual).

Regards,

P.S. I formatted Slide 7 and rearranged the information to make it into a logical flow that I feel comfortable presenting.

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Hoyer, Marion
Sent: Friday, January 20, 2017 2:00 PM
To: Spears, Matthew <spears.matthew@epa.gov>; Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: 2nd DRAFT of SAE Govt Industry 2017 Matt Spears' Presentation

Do you have to provide a copy of the presentation to SAE for their use? If so, could you delete the last two slides? Molly supplied those just to help you answer questions if needed but we wouldn't want those going into a presentation that you have to hand off to SAE to post.

Thanks Matt,

Marion

From: Spears, Matthew
Sent: Friday, January 20, 2017 11:14 AM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: 2nd DRAFT of SAE Govt Industry 2017 Matt Spears' Presentation

Hi All,

Here is the revised draft for everyone's review. Please let me know if you have any questions, comments or concerns.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Charmley, William
Sent: Friday, January 20, 2017 6:26 AM
To: Spears, Matthew <spears.matthew@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: 1st DRAFT of SAE Govt Industry 2017 Matt Spears' Presentation

Matt-

Is there a revised version of this draft briefing?

Perhaps add that EPA has already held the first implementation work-shop for the trailer

standards, which begin in 2018, and 2019 for small businesses

On slide 10,

Ex. 5 - Deliberative Process

I would consider including a quote from EMA's response to the petition – perhaps the first sentence of this paragraph:

EMA looks forward to its engagement and collaboratio
assessment of a new, harmonized and comprehensive national NC
engines and vehicles. EPA's response to the previously-filed rulen
first step in the development of such a harmonized and data-driven a

From: Spears, Matthew
Sent: Tuesday, January 10, 2017 12:55 PM
To: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Hoyer, Marion <hoyer.marion@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: 1st DRAFT of SAE Govt Industry 2017 Matt Spears' Presentation

To all:

Please find attached a first draft of my SAE Government Industry presentation. I have 10-15 minutes to speak.

Would you please let me know if you have any comments, questions or suggestions for revision? Thanks.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

To: Moulis, Charles[moulis.charles@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]
Cc: Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Dickinson, David[Dickinson.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Thur 6/22/2017 2:08:55 PM
Subject: Comments from Chris Grundler on the draft trailer briefing

Chuck, Matt and Jessica,

Yesterday I received the requested changes below to the trailer briefing from Chris.

Can you please work on these and then re-circulate to myself, Karl, David Orlin, David Dickenson, Mark K. and Ben for one-more review. You can let them know that after reviewing the draft presentation, Chris asked that we go back to the approach of presenting several options.

If you could send this around again by the end of today that would be great.

Thanks

Bill

<< email comments from 6/21/17 from Chris Grundler >>

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Spears, Matthew[spears.matthew@epa.gov]
From: Charmley, William
Sent: Thur 6/22/2017 1:40:36 PM
Subject: RE: I recommend that Chuck lead the Sarah trailer briefing

Matt,

I am okay with this, but I will want to think about who will give the future briefing to the new leadership. I may want to do that myself, but I will think more about that and you and I can discuss that next week.

Thanks

Bill

From: Spears, Matthew
Sent: Tuesday, June 20, 2017 1:40 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: I recommend that Chuck lead the Sarah trailer briefing

Hi Bill,

I recommend that Chuck lead the Sarah trailer briefing. Despite our discussion regarding his recent level of performance, I think Chuck would welcome the opportunity and do a great job. I recall his motivation and him doing a great job when it came to our Phase 2 Administrator briefings. What do you think?

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

To: Kataoka, Mark[Kataoka.Mark@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Cullen, Angela[cullen.angela@epa.gov]; Orlin, David[Orlin.David@epa.gov]
Cc: Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Thur 9/14/2017 8:34:30 PM
Subject: RE: DC Cir. 16-1430 (Truck Trailer petition)

Mark –

I see that in their question, TTMA's legal counsel asked if "the agencies" have a schedule.

Ex. 5 - Attorney Client

Thanks

Bill

From: Kataoka, Mark
Sent: Thursday, September 14, 2017 4:08 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: FW: DC Cir. 16-1430 (Truck Trailer petition)

Ex. 5 - Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: September 14, 2017 3:58 PM
To: 'Chen, Sue (ENRD)' <Sue.Chen@usdoj.gov>
Subject: RE: DC Cir. 16-1430 (Truck Trailer petition)

That is correct – we do not yet have a timetable.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: September 14, 2017 3:51 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FW: DC Cir. 16-1430 (Truck Trailer petition)

Based on our discussions, I take it that the answer, at least for EPA, is no, there is no estimated timetable at this point?

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

From: Theodore, Elisabeth [mailto:Elisabeth.Theodore@apks.com]
Sent: Thursday, September 14, 2017 3:36 PM
To: Chen, Sue (ENRD) <SChen@ENRD.USDOJ.GOV>; Martel, Jonathan S. <Jonathan.Martel@apks.com>; Fayne, Zachary <Zachary.Fayne@apks.com>
Cc: Byron, H. Thomas (CIV) <HByron@CIV.USDOJ.GOV>
Subject: RE: DC Cir. 16-1430 (Truck Trailer petition)

Sue,

We'll get back to you with the TTMA's position as soon as we can. Can you let us know if the agencies have an estimated timetable for when they intend to issue the NPRM?

Thanks,

Elisabeth

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: Monday, September 11, 2017 4:16 PM
To: Martel, Jonathan S.; Theodore, Elisabeth; Fayne, Zachary
Cc: Byron, H. Thomas (CIV)
Subject: DC Cir. 16-1430 (Truck Trailer petition)

All,

As you know, our next deadline to file a motion to govern in this case is due September 18. As I mentioned on our last call, in light of the agencies' August 17, 2017, letters, we intend to move to extend the abeyance pending completion of the administrative proceedings, with 90-day reports on the status of those proceedings. Please let me know, by **Thursday at noon**, your client's position on our motion.

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

To: OTAQ Materials[OTAQMaterials@epa.gov]
Cc: Simon, Karl[Simon.Karl@epa.gov]; Haugen, David[haugen.david@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Haley, Mike[Haley.Mike@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Charmley, William
Sent: Tue 5/2/2017 8:01:49 PM
Subject: Updated version of LD & HD program briefing
OTAQ LD_HD Rule Briefing May 2017 draft 3.pptx

Ben & Tia,

I did not hear back from Chris on this draft, and I know Ben said it is due to OAR for Sarah by 4pm.

The attached has a few minor updates compared to the draft I sent to Chris, mostly based on a few recommendations from David Orlin.

Thanks

Bill

To: Spears, Matthew[spears.matthew@epa.gov]
From: Charmley, William
Sent: Thur 5/25/2017 3:47:32 PM
Subject: RE: Current Status of Trailer Reconsideration Briefing--what's your deadline for your review?

Matt,

I can provide some comments today, and I would also like to meet with you regarding the briefing. I also would like us to consider, at least for Chris, of adding two topics to this briefing, and then with Chris we can decide if we should split the briefing for the leadership.

Ex. 5 - Deliberative Process

I just sent you an appointment calendar for 30 minutes for 12:30 today.

Thanks

Bill

From: Spears, Matthew
Sent: Wednesday, May 24, 2017 6:34 PM
To: Charmley, William <charmley.william@epa.gov>
Subject: Current Status of Trailer Reconsideration Briefing--what's your deadline for your review?

Hi Bill,

I am in the office tomorrow, Thursday May 25, but Chuck is not, so I am coordinating the development of this briefing.

I just sent Mark Kataoka, David Orlin and Chuck my review and revisions, attached.

Please also see the email exchange below for further background on the status of this briefing.

When would you like to take control of the briefing for your review? Thanks.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Spears, Matthew
Sent: Wednesday, May 24, 2017 6:30 PM
To: Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Trailer Reconsideration Briefing - Draft.pptx

Hi all,

I tried to address comments and clean up the PowerPoint and organize the slides a bit further.

Ex. 5 - Deliberative Process

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Orlin, David
Sent: Wednesday, May 24, 2017 11:52 AM
To: Moulis, Charles <moulis.charles@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>
Subject: RE: Trailer Reconsideration Briefing - Draft.pptx

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Moulis, Charles
Sent: Wednesday, May 24, 2017 9:15 AM
To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>
Subject: RE: Trailer Reconsideration Briefing - Draft.pptx

I guess I see this issue as being simpler:

Ex. 5 - Deliberative Process and Attorney Client

Ex. 5 - Deliberative Process and Attorney Client

From: Orlin, David
Sent: Tuesday, May 23, 2017 6:06 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>
Subject: RE: Trailer Reconsideration Briefing - Draft.pptx

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Kataoka, Mark
Sent: Monday, May 22, 2017 2:31 PM
To: Moulis, Charles <moulis.charles@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>
Subject: RE: Trailer Reconsideration Briefing - Draft.pptx

My comments attached; David should look at it also either now or next draft, depending on how fast you're moving

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Moulis, Charles
Sent: May 22, 2017 12:46 PM
To: Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>
Subject: Trailer Reconsideration Briefing - Draft.pptx

David/Mark,

Attached is my attempt to capture the legal issues for trailers for an upcoming leadership briefing. Any comments?

(Jess is working on the slides about what we finalized in the rule.)

To: OTAQ Materials[OTAQMaterials@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Mon 6/19/2017 7:18:47 PM
Subject: Draft briefing for Acting AA Dunham regarding heavy-duty trailers
Briefing on Petitions for Review and Reconsideration for Trailers - DRAFT LEADERSHIP VERSION - V4.pptx

Chris –

We went through a draft briefing with you about 10 days ago on trailers and received feedback which Chuck has reflected in the attached and others have reviewed.

If this looks good to you, then we will go ahead and schedule a briefing with Sarah Dunham – I don't think we need another pre-brief with you.

Once we have briefed Sarah and receive her input we will ask for a meeting with Mandy G.

Thanks

Bill

To: Moran, Robin[moran.robin@epa.gov]; Olechiw, Michael[olechiw.michael@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Kathryn Sargeant (sargeant.kathryn@epa.gov)[sargeant.kathryn@epa.gov]; Hoyer, Marion[hoyer.marion@epa.gov]
From: Charmley, William
Sent: Tue 5/2/2017 5:26:25 PM
Subject: FW: Revised draft briefing on LD - HD programs for new leadership, draft for review with Sarah Dunham on Wednesday afternoon
OTAQ LD_HD Rule Briefing May 2017 draft 3.pptx

Dear all –

Thanks for your help on the previous drafts of this material. Here is the current draft. This is actually updated a little from what I sent Chris, as I received a few suggestions from David Orlin.

Thanks

Bill

From: Charmley, William
Sent: Tuesday, May 02, 2017 11:14 AM
To: OTAQ Materials <OTAQMaterials@epa.gov>
Cc: Simon, Karl <Simon.Karl@epa.gov>; Haugen, David <haugen.david@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Revised draft briefing on LD - HD programs for new leadership, draft for review with Sarah Dunham on Wednesday afternoon

Chris

Here is an updated draft for your review. We are scheduled to brief the Acting AA tomorrow afternoon, so the OTAQ IO will need to send up material by 4pm today.

This includes suggested edits from Karl and Byron, and from a number of the ASD staff.

Ex. 5 - Deliberative Process

That could look something like this:

Ex. 5 - Deliberative Process

If folks think this is worth including, I will see what we can do. We would try to make this point on Slide 2, but if we need to really make sure it is understood, then we should add this new slide.

Chris – please not Slide #12 – regarding Next Steps we include the following bullets in this draft:

Ex. 5 - Deliberative Process

ED_001546_00002243

To: Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Robin Moran[Moran.Robin@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Olechiw, Michael[olechiw.michael@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]
From: Charmley, William
Sent: Mon 5/15/2017 6:06:59 PM
Subject: Updated near final draft of the Light-duty & heavy-duty briefing for new EPA leadership
OTAQ LD_HD Rule Briefing May 2017 draft 7.pptx

Dear all –

Attached is what I consider to be a near final draft of the OTAQ briefing for Mandy Gunasekara and Sarah Dunham on OTAQs light-duty & heavy-duty regulatory programs, including the LD MTE and HD Phase 2.

This addresses the verbal comments provided by Sarah Dunham, and the input from Chris from last week. Thanks to David, Mark and Robin for their most recent input.

If anyone has any additional comments please provide them by COB on Tuesday, as this will be due to OAR by 4pm on Wednesday.

Bill

To: Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Mon 5/15/2017 5:12:19 PM
Subject: RE: Updated draft of LD/HD rules briefing for new leadership - need OGC input on 2 slides

David and Mark –

This briefing is now scheduled with Mandy for Thursday of this week.

Regarding the last slide on the heavy-duty rule, here's what it looks like now. Is my summary

Ex. 5 - Deliberative Process

Given what we know at this time, is the final rule's safety assessment a concern for TTMA, or is it just something they mention?

Thanks

Bill

Ex. 5 - Deliberative Process

From: Orlin, David
Sent: Wednesday, May 10, 2017 9:01 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Subject: RE: Updated draft of LD/HD rules briefing for new leadership - need OGC input on 2 slides

Thanks for clarifying Mark. I would still be ok with a bullet that said "Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Kataoka, Mark
Sent: Tuesday, May 09, 2017 3:28 PM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Subject: RE: Updated draft of LD/HD rules briefing for new leadership - need OGC input on 2 slides

Ex. 5 - Deliberative Process

From: Kataoka, Mark
Sent: May 09, 2017 3:00 PM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Subject: RE: Updated draft of LD/HD rules briefing for new leadership - need OGC input on 2 slides

My suggestion for slide 16:

Ex. 5 - Deliberative Process

I would also shrink the Note about racing at bottom of p. 16

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Orlin, David
Sent: May 09, 2017 2:48 PM
To: Charmley, William <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Updated draft of LD/HD rules briefing for new leadership - need OGC input on 2 slides

Bill,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Mark might have a more elegant suggestion for updating slide 16.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Tuesday, May 09, 2017 2:05 PM
To: Moran, Robin <moran.robin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Updated draft of LD/HD rules briefing for new leadership - need OGC input on 2 slides

David and Mark,

I have made updates to this material based on the pre-brief last week with Acting AA Sarah Dunham, and our discussion with Chris this morning.

I need input on 2 slides from OGC. Please take a look at slides #7 and slide #16. Robin – you may also have an opinion on slide #7.

Ex. 5 - Deliberative Process

Thanks

Bill

To: Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]
From: Charmley, William
Sent: Fri 5/12/2017 7:54:31 PM
Subject: RE: Invitation to EPA OTAQ to participate in 5/23 NACAA Call

Cay –

Thanks, I thought this had been done.

You should check with Matt, but I think you can Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

From: Yanca, Catherine
Sent: Friday, May 12, 2017 3:48 PM
To: Charmley, William <charmley.william@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Subject: RE: Invitation to EPA OTAQ to participate in 5/23 NACAA Call

Hi Bill,

Yes, Matt and I gave a presentation to NACAA on the FRM last September. Here are the slides we presented.

I'm not sure what additionally we would present on implementation, so I'll look to Matt and Chuck to weigh in here.

Thanks,

~Cay

From: Charmley, William
Sent: Friday, May 12, 2017 3:39 PM
To: Yanca, Catherine <yanca.catherine@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Subject: FW: Invitation to EPA OTAQ to participate in 5/23 NACAA Call

Dear all

Please take a look at this request below from Nancy at NACAA.

Did one of you already give a HD Phase 2 overview briefing to NACAA this past fall, after Phase 2 was done?

Thanks

Bill

From: Charmley, William
Sent: Friday, May 12, 2017 2:33 PM

To: 'Nancy Kruger' <nkruger@4cleanair.org>
Cc: Yanca, Catherine <yanca.catherine@epa.gov>
Subject: RE: Invitation to EPA OTAQ to participate in 5/23 NACAA Call

Nancy,

Let me check with Cay, Chuck and Matt and one of them will get back with you.

Thanks

Bill

From: Nancy Kruger [mailto:nkruger@4cleanair.org]
Sent: Friday, May 12, 2017 1:43 PM
To: Charmley, William <charmley.william@epa.gov>
Cc: Yanca, Catherine <yanca.catherine@epa.gov>
Subject: Invitation to EPA OTAQ to participate in 5/23 NACAA Call

Hi Bill,

NACAA's next Mobile Sources and Fuels Committee call is Tuesday, May 23 from 1:30 to 2:30 PM Eastern. We'd like to focus on Phase 2 and beyond and invite you and/or your staff to join us to talk about implementation of the Phase 2 rule. Erik White is reaching out to Mike Carter to invite CARB to also participate and to talk about its post-Phase 2 initiatives. (If EPA would like to talk about post-Phase 2 as well you're certainly welcome to.)

We're thinking about 15-20 minutes for each presentation plus Q&A.

Please let me know.

Thanks!

-Nancy

Nancy Kruger

Deputy Director

National Association of Clean Air Agencies

444 North Capitol Street, NW

Suite 307

Washington, DC 20001

tel: (202) 624-7864

fax: (202) 624-7863

nkruger@4cleanair.org

www.4cleanair.org

To: Spears, Matthew[spears.matthew@epa.gov]
From: Charmley, William
Sent: Mon 5/1/2017 7:25:27 PM
Subject: RE: ACTION: Draft briefing on OTAQ LD & HD programs, with details on LD MTE and HD Phase 2 *Matt's comments*

Matt

Thanks for the comments. I'll make these for the next version.

From: Spears, Matthew
Sent: Monday, May 01, 2017 3:19 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Charmley, William <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: ACTION: Draft briefing on OTAQ LD & HD programs, with details on LD MTE and HD Phase 2 *Matt's comments*

Hi all,

I reviewed all of the slides, and here are my comments:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if I should edit any of my comments directly into a draft of the PowerPoint file, thanks.

Regards,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Kataoka, Mark
Sent: Monday, May 01, 2017 2:35 PM
To: Charmley, William <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: ACTION: Draft briefing on OTAQ LD & HD programs, with details on LD MTE and HD Phase 2

My comments attached but David should review

I have comments and edits on slides:

- 2, 3, 16 - comment bubbles
- 4, 6 – edits in redline
- 17 – edited without redline

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Charmley, William
Sent: May 01, 2017 12:34 PM
To: Moran, Robin <moran.robin@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Yanca, Catherine <yanca.catherine@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: ACTION: Draft briefing on OTAQ LD & HD programs, with details on LD MTE and HD Phase 2

Dear all

Here is a draft briefing that Chris has requested that later this week will be given to OAR Acting AA Sarah Dunham, and at some point we believe the Administrator's advisor for OAR, Mandy G.

Thanks to Robin, Matt, Chuck and Cay for the first draft of the LD MTE and HD Phase 1 and 2 material.

You do not have to review slides 1-5, but of course you are welcome to and provide comments.

Robin, Mike – please take another look at slides 6 – 13. I did make a number of changes.

Cay, Chuck, Matt – please take a look at slides #6, and slides 14-17. I noted on slide 15 that

Ex. 5 - Deliberative Process

David and Mark – can you please review and suggested edits to Slide 17, which includes

Ex. 5 - Deliberative Process

I need comments back by noon on Tuesday.

Thanks

Bill

To: Spears, Matthew[spears.matthew@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]
From: Charmley, William
Sent: Fri 5/12/2017 7:53:32 PM
Subject: FW: draft letter announcing deferral of compliance date for trailer GHG stds
Draft trailer compliance date letter rev.docx

Matt, Chuck and Jessica –

This is an FYI, I don't think there is any action in this email for us at this time.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Orlin, David
Sent: Friday, May 12, 2017 3:50 PM
To: Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Subject: RE: draft letter announcing deferral of compliance date for trailer GHG stds

Thanks, Bill. I have accepted the edits in the attached draft, and accepted Karl's comments. In

Ex. 5 - Deliberative Process and Attorney Client

Ex. 5 - Deliberative Process abd Attorney Client

Ex. 5 - Deliberative Process and Attorney Client

Mark and I would be happy to discuss these issues further if you like (or Mark may want to add or correct something since I think he's spent more time sorting through these issues).

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Sent: Friday, May 12, 2017 2:15 PM
To: Simon, Karl <Simon.Karl@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: draft letter announcing deferral of compliance date for trailer GHG stds

David,

I just read through the letter, and Karl's comments below.

I think the simpler the better, and I don't have any specific comments.

Ex. 5 - Deliberative Process and Attorney Client

Thanks

Bill

From: Simon, Karl
Sent: Thursday, May 11, 2017 8:43 AM
To: Orlin, David <Orlin.David@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: draft letter announcing deferral of compliance date for trailer GHG stds

A couple of thoughts. I am comfortable using the "I" instead of the "we" where you make edits. In the last paragraph, I have a few questions/edits. Thanks

Ex. 5 - Deliberative Process and Attorney Client

ED_001546_00002259-00005

Ex. 5 - Deliberative Process and Attorney Client

From: Orlin, David
Sent: Wednesday, May 10, 2017 5:41 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FW: draft letter announcing deferral of compliance date for trailer GHG stds

Sorry—just realized I didn't hit send on this this morning…

Adding Byron to this because I should have in the first place, and adding Ben fyi.

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Tuesday, May 09, 2017 5:03 PM
To: Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>

Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: draft letter announcing deferral of compliance date for trailer GHG stds

Bill and Karl,

Ex. 5 - Deliberative Process and Attorney Client

I have some time set up with Lorie for Thursday afternoon to talk about this issue, so it would be helpful if you could give me some feedback on Wednesday if possible. I could try to find time for us to talk if that would help.

Sorry for the delay but as you can tell it's a bit messy.

Thanks,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Charmley, William
Location: N158, call-in number 866-299-3188, code 734 214 4466
Importance: Normal
Subject: HD Trailers Discussion
Start Date/Time: Wed 5/17/2017 7:00:00 PM
End Date/Time: Wed 5/17/2017 8:00:00 PM
TTMA letter to EPA NHTSA signed copy 3 April 2017.pdf

Dear Chuck , Jessica and Matt,

Now that DOJ/EPA/DOT have been given the 90-day abeyance on the trailer lawsuit, we will need to develop a briefing package for the new leadership of EPA.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Grundler, Christopher[grundler.christopher@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Haugen, David[haugen.david@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Haley, Mike[Haley.Mike@epa.gov]; OTAQ Materials[OTAQMaterials@epa.gov]
From: Charmley, William
Sent: Mon 5/1/2017 4:12:54 PM
Subject: RE: LD - HD Discussion with Chris today - background material for the meeting
OTAQ LD & HD Rule Briefing, May 2017, draft 1.pptx

Dear all –

Attached is the draft briefing for the new leadership on our LD/HD programs, including the LD MTE and HD Phase 2.

Note we are scheduled for a pre-brief with Sarah Dunham at 12-1pm on Wednesday, May 3.

I need a few more pieces from the staff, so don't worry about those, and I need OGC to review what we say regarding TTMA and trailers.

The main questions for everyone now is – does this say what we want it to? Are there some major missing ideas, or some pieces we want to leave out.

Thanks

Bill

From: Charmley, William
Sent: Monday, April 24, 2017 9:48 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Haugen, David <haugen.david@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Haley, Mike <Haley.Mike@epa.gov>
Subject: RE: LD - HD Discussion with Chris today - background material for the meeting

Attached is an update to the outline based on Friday's discussion.

I'll be working with Robin and others on my staff to develop a first draft of a concise power point presentation.

Thanks

Bill

From: Charmley, William
Sent: Thursday, April 20, 2017 1:37 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Haugen, David <haugen.david@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: LD - HD Discussion with Chris today - background material for the meeting

Dear all –

Chris sent around late yesterday an email from Mandy G. to Sarah Dunham regarding a request for a briefing on OTAQ topics. I have copied the relevant portions of that email below

I spoke a little with Chris on the drive in, and based on the high level guidance he provided, I drafted below a potential outline of a briefing, and in the attached document.

Chris asked to meet with all of us this today or Friday, and we are meeting today at 4pm.

I know some of this looks like part of an OTAQ 101 briefing, and we can discuss if this is the time to cover some of those topics.

Thanks

Bill

==========

April 19 email from Mandy Gunasekara to Sarah Dunham/Josh Lewis:

"…. one to get in the works is a status update on the following mobile source issues:

- *overview of CAFE – TAR/MTE process*
- *Light and heavy-duty rules*

Thanks,

Mandy"

DRAFT Brainstorm Outline for Discussion;

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

ED_001546_00002279

To: Spears, Matthew[spears.matthew@epa.gov]; Snapp, Lisa[snapp.lisa@epa.gov]; Hula, Aaron[Hula.Aaron@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Charmley, William
Sent: Mon 5/1/2017 12:29:39 PM
Subject: Fwd: Top 5 News & Articles of the Week

I think the first article on autonomous HD trucks is worth reading

Sent from my iPhone

Begin forwarded message:

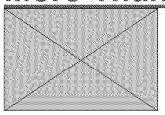
From: HDT Top News <HDTTopNews@bobitenews.com>
Date: April 29, 2017 at 2:40:19 PM EDT
To: charmley.william@epa.gov
Subject: Top 5 News & Articles of the Week
Reply-To: HDT Top News <bobitpubs@omeda.com>

View Online

Week of April 24, 2017

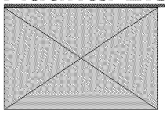
Top 5 News

1. Earnings Watch: Swift, Covenant Profits Plummet More Than 80%



Profits for two trucking operations in the first quarter of the year fell dramatically, both saying they battled a tough pricing environment and excess capacity.

2. FMCSA Gets Earful on Autonomous Trucks at Atlanta Listening Session



A listening session on autonomous vehicles drew public comment from law enforcement officers, truck drivers, fleet executives, OEM representatives and new technology developers, such as Uber.

3. AFL-CIO Coalition Seeks to Clip Hair Testing

4. OOIDA Fights N.Y. over Taxes and Wins $44.4 Million

A coalition of AFL-CIO member unions is urging the Federal Motor Carrier Safety Administration to deny a petition by several trucking companies to use hair specimens in lieu of federally mandated urine in pre-employment drug tests.

The Owner Operator Independent Drivers Association has won $44.4 million in a class action lawsuit against the State of New York's Department of Taxation and Finance over unconstitutional registration and decal fees.

5. Western Star Celebrates a Half Century on and off the Highway

Top 5 Arti

Western Star, the truck OEM that President Kelley Platt likes to tout as "the last of the custom truck builders" has hit the half-century mark. It also unveiled a new, 25-ton, off-highway truck designed to work in construction, mining and quarry applications to reporters in Phoenix.

1. Coolant Confusion Crisis

Many fleet managers today have no idea what coolants are in their trucks — or even what coolants are supposed to be in them. Here's how suppliers are working to correct that problem.

2. Downspeeding Comes of Age

The question of how downspeeding is helping fleets save on fuel – and what's in store for the future – was the topic at a recent session at the American Trucking Associations' Technology & Maintenance Council annual meeting.

3. Is Your Fleet Ready for the New Food Transport Rules?

The deadline has passed to begin complying with the Food and Drug Administration's new regulations on the safe transport of food. The regulations apply to vehicles, operations, driver training, and records. Is your fleet ready for the new rules?

4. The Future of Tolling in America

Regardless of what happens to improve infrastructure at the federal level, state

and local governments are increasingly taking steps to improve roads and bridges through tolling.

5. The Big and Small of Last Mile Delivery

E-commerce is driving a last-mile delivery boom, with everyone from startup drone makers to big less-than-truckload operations getting in on the business. Part four of our Trucking in the 21st Century series.

Visit TruckingInfo.com/ for more

Facebook Twitter

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- **Address changes**

BLOGS

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- **Passing Zone**
- **All That's Trucking**
- **On the Road**
- **Trailer Talk**

LATEST PRODUCTS

High-Torque, High-Power Starters Available from Prestolite Electric

Ancra's Logist-A-Panel Helps Secure Cargo

Air-Weigh Updates LoadMaxx Trailer Scale

TomTom Announces Comprehensiv ELD Solution

Low-Profile Seats Designed for Medium-Duty Trucks

Transfer Flow Offers 60-Gallon Fuel Tank for Ford Trucks

Trucking Info is sending you this e-newsletter to keep you better informed as to the news, products and information affecting your industry.

You are currently subscribed as charmley.william@epa.gov
To update your information or subscribe to more Bobit eNewsletters, Click Here
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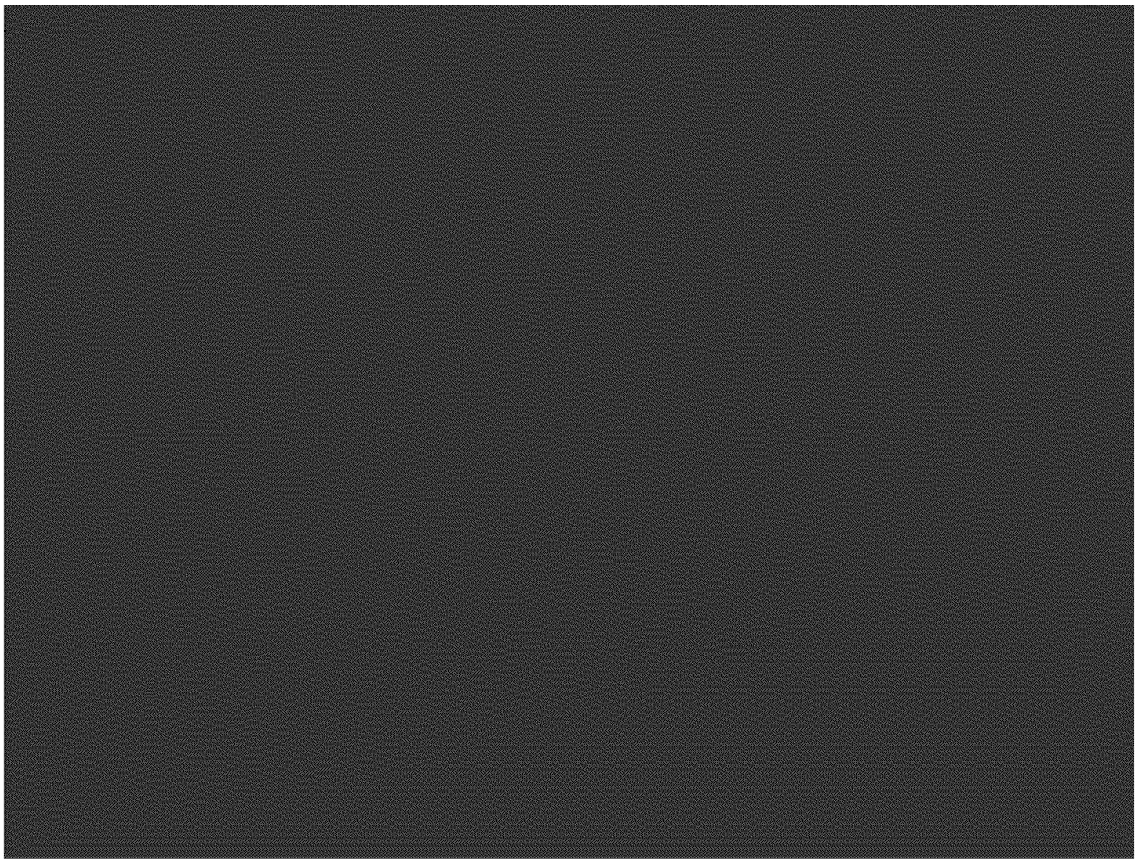
http://bobitenews.com/portal/unsubscribeconfirm/?%2F3f6Avwn0hDYjO1Ya4qjVNwr%2F2U4Ic5YA

For additional information, please contact Trucking Info, Bobit Business Media, 3520 Challenger Street, Torrance CA 90503, privacy@bobit.com (310) 533-2577

View our Privacy Policy



To: Grundler, Christopher[grundler.christopher@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Charmley, William
Sent: Fri 4/28/2017 2:40:52 PM
Subject: RE: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Chris,

I have not spoken directly to Byron, but this morning I spoke to his staff and mine (Steve H. and Jessica B.), and Byron has a few emails from David O. and I on this topic.

We'll get CD's input on this topic soon.

Thanks

Bill

From: Grundler, Christopher
Sent: Thursday, April 27, 2017 6:07 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Thanks David. Will give this some thought while flying to Detroit. Taking off now

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202/564-1682 (Washington DC)

734/214-4207 (Ann Arbor MI)

On Apr 27, 2017, at 6:00 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Chris,

This afternoon, Mark and I, along with Sue Chen from DOJ, had a call with counsel representing TTMA (Elisabeth Theodore, Jonathan Martel and Zachary Fayne).

Ex. 5 - Deliberative Process and Attorney Client

Please let me or Mark know if you'd like any more information about the call,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Bunker, Byron[bunker.byron@epa.gov]; Healy, Stephen[healy.stephen@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Fri 4/28/2017 2:37:03 PM
Subject: RE: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Byron –

I spoke this morning with Steve Healy and with Jessica B. regarding the TTMA request. I think it would be best if you caught up with Steve and then you could provide the CD views on this.

I will send Byron the email from Chris on this so Chris knows Byron will be weighing in.

Thanks

Bill

From: Orlin, David
Sent: Friday, April 28, 2017 9:49 AM
To: Simon, Karl <Simon.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Adding Byron (who will probably want to start from the bottom)

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Simon, Karl
Sent: Friday, April 28, 2017 9:02 AM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

I do think that Byron should be brought into the conversation. I am not sure what it means to

Ex. 5 - Deliberative Process and Attorney Client

From: Orlin, David
Sent: Thursday, April 27, 2017 6:31 PM

To: Charmley, William <charmley.william@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Subject: FW: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

(leaving Chris off)

Bill,

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Grundler, Christopher
Sent: Thursday, April 27, 2017 6:07 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: call with TTMA counsel re: petition to reconsider trailer stds in HD GHG phase 2 rule

Thanks David. Will give this some thought while flying to Detroit. Taking off now

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202/564-1682 (Washington DC)

734/214-4207 (Ann Arbor MI)

On Apr 27, 2017, at 6:00 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Chris,

This afternoon, Mark and I, along with Sue Chen from DOJ, had a call with counsel representing TTMA (Elisabeth Theodore, Jonathan Martel and Zachary Fayne).

Ex. 5 - Deliberative Process and Attorney Client

Please let me or Mark know if you'd like any more information about the call,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Mon 4/24/2017 6:45:26 PM
Subject: FW: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

From: Orlin, David
Sent: Monday, April 24, 2017 1:45 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

FYI, another option would be to **Ex. 5 - Deliberative Process and Attorney Client**

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Kataoka, Mark
Sent: Monday, April 24, 2017 11:30 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

Ex. 5 - Deliberative Process and Attorney Client

I expect we will consult our front office and DOJ again later today.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]

Sent: April 22, 2017 8:11 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Fwd: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

Begin forwarded message:

From: "Byron, H. Thomas (CIV)" <HByron@CIV.USDOJ.GOV>
Date: April 21, 2017 at 8:42:51 PM EDT
To: "Kolodziej, Kerry (NHTSA)" <Kerry.Kolodziej@dot.gov>, "Geier, Paul (OST)" <Paul.Geier@dot.gov>, "Perry, Christopher (OST)" <Christopher.Perry@dot.gov>, "Stephens, Jordan (NHTSA)" <jordan.stephens@dot.gov>, "Lee, Paula (OST)" <paula.lee@dot.gov>
Cc: "Chen, Sue (ENRD)" <SChen@ENRD.USDOJ.GOV>
Subject: FW: 16-1430 Truck Trailer Manufacturers v. EPA, et al "Response to Motion Filed" (EPA-81FR73478)

Here is the Trailer petitioner's opposition to our abeyance motion. If we choose to file a reply, it is due by next Friday 4/28.

Tom

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Simon, Karl[Simon.Karl@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cook, Leila[cook.leila@epa.gov]
From: Charmley, William
Sent: Thur 4/20/2017 1:13:50 AM
Subject: Re: Urgent: Fwd: Revised draft abeyance motion in TTMA case

I read this.

Ex. 5 - Deliberative Process

That being said, I didn't see any major issues, beyond that observation.

Thanks
Bill

Sent from my iPhone

On Apr 19, 2017, at 5:45 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Pls let me me know if you have any concerns asap

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

Begin forwarded message:

From: "Kataoka, Mark" <Kataoka.Mark@epa.gov>
Date: April 19, 2017 at 5:10:18 PM EDT
To: "Grundler, Christopher" <grundler.christopher@epa.gov>
Cc: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Cook, Leila" <cook.leila@epa.gov>, "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Subject: RE: Revised draft abeyance motion in TTMA case

Ex. 5 - Deliberative Process and Attorney Client

If you have any comments, I will need to send them to DOJ by tomorrow (Thurs) morning.

Let me know if you have any questions and sorry for the rush.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: April 19, 2017 12:33 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Revised draft abeyance motion in TTMA case

Chris – attached is a revised draft abeyance motion to be filed Fri 4/21. Let us know if you have comments.

We think the revised draft is fine

Ex. 5 - Deliberative Process and Attorney Client

Ex. 5 - Deliberative Process and Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: April 14, 2017 3:43 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Draft abeyance motion

Ex. 5 - Deliberative Process and Attorney Client

Ex. 5 - Deliberative Process and Attorney Client

Mark Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: Thursday, April 13, 2017 10:51 AM
To: Grundler, Christopher; Srinivasan, Gautam
Cc: Hengst, Benjamin; Charmley, William; Cook, Leila; Anderson, Lea
Subject: RE: Draft abeyance motion

Chris,

Thank you for spending time on this and giving us a path to proceed.

I'll talk with our DOJ atty later today; DOJ attys will confer with petitioners' attys Fri at 11 and will also communicate with intervenors' attys. As Gautam says, it ain't over and may have just begun.

Mark M. Kataoka
Attorney
EPA OGC ARLO (2344A)
202-564-5584

-----Original Message-----
From: Grundler, Christopher
Sent: April 12, 2017 7:25 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>

Subject: Re: Draft abeyance motion

This will work. (thanks Mark for your advocacy)

C-

Christopher Grundler, Director
Office of Transportation and Air Quality U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

> On Apr 12, 2017, at 6:12 PM, Srinivasan, Gautam <Srinivasan.Gautam@epa.gov> wrote:

Ex. 5 - Deliberative Process and Attorney Client

> ++++++++++
> (202) 564-5647 (o)
> (202) 695-6287 (c)
>
> <ENV_DEFENSE-#802403-v3-Truck_GHG_2017_04_21_motion_for_abeyance.DOCX>

<ENV_DEFENSE-#802403-v6-Truck_GHG_2017_04_21_motion_for_abeyance.DOCX>

To: Grundler, Christopher[grundler.christopher@epa.gov]
From: Charmley, William
Sent: Wed 4/19/2017 9:46:37 PM
Subject: Re: Urgent: Fwd: Revised draft abeyance motion in TTMA case

I will review this evening

Sent from my iPhone

On Apr 19, 2017, at 5:45 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Pls let me me know if you have any concerns asap

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

Begin forwarded message:

From: "Kataoka, Mark" <Kataoka.Mark@epa.gov>
Date: April 19, 2017 at 5:10:18 PM EDT
To: "Grundler, Christopher" <grundler.christopher@epa.gov>
Cc: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Cook, Leila" <cook.leila@epa.gov>, "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Subject: RE: Revised draft abeyance motion in TTMA case

Ex. 5 - Deliberative Process and Attorney Client

If you have any comments, I will need to send them to DOJ by tomorrow (Thurs) morning.

Let me know if you have any questions and sorry for the rush.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: April 19, 2017 12:33 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Revised draft abeyance motion in TTMA case

Chris – attached is a revised draft abeyance motion to be filed Fri 4/21. Let us know if you have comments.

Ex. 5 - Deliberative Process and Attorney Client

Ex. 5 - Deliberative Process and Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: April 14, 2017 3:43 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: Re: Draft abeyance motion

Ex. 5 - Deliberative Process and Attorney Client

Mark Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Kataoka, Mark
Sent: Thursday, April 13, 2017 10:51 AM
To: Grundler, Christopher; Srinivasan, Gautam
Cc: Hengst, Benjamin; Charmley, William; Cook, Leila; Anderson, Lea
Subject: RE: Draft abeyance motion

Chris,

Thank you for spending time on this and giving us a path to proceed.

I'll talk with our DOJ atty later today; DOJ attys will confer with petitioners' attys Fri at 11 and will also communicate with intervenors' attys. As Gautam says, it ain't over and may have just begun.

Mark M. Kataoka
Attorney
EPA OGC ARLO (2344A)
202-564-5584

-----Original Message-----
From: Grundler, Christopher
Sent: April 12, 2017 7:25 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>
Subject: Re: Draft abeyance motion

This will work. (thanks Mark for your advocacy)

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Christopher Grundler, Director
Office of Transportation and Air Quality U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

> On Apr 12, 2017, at 6:12 PM, Srinivasan, Gautam <Srinivasan.Gautam@epa.gov> wrote:
>

Ex. 5 - Deliberative Process and Attorney Client

> ++++++++++++
> (202) 564-5647 (o)
> (202) 695-6287 (c)
>
> <ENV_DEFENSE-#802403-v3-Truck_GHG_2017_04_21_motion_for_abeyance.DOCX>

<ENV_DEFENSE-#802403-v6-Truck_GHG_2017_04_21_motion_for_abeyance.DOCX>

To: Moulis, Charles[moulis.charles@epa.gov]; Wysor, Tad[wysor.tad@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]
From: Charmley, William
Sent: Fri 4/14/2017 12:47:29 PM
Subject: FW: stakeholder emails for aircraft and large marine
Email Contact list for Aircraft 4-13-17.xlsx
Email Contact List for Marine 4-13-17.xlsx

Tad and Chuck –

Here is the contact lists that Mike Samulski's aircraft and marine staff have pulled together.

Ex. 5 - Deliberative Process

Thanks

Bill

From: Samulski, Michael
Sent: Thursday, April 13, 2017 4:11 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Cc: Charmley, William <charmley.william@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Revelt, Jean-Marie <revelt.jean-marie@epa.gov>; Manning, Bryan <manning.bryan@epa.gov>

Subject: stakeholder emails for aircraft and large marine

Tia,

Ex. 5 - Deliberative Process

Let me know if you need anything else. I'm out Friday but back Monday.

Mike

****

Michael Samulski

U.S. Environmental Protection Agency

Office of Transportation and Air Quality

Director, Large Marine and Aircraft Center

1 (734) 214-4532

samulski.michael@epa.gov

****

To: Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Fri 3/31/2017 4:03:40 PM
Subject: RE: Truck GHG: executive order

In addition, DOT was directed by Congress in the EISA bill to develop standards for fuel efficiency for medium and heavy-duty trucks, which is also independent of the Climate Action

Ex. 5 - Deliberative Process

From: Charmley, William
Sent: Friday, March 31, 2017 11:49 AM
To: Orlin, David <Orlin.David@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Subject: RE: Truck GHG: executive order

David and Ben,

Ex. 5 - Deliberative Process

From: Orlin, David
Sent: Friday, March 31, 2017 11:18 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FW: Truck GHG: executive order

fyi

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Friday, March 31, 2017 11:17 AM
To: 'Chen, Sue (ENRD)' <Sue.Chen@usdoj.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Truck GHG: executive order

Sue,

EPA has made no decisions with respect to how the executive order may apply to the truck rule,

Ex. 5 - Deliberative Process

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: Friday, March 31, 2017 10:41 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: Truck GHG: executive order

Mark,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

For your convenience I've attached the order and the Climate Action Plan. Please let us know if you would like to schedule a call to discuss this.

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

To: Simon, Karl[Simon.Karl@epa.gov]; Olechiw, Michael[olechiw.michael@epa.gov]
From: Charmley, William
Sent: Mon 3/27/2017 10:23:58 AM
Subject: RE: Listing Nos. 11 and 12

Karl –

I just read the email and the attachments. These seems very reasonable to me. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks

Bill

From: Simon, Karl
Sent: Sunday, March 26, 2017 9:56 PM
To: Olechiw, Michael <olechiw.michael@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: Listing Nos. 11 and 12

These just put the two programs back into the compendium so nothing more behind them. I just wanted to make sure they read all right to you. thanks

From: Olechiw, Michael
Sent: Thursday, March 23, 2017 3:09 PM
To: Simon, Karl <Simon.Karl@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: Listing Nos. 11 and 12

Karl,

I am not sure that I understand the full significance of these documents. On the surface they seem to be OK. Is there something that you are specifically concerned about?

Mike

From: Simon, Karl
Sent: Thursday, March 23, 2017 1:12 PM
To: Olechiw, Michael <olechiw.michael@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: FW: Listing Nos. 11 and 12

Need a quick read on these guys. Let me know what you think - thanks

From: Edoardo Gianotti [mailto:Edoardo.Gianotti@unece.org]
Sent: Thursday, March 23, 2017 12:22 PM
To: nha.nguyen@dot.gov; Simon, Karl <Simon.Karl@epa.gov>; Nam, Ed <nam.ed@epa.gov>; ezana.wondimneh@dot.gov
Subject: Listing Nos. 11 and 12

Dear colleagues and friends,

I would like to provide and suggest you the documents to: (i) Re-affirm Listing No. 12 in the Compendium of Candidates and (ii) Re-insert Listing No. 11 that was removed last year for lack of request to re-affirm it. Please take a keener look to this last one. I have used the most neutral language to re-insert it and avoid the re-submission of the standard and full justification for it.

Please let me know at your earliest convenience (since the deadline for official submission of document to the June session is on 27 March) if you agree with the language or if you have any comments on them.

Best regards

UNECE
Inland Transport Committee
Twitter Facebook YouTube UNECE

Edoardo Gianotti
UNECE SUSTAINABLE TRANSPORT DIVISION
Vehicle Regulations and Transport Innovations Section

Email: edoardo.gianotti@unece.org
Tel. + 41 (0) 22 917 2422
Fax. + 41 (0) 22 917 0039
Office S-419

Palais des Nations
8-14, Avenue de la Paix
CH-1211 Geneva 10, Switzerland

To: Perez, Idalia[Perez.Idalia@epa.gov]
Cc: Air Program Managers - Regions[Air_Program_Managers_Regions@epa.gov]; Air Division Directors and Deputies[Air_Division_Directors_and_Deputies@epa.gov]; ORC - Regional Air Managers[ORC-Regional_Air_Managers@epa.gov]; DeMocker, Jim[DeMocker.Jim@epa.gov]; Rapp, Steve[Rapp.Steve@epa.gov]; Saltman, Tamara[Saltman.Tamara@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Shoaff, John[Shoaff.John@epa.gov]; Hassett-Sipple, Beth[Hassett-Sipple.Beth@epa.gov]; Benner, Tim[Benner.Tim@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]; Salgado, Omayra[Salgado.Omayra@epa.gov]; Hyde, Courtney[Hyde.Courtney@epa.gov]; Millett, John[Millett.John@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]
From: Hestmark, Martin
Sent: Mon 4/24/2017 12:23:34 PM
Subject: Re: OAR Lead Region News, Updates & Reminders: 4-21-17

Idalia - many of us are in Cleveland for a RCRA DD mtg. Will/can someone summarize the input and share it with us?

Sent from my iPhone

> On Apr 21, 2017, at 5:19 PM, Perez, Idalia <Perez.Idalia@epa.gov> wrote:
>
> Hope everyone has a great Earth Day<https://www.epa.gov/earthday> and weekend!
[cid:image002.jpg@01D2BAAA.4C4DF5F0]
>
>
> Updates

Ex. 5 - Deliberative Process

Ex. 6 - Personal Privacy

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

> Upcoming Meetings & Events:
> · WESTAR/WRAP 2017 Spring Business Meeting: April 26th – 27th, San Diego, California. More information here<https://westar.ticketleap.com/2017spring/>.
> · NACAA Spring Meeting: May 1st – 3rd, Washington DC. More information here<http://www.4cleanair.org/2017_Spring_Meeting>.
> · National Tribal Forum on Air Quality: May 1st – 4th, Tucson Arizona. More information here<http://www7.nau.edu/itep/main/Conferences/confr_ntf>.
> · Spring ADD Meeting: May 16th – 18th, Region 5/Chicago. More information on SharePoint<https://usepa.sharepoint.com/sites/OAR_Community/OAR%20Lead%20Region/Shared%20Documents/Air%20Division%20Directors/Chicago%20ADD%20Meeting%20-%20Spring%202017>.
> · Permitting APM Meeting: June 13-15th, Dallas, Texas
> · AAPCA Fall Meeting: September 20th – 22nd, Raleigh, North Carolina.
>
> Recent EPA News Releases for Air
> · EPA Settles with Westward Seafoods for Violating Federal Clean Air Rules in Dutch Harbor, Alaska; <https://www.epa.gov/newsreleases/epa-settles-westward-seafoods-violating-federal-clean-air-rules-dutch-harbor-alaska> Release Date: 04/20/2017

> · EPA to Reconsider Oil and Gas Rule<https://www.epa.gov/newsreleases/epa-reconsider-oil-and-gas-rule>; Release Date: 04/19/2017
> · EPA Grants Available to Reduce Emissions from Diesel Engines<https://www.epa.gov/newsreleases/epa-grants-available-reduce-emissions-diesel-engines>; Release Date: 04/19/2017
>
> Talent Hub Posting in Air:<http://intranet.epa.gov/skillsmarketplace/>
> Position: Co-lead revision of the ENERGY STAR Small Network Equipment specification
> Office/Division/Branch/Section: OAR/OAP/CPPD/ESLB/PDPA
> Major Duties: The candidate will co-lead this process for the small network equipment (SNE) specification, engaging with stakeholders, including manufacturers, utility efficiency programs, and NGOs. The candidate will work as a member of the high-functioning team that sets and maintains the specifications for all ENERGY STAR products. With support from contractors and teammates, develop and release a series of draft specifications (and accompanying cover memos and data plots as needed) proposing revised SNE requirements. Hold webinars to explain EPA's proposals and reasoning. Respond to stakeholder concerns and concerns.
> Time Commitment: 15%
>
>
>
> Application Deadline: 4/28/2017
>
> Position Start Date: 5/8/2017
>
> Duration: 9 months
>
>
>
> _____
> Idalia M. Pérez, Ph.D. | OAR Lead Region Coordinator
> U.S. Environmental Protection Agency – Region 9
> 75 Hawthorne St. (AIR-1), San Francisco, CA 94105
> P: 415.972.3248 | email: perez.idalia@epa.gov<mailto:perez.idalia@epa.gov>
> OAR Lead Region SharePoint Site<https://usepa.sharepoint.com/sites/OAR_Community/OAR%20Lead%20Region/_layouts/15/start.aspx#/SitePages/Home.aspx>
>
> Our mission is to protect human health and the environment.
>
> <oil_and_gas_monitoring_reconsideration.pdf>
> <SSM Motion for Continuance.pdf>
> <MATS Motion for Continuance.pdf>
> <Phase 2 Motion for Hold.pdf>
> <image002.jpg>

To: Air Program Managers - Regions[Air_Program_Managers_Regions@epa.gov]; Air Division Directors and Deputies[Air_Division_Directors_and_Deputies@epa.gov]; ORC - Regional Air Managers[ORC-Regional_Air_Managers@epa.gov]
Cc: DeMocker, Jim[DeMocker.Jim@epa.gov]; Rapp, Steve[Rapp.Steve@epa.gov]; Saltman, Tamara[Saltman.Tamara@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Shoaff, John[Shoaff.John@epa.gov]; Hassett-Sipple, Beth[Hassett-Sipple.Beth@epa.gov]; Benner, Tim[Benner.Tim@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]; Salgado, Omayra[Salgado.Omayra@epa.gov]; Hyde, Courtney[Hyde.Courtney@epa.gov]; Millett, John[Millett.John@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]
From: Perez, Idalia
Sent: Fri 4/21/2017 9:19:42 PM
Subject: OAR Lead Region News, Updates & Reminders: 4-21-17
oil_and_gas_monitoring_reconsideration.pdf
SSM Motion for Continuance.pdf
MATS Motion for Continuance.pdf
Phase 2 Motion for Hold.pdf

Hope everyone has a great Earth Day and weekend!

Updates

Ex. 5 - Deliberative Process

Ex. 6 - Personal Privacy

Ex. 5 - Deliberative Process

industry petition requesting reconsideration of the "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed and Modified Sources" were not included in the proposed rule so the public could not have raised objections to these provisions during the public comment period. Therefore, the Administrator is convening a proceeding for reconsideration of the fugitive emissions monitoring requirements. As part of the reconsideration process, the EPA will provide an opportunity for notice and comment on the issues raised in the petitions and any other matter EPA believe will benefit from additional comment. As a result of this reconsideration, the EPA is issuing a 90-day stay of the compliance date for the fugitive emissions monitoring requirements. Sources will not need to comply with these requirements while the stay is in effect.

Ex. 5 - Deliberative Process

•□□□□□□□□ **Litigation Delay Requests:** EPA filed motions in the D.C. Circuit requesting that the court "continue" (i.e., delay) the oral argument that is scheduled for the SSM SIP Call Litigation, which was scheduled for 05/08/17, and for the litigation on the Mercury and Air Toxics Standards (MATS), which was scheduled for 05/18/17. A copy of both motions are attached. In both cases, EPA states that it needs more time to review the case information because of the change in Administration. EPA also filed a motion in the D. C. Circuit asking the court to hold in abeyance for 90 days consolidated cases related to the Phase 2 greenhouse gas emission and fuel economy standards for medium- and heavy-duty vehicles and engines. EPA asks for this delay to evaluate a request for review and reconsideration submitted by Petitioner Truck Trailer Manufacturers Association.

•□□□□□□□□ **2017 DERA RFP Open:** EPA announced $11 million in competitive grant funding for the Diesel Emissions Reductions Act (DERA) Clean Diesel Funding Assistance Program. The Program is soliciting proposals nationwide for projects that achieve significant reductions in diesel emissions, particularly from fleets operating in areas designated by the Administrator as poor air quality areas. Proposal packages must be submitted electronically to EPA through Grants.gov by end of day 06/20/17.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

•□□□□□□□□ **American Lung Association Air Quality Report:** The American Lung Association released its annual report, State of the Air® 2017, which grades U.S. counties on ozone and particulate matter measured over a three-year period. The report also includes decadal trends for metropolitan areas, and ranks the cleanest and most polluted areas in the country. The report found improvements in air quality for the 2013-2015 period for both ozone and annually averaged PM. Nonetheless, the State of the Air® 2017 reports that 38.9% of the U.S. population live in counties that have unhealthy levels of either O_3 or PM.

•□□□□□□□□ **Personnel Updates**:

o R6: Robert Todd started on a 120-day rotation as the new Acting Supervisor of the SIP Planning Section A, with responsibilities including Regional Haze, SO_2, and SSM.

Upcoming Meetings & Events:

•□□□□□□□□ **WESTAR/WRAP 2017 Spring Business Meeting:** April 26th – 27th, San Diego, California. More information here.

•□□□□□□□□ **NACAA Spring Meeting**: May 1st – 3rd, Washington DC. More information here.

•□□□□□□□□ **National Tribal Forum on Air Quality:** May 1st – 4th, Tucson Arizona. More information here.

•□□□□□□□□ **Spring ADD Meeting**: May 16th – 18th, Region 5/Chicago. More information on SharePoint.

•□□□□□□□□ **Permitting APM Meeting**: June 13-15th, Dallas, Texas

•□□□□□□□□ **AAPCA Fall Meeting**: September 20th – 22nd, Raleigh, North Carolina.

Recent EPA News Releases for Air

•□□□□□□□□ **EPA Settles with Westward Seafoods for Violating Federal Clean Air Rules in**

Dutch Harbor, Alaska; **Release Date: 04/20/2017**

●□□□□□□□ EPA to Reconsider Oil and Gas Rule; **Release Date: 04/19/2017**

●□□□□□□□ EPA Grants Available to Reduce Emissions from Diesel Engines; **Release Date: 04/19/2017**

Talent Hub Posting in Air:

Position: Co-lead revision of the ENERGY STAR Small Network Equipment specification

Office/Division/Branch/Section: OAR/OAP/CPPD/ESLB/PDPA

Major Duties: The candidate will co-lead this process for the small network equipment (SNE) specification, engaging with stakeholders, including manufacturers, utility efficiency programs, and NGOs. The candidate will work as a member of the high-functioning team that sets and maintains the specifications for all ENERGY STAR products. With support from contractors and teammates, develop and release a series of draft specifications (and accompanying cover memos and data plots as needed) proposing revised SNE requirements. Hold webinars to explain EPA's proposals and reasoning. Respond to stakeholder concerns and concerns.
Time Commitment: 15%

Application Deadline: 4/28/2017
Position Start Date: 5/8/2017
Duration: 9 months

Idalia M. Pérez, Ph.D. | OAR Lead Region Coordinator
U.S. Environmental Protection Agency – Region 9

75 Hawthorne St. (AIR-1), San Francisco, CA 94105
P: 415.972.3248 | email: perez.idalia@epa.gov

OAR Lead Region SharePoint Site

Our mission is to protect human health and the environment.

To: Weekly Report Group[Weekly_Report_Group@epa.gov]
Cc: Packard, Elise[Packard.Elise@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]
From: Minoli, Kevin
Sent: Fri 3/3/2017 2:22:07 AM
Subject: Re: OGC's Weekly Report for 3/2/17

Ex. 5 - Attorney Client

Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Mar 2, 2017, at 8:16 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

All- Attached is OGC's Weekly Report. Two important notes:

1) For upcoming deadlines or actions we expect to take between now and next Friday, the report explains what we currently intend to do. We are happy and ready to brief folks on the available options and why the expected course of action is what it is, so that you/they may provide direction. Please just let me know which issues below folks would like to meet about and we will set that up. Because most of these deadlines are external deadlines set by others, we will proceed as indicated below on those folks do not ask for more information or additional time on.

2) I will be on work travel beginning 2:00 Monday the 6th through the end of the day on Wednesday the 8th. Elise Packard, cc'd here, will be in the office and step in for me as needed. I will be available by phone, email, and video if necessary, although I will only be checking my email periodically. If the need is immediate, the best way to reach me is to call **Ex. 6 - Personal Privacy** or the main OGC office line: 202-564-5551.

Thanks, Kevin

OGC Weekly Report

Notable Items from the Week of February 27, 2017

Ex. 5 - Attorney Client

Notable Upcoming Items Between Now and Next Week:

Key Litigation Decisions & Deadlines (Note: (req) indicates date DOJ requested EPA's input/decision)

Ex. 5 - Attorney Client

ED_001546_00003341

Ex. 5 - Attorney Client

Additional Actions for Awareness

Ex. 5 - Attorney Client

Meetings & Events

3/7-8/17 Acting General Counsel out of the office in Executive Challenge Program in person session outside of Philadelphia, PA. He will be available be phone and email.

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]
From: Kataoka, Mark
Sent: Wed 4/12/2017 5:57:34 PM
Subject: RE: HD Litigation Update Meeting on Wednesday

Ex. 5 - Attorney Client

-----Original Message-----
From: Kataoka, Mark
Sent: April 12, 2017 1:49 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: HD Litigation Update Meeting on Wednesday

Ex. 5 - Attorney Client

Mark M. Kataoka
Attorney
EPA OGC ARLO (2344A)
202-564-5584

-----Original Message-----
From: Grundler, Christopher
Sent: April 12, 2017 1:25 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>

Subject: Re: HD Litigation Update Meeting on Wednesday

Ex. 5 - Attorney Client

Christopher Grundler, Director
Office of Transportation and Air Quality U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

> On Apr 11, 2017, at 5:47 PM, Kataoka, Mark <Kataoka.Mark@epa.gov> wrote:
>
> Ben, et al.,
>

Ex. 5 - Attorney Client

>
> Attached are the TTMA request and Energy EO. Let us know if you would like further info and whether tomorrow's 4pm is still needed.
>
> Mark M. Kataoka
> Attorney
> EPA OGC ARLO (2344A)
> 202-564-5584
>
> From: Hengst, Benjamin
> Sent: April 11, 2017 3:26 PM
> To: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley,

> William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>;
> Spears, Matthew <spears.matthew@epa.gov>; Kataoka, Mark
> <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
> Subject: RE: HD Litigation Update Meeting on Wednesday
>
> Hi Folks—
>
> A few of us got together last week for a short meeting with David Orlin and Mark K to discuss next steps and upcoming decisions related to TTMA's challenge to the HD2 rule.
>

Ex. 5 - Attorney Client

>
> Thanks
> Ben
>
> <TTMA Request to Reconsider and Stay.pdf> <Energy Independence EO.pdf>

From: Derksen, Kimberly
Location: AA-Room-Lab-601C-ConfRoom/AA-OTAQ-LAB
Importance: Normal
Subject: FUEL ECONOMY LAB VISIT
Start Date/Time: Tue 3/7/2017 1:00:00 PM
End Date/Time: Tue 3/7/2017 6:00:00 PM

U.S. Environmental Protection Agency
HDV GHG Regulation Discussion
& NVFEL Tour

Visit by the Saudi Energy Efficiency Program
NVFEL Conference Rooms A&C

TIME	ITEM	PRESENTER
8:30 - 10:00	HDV GHG regulation discussion - Aero Verification (Legacy Fleet) - Tractor/trailer baselines - Aero Certification	Dennis Johnson Prashanth Gururaja Lauren Steele
10:00-10:30	Effective Vehicle Emissions Testing Programs & Overview of NVFEL	David Haugen Director, TATD
10:30-12:30	Laboratory Tour (TATD)	
12:30	Adjourn	

March 7, 2017
U.S. Environmental Protection Agency
National Vehicle and Fuels Emissions Laboratory

2000 Traverwood Drive, Ann Arbor, MI

Specific questions on the HDV GHG program:

1- **Conditions and technical requirements**
   a- The methodology used to establish the tractor and trailer baselines
   b- The methodology used to establish the tractor and trailer Bin performance levels

ASD - Prashanth will present a few slides covering this topic area.

2- **Aerodynamic devices testing and certification**
   a. Distinctions between verification, approval, and certification
   b. Overview of test options
   c. Device approval process (with docs including installation/maintenance)
   d. Trailer cert process (with docs including sample label)
   e. Obligations of third party test facilities
   f. Labeling/identification of aerodynamic devices on certified trailers

CD - Lauren will present a few slides on this topic area.

3- ****Aerodynamic devices verification and inspection methodology**
   a. The inspection methodology for the aerodynamic devices to ensure that only certified devices are fitted on vehicles?
   b. Does EPA conduct any field inspections on a regular basis?
4- ****Aerodynamic devices enforcement producer**
   a. The entity/entities responsible for enforcing the regulation
   b. The main locations where inspection and enforcement of the regulation are conducted?
   c. Violation fines structure and amounts

** Note: For question #3, #4, TCD/ASD/CD please just discuss more so in the abstract. No slides. These questions clearly touch on our authorities - statutory/regulatory so using that approach in responding will suffice.

From: Nasser Al Ghamdi [mailto:nasser.meep@gmail.com]
Sent: Thursday, February 09, 2017 6:21 AM
To: Kandil, Shereen <Kandil.Shereen@epa.gov>
Cc: 'James'' <james.jewell@hq.doe.gov>; 'Mohammad Ibrahim personal' <mohe00@yahoo.com>; 'Ahmed M'' <ahmed.zahrani@mopm.gov.sa>; 'Glen'' <glen.sweetnam@hq.doe.gov>; Scott Hutchins <Scott.Hutchins@ee.doe.gov>; carvermj@state.gov; Harnisch, Will <Harnisch.Will@epa.gov>; 'Josh'' <josh.mckearin@hq.doe.gov>
Subject: RE: توجيه إعادة: Fuel Economy lab visit (CARB)

Dear Shereen,

Please find below the list of the delegation per your request:

Name	Title	Organization	Status
Mohammed Albrahim	Transportation Energy Efficiency Team Leader	Ministry of Energy, Industry and Mineral Resources	Confirmed
Naif AlHumaidhi	Transportation Energy Efficiency Expert	Saudi Energy Efficiency Center	Confirmed
Jiyad Aldossary	Heavy-duty vehicle Energy Efficiency Engineer	Saudi Energy Efficiency Center	Visa pending
Saad AlAdyan	Energy Efficiency Analyst	Saudi Energy Efficiency Center	Visa pending
Talal AlRoge	Energy Efficiency Engineer	Saudi Energy Efficiency Center	Visa pending
Fahad AlHarbi	Supervisor, Quality Assurance Consumer Protection Agency	Ministry of Commerce and Investment	Confirmed
Abdullah AlDosari	Mechanical Engineer, Consumer Protection Agency	Ministry of Commerce and Investment	Confirmed
Mohammed AlDhewaile	Standard Researcher	Saudi Standard, Metrology and Quality Organization	Visa Pending
Sami Mirza	Consultant	Saudi Standard, Metrology and Quality Organization	Confirmed
Jalal AlHussain	Petroleum Products Laboratory Supervisor	Saudi Standard, Metrology and Quality Organization	Confirmed
Saad AlHarbi	Valuation Dept. Manager	Saudi Customs	Confirmed
Abdulaziz AlDakkan	Energy efficiency coordinator	Saudi Customs	Visa Pending
Othman AlOthman	Engineer	Ministry of Transportation	Visa Pending
Turki AlShuaibi	Colonel	General Department of Traffic	Visa Pending
Talal AlMofiz	Colonel	General Department of Traffic	Visa Pending

Regards,
Nasser Al Ghamdi

To: Haugen, David[haugen.david@epa.gov]; Bynum, Cheryl[bynum.cheryl@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]
Cc: Ferland, Henry[Ferland.Henry@epa.gov]; Brusstar, Matt[brusstar.matt@epa.gov]; Blubaugh, Jim[Blubaugh.Jim@epa.gov]; Harnisch, Will[Harnisch.Will@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]
From: Kandil, Shereen
Sent: Wed 1/4/2017 9:37:08 PM
Subject: RE: إعادة توجيه: Fuel Economy lab visit (NVFEL)

Thank you, David. I will let them know.

Shereen

Shereen Kandil
Communications Director * Public Participation Specialist * MENA Program Manager
U.S. EPA, Office of International and Tribal Affairs
202-564-6433 (office)
202-768-0511 (mobile)

http://www.epa.gov/international-cooperation/public-participation-guide
http://www.epa.gov/international-cooperation
http://www.epa.gov/tribal

From: Haugen, David
Sent: Wednesday, January 04, 2017 4:16 PM
To: Bynum, Cheryl <bynum.cheryl@epa.gov>; Kandil, Shereen <Kandil.Shereen@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Ferland, Henry <Ferland.Henry@epa.gov>; Brusstar, Matt <brusstar.matt@epa.gov>; Blubaugh, Jim <Blubaugh.Jim@epa.gov>; Harnisch, Will <Harnisch.Will@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: إعادة توجيه: Fuel Economy lab visit (NVFEL)

Shereen,
We should be fine with a Saudi visit (even this large size) for the week of March 6. As a reminder, it would be best for a Tuesday (3/7), Wednesday (3/9, or Thursday (3/9), and I would budget 2½ to 3½ hours for a comprehensive tour.

Cheryl or Matt,
Please see the request below.

An entourage from the Saudi Arabia Fuel Economy Lab is interested in learning about the background science/data that went into the HD-GHG Phase 2 rule. Would TCD or ASD have someone available during the March 7-9 who could provide the overview they are looking for?

Thanks, David

From: Kandil, Shereen
Sent: Wednesday, January 04, 2017 12:44 PM
To: Haugen, David <haugen.david@epa.gov>
Cc: Ferland, Henry <Ferland.Henry@epa.gov>; Brusstar, Matt <brusstar.matt@epa.gov>; Blubaugh, Jim <Blubaugh.Jim@epa.gov>; Harnisch, Will <Harnisch.Will@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: FW: توجيه إعادة: Fuel Economy lab visit (CARB)
Importance: High

Hello everyone and happy new year!

I hope you're all well. I received the note below from the Saudis interested in visiting the lab. Please let me know if the week of March 6th works for you all.

Thank you,
Shereen

Shereen Kandil
Communications Director * Public Participation Specialist * MENA Program Manager
U.S. EPA, Office of International and Tribal Affairs
202-564-6433 (office)
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http://www.epa.gov/international-cooperation/public-participation-guide
http://www.epa.gov/international-cooperation
http://www.epa.gov/tribal

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From: Nasser Al Ghamdi [mailto:nasser.meep@gmail.com]
Sent: Thursday, December 15, 2016 3:04 AM
To: 'Kandil, Shereen' <Kandil.Shereen@epa.gov>
Cc: 'James'' <James.Jewell@hq.doe.gov>; 'Mohammad Ibrahim personal' <mohe00@yahoo.com>; 'Zahrani, Ahmed M' <Ahmed.Zahrani@mopm.gov.sa>; 'Ahmed M'' <ahmed.zahrani@mopm.gov.sa>; 'Glen'' <Glen.Sweetnam@Hq.Doe.Gov>; 'Scott Hutchins' <Scott.Hutchins@ee.doe.gov>; CarverMJ@state.gov; 'Will' <Harnisch.Will@epa.gov>; 'Josh'' <Josh.Mckearin@Hq.Doe.Gov>; 'Mohammed Albrahim' <mohe00@yahoo.com>
Subject: RE:إعادة توجيه : Fuel Economy lab visit (CARB)

Dear Shereen,

Thank you for your patience, we very much appreciate your cooperation in accommodating our

request.

The team informs me that the proposed times and duration work very well for them as well, perhaps the first week of March. The team size will be ~15 and will consist mostly of technical staff who developed the fuel economy standard for Saudi Arabia, and others who will be supervising the testing in Saudi Arabia once the fuel economy lab is completed.

I would like also to congratulate you on the finalization the 2nd phase of the Greenhouse Gas and Fuel Efficiency Standards for Heavy-Duty Trucks and vehicles (GHG), and I hope it will achieve its inspiring goals in the nearest future.

On that note, we're currently developing a regulation to mandate the utilization of aerodynamic devices on heavy-duty vehicles. We understand that EPA-GHG on its 2nd phase will enforce a similar standard on trailer and tractor. In addition, NHTSA, the EPA (Smart Way program) and CARB have a wide expertise on this subject.

We would very much appreciate scheduling another meeting with the EPA representatives during our visit on the week of March 6th to discuss the following topics, which mainly focus on the rules and guidelines of the aerodynamic part in the GHG final rule:

1- **Conditions and technical requirements.**
    - a- The methodology used to establish the tractor and trailer baselines
    - b- The methodology used to establish the tractor and trailer Bin performance levels
2- **Aerodynamic devices testing and certification**
    - a. The required documents to be submitted by the manufacturer in order to certify the aerodynamic devices
    - b. The process for verifying the submitted aerodynamic data by the agency
    - c. Labeling/identification of certified aerodynamic devices.
    - d. The criteria for using a third party test data.
3- **Aerodynamic devices verification and inspection methodology**
    - a. The inspection methodology for the aerodynamic devices to ensure that only certified devices are fitted on vehicles.
    - b. Dose EPA conducted any field inspection on a regular based.
4- **Aerodynamic devices enforcement producer**
    - a. The main locations where inspection and enforcement of the regulation are conducted
    - b. The entity/entities responsible for enforcing the regulation
    - c. Violation fines structure and amounts

Thank you for your consideration of our request, and we look forward to hearing from you soon.

Best Regards,
--
Nasser A. Al Ghamdi

Saudi Energy Efficiency Program (SEEP)
Mobile : +966-50-591-2181
E-mail : nasser.meep@gmail.com

ED_001546_00004813

To: Haugen, David[haugen.david@epa.gov]; Blubaugh, Jim[Blubaugh.Jim@epa.gov]; Bynum, Cheryl[bynum.cheryl@epa.gov]
Cc: Brusstar, Matt[brusstar.matt@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]
From: Spears, Matthew
Sent: Tue 1/24/2017 2:48:12 PM
Subject: RE: إعادة توجيه: Fuel Economy lab visit (NVFEL)

Hi all,

This morning I spoke with Bill Charmley about this Saudi request because Bill and Kathryn Sargent had placed an all-day meeting with the CRC Board on my calendar for that day; Tuesday March 7th, from 9am-4pm. All of the ASD Center Directors have been asked to attend this CRC Board meeting at EPA in the Lobby Conference Room, and in particular Bill requested that Angela Cullen and I do attend this CRC Board meeting because of the focus on heavy-duty. Therefore, I highly doubt that I will be able to accommodate Tuesday March 7th on my calendar for briefing the Saudis.

However, I took a careful look at the Saudis' enumerated requests, and their Items 2., 3., and 4. (e.g., certification, verification, enforcement) seem to fall within the expertise and activities of OTAQ's Compliance Division. Jim, I might suggest that you reach out to Byron to see if CD could support the Saudis' requests 2., 3., and 4. On Tuesday March 7th.

Only Item 1. seems to fall squarely within ASD's HD Phase 2 rulemaking expertise and activities (e.g., development of HD Phase 2 aerodynamic baselines and Bin determinations). For Item 1, I could ask Prashanth Gururaja on my staff to provide a presentation to the Saudis on that HD Phase 2 technical work. Prashanth was the aerodynamics team lead on HD Phase 2, and Prashanth has also chaired the Society of Automotive Engineers' Aerodynamic Coast-down Test Committee. In short, the Saudis would be in good hands with Prashanth for Item 1. Jim, would you please let me know if you agree that I should ask Prashanth to prepare a presentation to give to the Saudis on Item 1.? Thanks.

Regards,

Matthew Spears
Center Director, Heavy-Duty Diesel Standards U.S. Environmental Protection Agency
2000 Traverwood Dr.
Ann Arbor, MI 48105
spears.matthew@epa.gov
w. 734-214-4921
m. 734-276-7079

From: Haugen, David
Sent: Tuesday, January 24, 2017 9:03 AM
To: Blubaugh, Jim <Blubaugh.Jim@epa.gov>; Bynum, Cheryl <bynum.cheryl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Brusstar, Matt <brusstar.matt@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: إعادة توجيه: Fuel Economy lab visit (NVFEL)

March 7th works for the Lab.
Thanks, David

From: Blubaugh, Jim
Sent: Tuesday, January 24, 2017 8:59 AM
To: Haugen, David <haugen.david@epa.gov>; Bynum, Cheryl <bynum.cheryl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Brusstar, Matt <brusstar.matt@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: توجيه إعادة: Fuel Economy lab visit (NVFEL)

Down to OTAQ only.

Before we sign up for this I wanted to make sure we are still good with hosting this delegation and also with the date of March 7th. Let me know.

Thanks,
Jim

From: Kandil, Shereen
Sent: Monday, January 23, 2017 5:26 PM
To: Haugen, David <haugen.david@epa.gov>; Bynum, Cheryl <bynum.cheryl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Ferland, Henry <Ferland.Henry@epa.gov>; Brusstar, Matt <brusstar.matt@epa.gov>; Blubaugh, Jim <Blubaugh.Jim@epa.gov>; Harnisch, Will <Harnisch.Will@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>
Subject: RE: توجيه إعادة: Fuel Economy lab visit (NVFEL)

Hello all,

The team prefers to conduct the tour on Tuesday (March 7th) if that is possible. The delegation will consist of 15 members in total. I will send you the names of the delegation once I receive them.

Thank you,
Shereen

Shereen Kandil

Communications Director * Public Participation Specialist * MENA Program Manager
U.S. EPA, Office of International and Tribal Affairs
202-564-6433 (office)
202-768-0511 (mobile)

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   - b. The entity/entities responsible for enforcing the regulation
   - c. Violation fines structure and amounts

Thank you for your consideration of our request, and we look forward to hearing from you soon.

Best Regards,
--
Nasser A. Al Ghamdi
Saudi Energy Efficiency Program (SEEP)
Mobile : +966-50-591-2181
E-mail : nasser.meep@gmail.com

To: Blubaugh, Jim[Blubaugh.Jim@epa.gov]; Haugen, David[haugen.david@epa.gov]; Brusstar, Matt[brusstar.matt@epa.gov]; Steele, Lauren[steele.lauren@epa.gov]; Johnson, Dennis[Johnson.Dennis@epa.gov]; Kandil, Shereen[Kandil.Shereen@epa.gov]
Cc: Spears, Matthew[spears.matthew@epa.gov]; Jackson, Cleophas[jackson.cleophas@epa.gov]; Healy, Stephen[healy.stephen@epa.gov]; Duncan, Allen[duncan.allen@epa.gov]
From: Gururaja, Prashanth
Sent: Mon 3/6/2017 6:11:07 PM
Subject: RE: Saudi Energy office visit to NVFEL March 7th
EPA_Saudi_Presentation - HDGHG Phase2 20170307.pptx

All,

Attached is the presentation for the HD GHG Phase 2 topic. It includes both my slides and Lauren's slides into one hopefully smooth presentation. Please let us know if you need anything else.

Thanks,

Prashanth

From: Blubaugh, Jim
Sent: Wednesday, March 01, 2017 3:43 PM
To: Haugen, David <haugen.david@epa.gov>; Brusstar, Matt <brusstar.matt@epa.gov>; Gururaja, Prashanth <Gururaja.Prashanth@epa.gov>; Steele, Lauren <steele.lauren@epa.gov>; Johnson, Dennis <Johnson.Dennis@epa.gov>; Kandil, Shereen <Kandil.Shereen@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>; Jackson, Cleophas <jackson.cleophas@epa.gov>; Healy, Stephen <healy.stephen@epa.gov>; Duncan, Allen <duncan.allen@epa.gov>
Subject: FW: Saudi Energy office visit to NVFEL March 7th

Everyone,

Looks like we are still on for the Saudi visit to NVFEL next Tuesday. Shereen, is that still the case?

Can each of you who is presenting material send along your presentations to everyone on this note so each of us have a copy? Dennis and I will be connecting via videoconference to the presentation/discussion part of the agenda.

I will plan to open the meeting (it will be a little awkward via video) but we will manage. Then, Dennis will begin the presentations with a short briefing on tech verification. Then to Prashanth and then to Lauren. Please keep each of your talks to roughly 15-20 mins as I know our guests will have questions. Matt and David will take over at 10 AM and take it from there.

Finally, since there are a number of guests, can one of you please send the visitor list to the guards desk so they are notified prior to Tuesday morning.

Thanks again to everyone for your help here.

-Jim

From: Blubaugh, Jim
Sent: Wednesday, February 22, 2017 11:44 AM
To: Haugen, David <haugen.david@epa.gov>; Brusstar, Matt <brusstar.matt@epa.gov>; Gururaja, Prashanth <Gururaja.Prashanth@epa.gov>; Steele, Lauren <steele.lauren@epa.gov>; Kandil, Shereen <Kandil.Shereen@epa.gov>; Johnson, Dennis <Johnson.Dennis@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>; Jackson, Cleophas <jackson.cleophas@epa.gov>; Healy, Stephen <healy.stephen@epa.gov>; Duncan, Allen <duncan.allen@epa.gov>
Subject: RE: Saudi Energy office visit to NVFEL March 7th

Everyone,

Update: We have a conference room reserved in the lab. The meeting will be held in lab conference rooms A&C. And, DC staff will be connected via videoconference for the general

HDV GHG discussion. An updated agenda is attached.

Thanks,

Jim

From: Blubaugh, Jim
Sent: Wednesday, February 15, 2017 10:35 AM
To: Haugen, David <haugen.david@epa.gov>; Brusstar, Matt <brusstar.matt@epa.gov>; Gururaja, Prashanth <Gururaja.Prashanth@epa.gov>; Steele, Lauren <steele.lauren@epa.gov>; Kandil, Shereen <Kandil.Shereen@epa.gov>
Cc: Spears, Matthew <spears.matthew@epa.gov>; Jackson, Cleophas <jackson.cleophas@epa.gov>; Healy, Stephen <healy.stephen@epa.gov>
Subject: Saudi Energy office visit to NVFEL March 7th

Everyone,

To date, we have confirmed the Saudi Energy Efficiency Program visit to NVFEL on March 7, 2017. I have attached a draft agenda for the half day visit as well as a list of the visitors that we expect to travel to the U.S. Also, included with the visitor listing is a reminder of the questions the Saudis have asked about our HDV GHG program to be addressed during the initial discussion period. ASD-Prashanth and CD-Lauren have the lead here.

David – your team was reserving a large conference room in the lab. Please add the room information to the agenda.

Shereen – please let everyone cc:'d here know if there are any changes/updates to this visit. And, as was mentioned in previous email traffic, we assume that your team is taking care of the

Homeland Security requirements for this visit.

Thanks,

Jim

Jim Blubaugh, Director

International

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

(202) 564-5403

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Phase 2 Heavy-Duty Tractor-Trailer Regulations

US Environmental Protection Agency
Office of Transportation and Air Quality
Assessment and Standards Division & Compliance Division
Prepared for the Saudi Energy Efficiency Program
March 7, 2017

Outline

- Program Objectives
- Testing
- Baselines and Performance Levels
- Trailer Regulations
- Demonstrating Compliance
- Device Approval
- Enforcement

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PROGRAM OBJECTIVES

Mandatory Tractor Program

- Phase 1 began in Model Year 2014
  - Manufacturers submit:
    - Aerodynamic test results (Coefficient of Drag, Cd)
    - Simulation results using Greenhouse gas Emission Model v2.0
    - Information on other technologies (tires, weight, etc.)
- Phase 2 will begin in Model Year 2021
  - Manufacturers will submit:
    - Wind averaged aerodynamic test results (Drag Area, CdA)
    - Simulation results using Greenhouse gas Emission Model v3.0
    - Information on many other technologies (engines, transmissions, tires, weight, etc.)

Phase 2 GHG Tractor Program Structure

- **Tractors** must be certified using the Greenhouse Gas Emissions Model (GEM)
- Vehicle simulation takes in inputs:
  - **Aerodynamic drag area (C_dA)**
  - Engine CO_2 characteristics
  - Transmission
  - Drive axle
  - Tire Rolling resistance coefficients
  - Weight reduction
  - Idle reduction
  - Speed limiter
- Assumes a “standard” long trailer (defined in rule)
- Tractor “devices” only tested as part of full production tractor
- Separate standards for trailers

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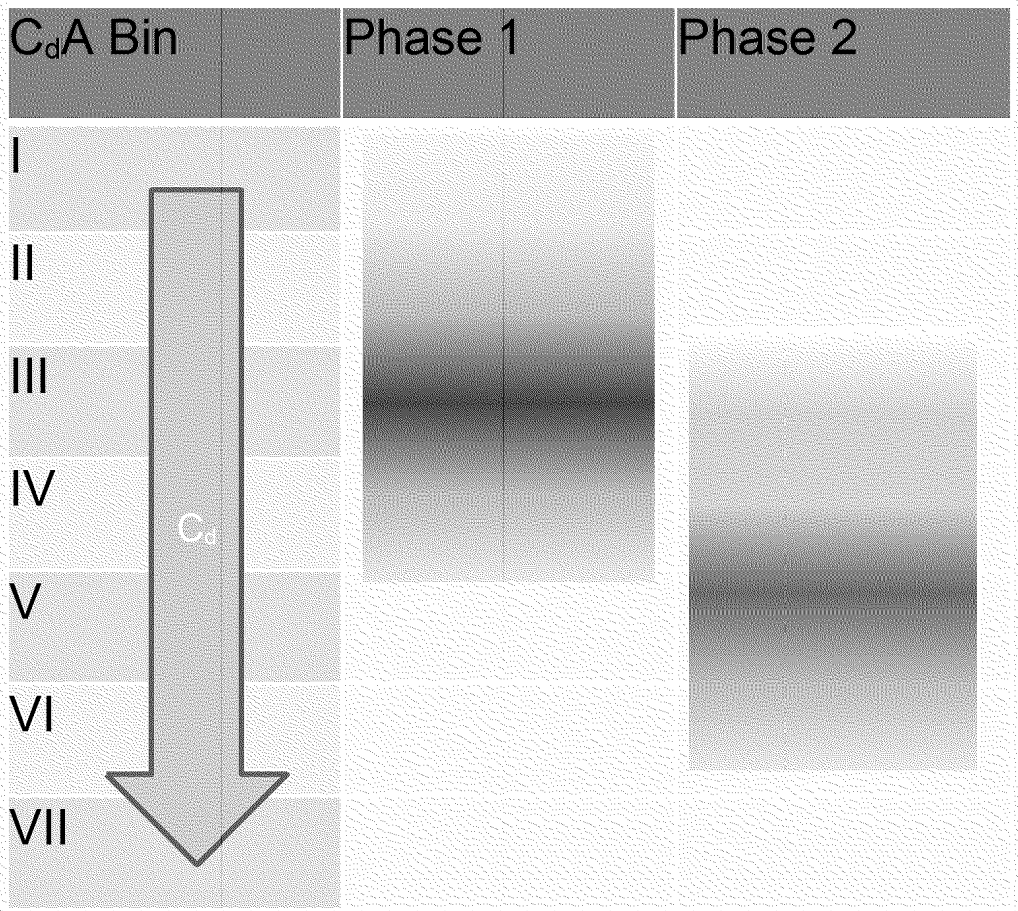
Phase 2 GHG Tractor Program Objectives

- Establish numerical baseline levels
- Develop test procedures to reflect real-world operation
- Set more stringent CO_2 standards based on improved aerodynamics of the fleet



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Phase 2 GHG Trailer Program Objectives

- First-ever GHG regulation for trailers
- Increase adoption of fuel efficient trailer technologies
- Use knowledge from voluntary work to inform regulation elements
- Minimize compliance complexity where possible
- Model year 2018 and beyond

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Phase 2 GHG Trailer Program Structure

- **Trailers** certify CO_2 level using simplified equation based on GEM

$$e_{\mathrm{CO2}} = \left(C_1 + C_2 \cdot TRRL + C_3 \cdot \Delta C_{\mathrm{d}} A + C_4 \cdot WR\right) \cdot C_5$$

- Inputs:
  - **Aerodynamic drag area ($\Delta C_d A$) improvement relative to trailer without devices**
  - Tire Rolling resistance coefficients
  - Weight reduction
- Assumes a “standard” tractor (defined in rule)

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TESTING

Testing methods

- Coastdowns
- Constant speed torque tests
- Computational Fluid Dynamics (CFD)
- Wind tunnel

All methods have inherent biases!

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On-road Testing

- Southwest Research Institute (SwRI)
- Production tractors/trailers/devices
  - Multiple sleeper cab and day cab tractors
  - Multiple trailer aero devices
  - Long and short trailers
- Coastdown tests
- Constant-speed tests

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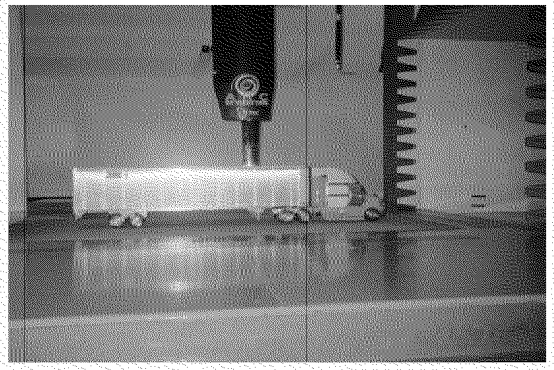
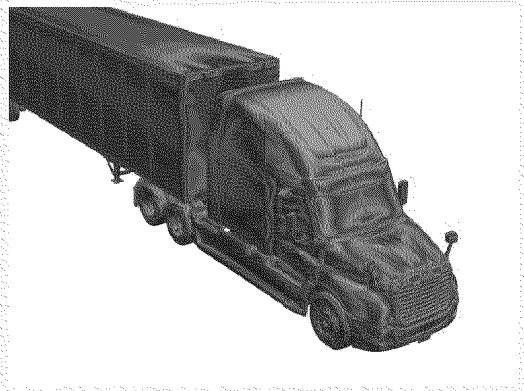
Wind-averaged Drag

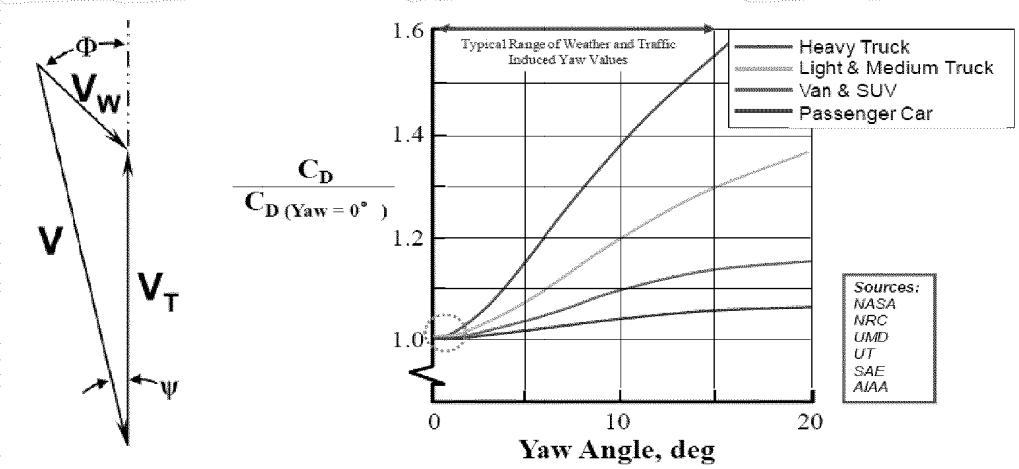
- Each coastdown test only occurs at low angles
- CFD and wind tunnel tests yaw range -9˚ to 9˚
- Typical average wind speed in North America ~7 mph (11 km/h)
- For typical highway speed of 65 mph (105 km/h), representative yaw angle: **~4.5°**
- Surrogate angle of ±4.5˚ is the basis for evaluation

Scale wind tunnel



CFD





Source: SAE J1252

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Testing

- Duration: 2.5 years
- Total cost: ~$2.5 million
- Testing Partners:
  - SwRI
  - Auto Research Center (ARC)
  - Exa
  - ICF
- Additional collaboration with:
  - Environment Canada
  - Transport Canada
  - National Research Council Canada (NRC)
  - California Air Resources Board (ARB)
  - National Renewable Energy Laboratory (NREL)
  - Vehicle manufacturers

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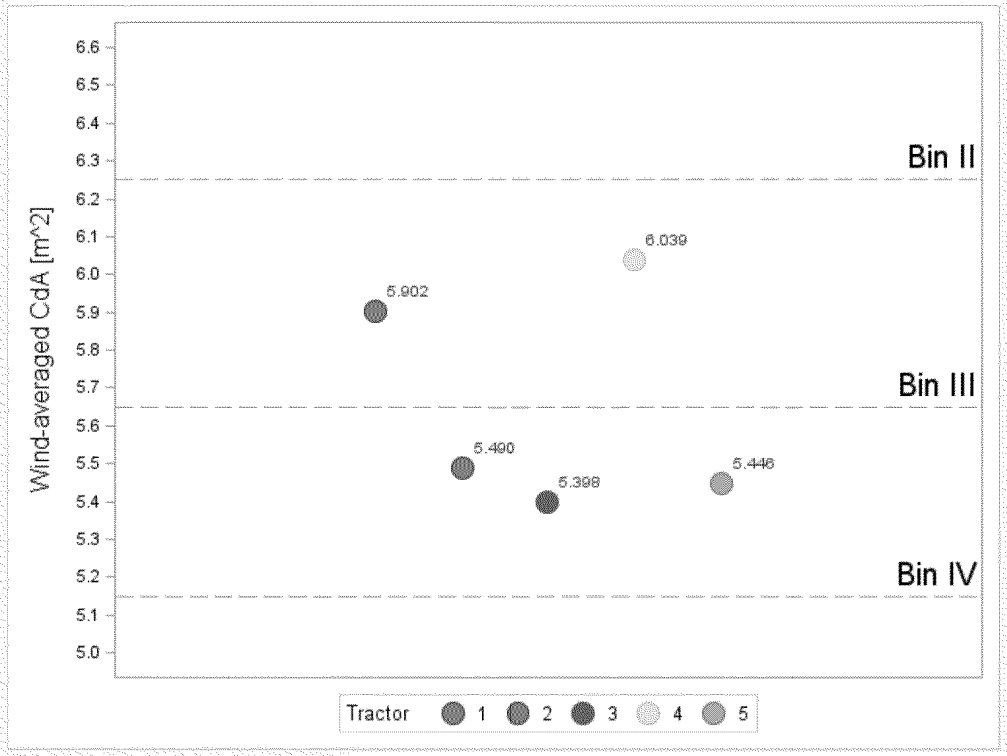
BASELINES AND PERFORMANCE LEVELS

Tractor Baselines & Performance Levels

C_dA values from test program: Sleeper cabs



Adoption rates for high-roof sleeper cab tractors

C_dA Bin	Baseline	Phase 2
I	0	0
II	10%	0
III	70%	20%
IV	20%	30%
V	0	50%
VI	0	0
VII	0	0

Tractor Baselines & Performance Levels

- Baseline
  - Based on review for Phase 1 rule
  - SmartWay-verified tractor (approx. Bin III) available from each major manufacturer
  - Improvements of 6-8% drag reduction beyond SmartWay were possible
  - Most aggressive technology application assumed for high-roof sleeper cab subcategory (majority highway driving)

	Class 7		Class 8				
	Day cab		Day cab		Sleeper cab		
	Low/mid roof	High roof	Low/mid roof	High roof	Low roof	Mid roof	High roof
Aerodynamics (Cd)							
Bin I	40	0	40	0	30	30	0
Bin II	60	30	60	30	70	70	10
Bin III	.....	60	.....	60	.....	.....	70
Bin IV	.....	10	.....	10	.....	.....	20
Bin V	.....	0	.....	0	.....	.....	0

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Tractor Baselines & Performance Levels

- Phase 2 performance levels
  - Existing tractors span Bins I through IV
  - Bin V should be achievable by 2027 with known technologies
  - DOE SuperTruck technology not intended
  - Standard trailer updated to have skirt
    - Skirt market penetration already at 50%
    - Allows for more integrated aerodynamic vehicle design

	Class 7			Class 8					
	Day cab			Day cab			Sleeper cab		
	Low roof	Mid roof	High roof	Low roof	Mid roof	High roof	Low roof	Mid roof	High roof
Aerodynamics									
Bin I	0%	0%	0%	0%	0%	0%	0%	0%	0%
Bin II	20%	20%	0%	20%	20%	0%	20%	20%	0%
Bin III	50%	50%	30%	50%	60%	30%	40%	50%	20%
Bin IV	30%	30%	30%	30%	20%	30%	40%	30%	30%
Bin V	0%	0%	40%	0%	0%	40%	0%	0%	50%
Bin VI	0%	0%	0%	0%	0%	0%	0%	0%	0%
Bin VII	0%	0%	0%	0%	0%	0%	0%	0%	0%

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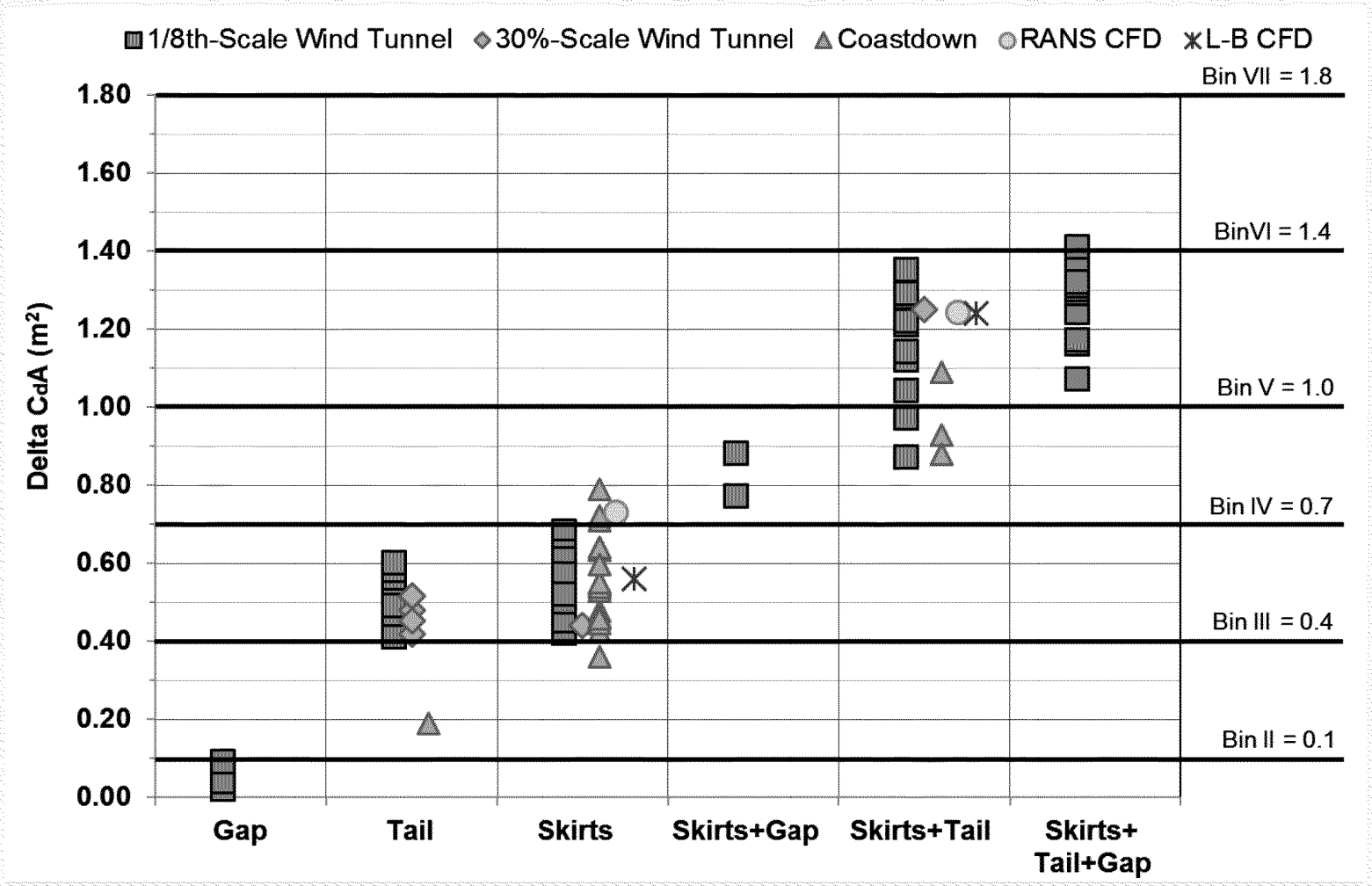
Trailer Baselines & Performance Levels

Wind-averaged ΔC_dA [m^2] of various trailer technologies on long dry vans



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Trailer Baselines & Performance Levels

- Baseline
  - Informal survey of Truck Trailer Manufacturers Association (TTMA) members to estimate current use of aerodynamic technologies
  - Trailer bins separate from tractor bins

Technology	Long Vans	Short Vans
Bin I	55%	95%
Bin II		5%
Bin III	40%	
Bin IV	5%	
Bin V		
Bin VI		
Bin VII		
Average $\Delta C_d A$ (m^2)	*0.2*	*0.0*

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Trailer Baselines & Performance Levels

- Performance Level
  - Currently SmartWay level achieved by 2018 with stepwise progression to Bin V in 2024
  - Full adoption by 2024 projected in bins achieved in our test program
  - Additional adoption projected beyond those levels in 2027

Long Box Van aero technology adoption rates

Technology	2018	2021	2024	2027
Bin I				
Bin II				
Bin III	100%			
Bin IV		100%		
Bin V			100%	30%
Bin VI				70%
Bin VII				
Average ΔC_dA (m^2)	*0.4*	*0.7*	*1.0*	*1.3*

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TRAILER REGULATIONS

Key Differences from Voluntary Program

- Performance-based standards
  - Multiple technologies may be combined to comply
  - There are some exceptions (design standards)
- Test procedures
  - Coastdown
  - Wind Tunnel
  - Computational Fluid Dynamics
- Annual process
  - Certificates issued expire after one year

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Trailer Program Overview

- Begins in Model Year 2018 for large businesses
- 1-year delay (2019) for small business manufacturers
  - Option for companies with 1,000 or fewer employees
- Other flexibilities available to enable more paths to compliance
- Manufacturers will submit:
  - Aerodynamic Device approval code
  - Equation inputs to calculate compliance (No GEM simulation)
  - Information on other technologies (tires, weight, etc.)

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Trailer Definitions

- **Trailer** means a piece of equipment designed for carrying cargo and for being *drawn by a tractor when coupled to the tractor's fifth wheel* (also semi-trailers or truck trailers). This excludes equipment that serve similar purposes but are not intended to be pulled by a tractor.
  - **Box vans** are trailers with enclosed cargo space that is permanently attached to the chassis, with fixed sides, nose, and roof.
  - **Refrigerated vans** are box vans with self-contained Heating, Ventilation, Air-conditioning systems, including systems that provide cooling, heating, or both.
  - **Non-box trailers** are flatbed trailers, tank trailers, and container chassis.
  - **Short box vans** are box vans with length at or below 50 feet.

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Trailer Definitions (cont.)

- **Container chassis** means a trailer designed for carrying temporarily mounted shipping containers.
- **Flatbed trailer** means a trailer designed to accommodate *side-loading* cargo onto a *single, continuous load-bearing surface* that runs from the rear of the trailer to at least the trailer's kingpin. This includes trailers that use *curtains, straps, or other devices* to restrain or protect cargo while underway. It also may include similar trailers that have *one or more side walls* without completely enclosing the cargo space. For purposes of this definition, disregard any ramps, moveable platforms, or other rear-mounted equipment or devices designed to assist with loading the trailer.
- **Tank trailer** means a trailer designed to *transport liquids or gases*

- The following types of equipment are not trailers:
  - Top-loading dry bulk "vans"
  - Containers that are not permanently mounted on chassis
  - Dollies used to connect tandem trailers
  - Expandable, gooseneck, drop deck or lowboy platform trailers
  - Dry bulk tank trailers with hoppers
  - Tank trailers if main purpose is for storage (frac tanks)

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Excluded Vehicles

- 40 CFR 1037.5 (49 CFR 535.4)
  - (g) Non-box trailers other than flatbed trailers, tank trailers, and container chassis.
  - (h) Trailers meeting one or more of the following characteristics:
    - (1) Trailers with four or more axles and trailers less than 35 feet long with three axles (i.e., trailers intended for hauling very heavy loads).
    - (2) Trailers intended for temporary or permanent residence, office space, or other work space, such as campers, mobile homes, and carnival trailers.
    - (3) Trailers with a gap of at least 120 inches between adjacent axle centerlines. In the case of adjustable axle spacing, this refers to the closest possible axle positioning.
    - (4) Trailers built before January 1, 2018.
    - (5) Note that the definition of “trailer” in §1037.801 excludes equipment that serves similar purposes but are not intended to be pulled by a tractor. This exclusion applies to such equipment whether or not they are known commercially as trailers. For example, any equipment pulled by a heavy-duty vehicle with a pintle hook or hitch instead of a fifth wheel does not qualify as a trailer under this part.

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EPA Standards for Trailers

Table 1 of § 1037.107—Phase 2 CO_2 Standards for Full-Aero Box Vans (g/ton-mile)

Model Year	Dry Van		Refrigerated Van	
	Short	Long	Short	Long
2018-2020	125.4	81.3	129.1	83.0
2021-2023	123.7	78.9	127.5	80.6
2024-2026	120.9	77.2	124.7	78.9
2027+	118.8	75.7	122.7	77.4

Table 2 of § 1037.107—Phase 2 CO_2 Standards for Partial-Aero Box Vans (g/ton-mile)

Model Year	Dry Van		Refrigerated Van	
	Short	Long	Short	Long
2018-2020	125.4	81.3	129.1	83.0
2021+	123.7	80.6	127.5	82.3

Subcategory	MYs 2018-2020	MYs 2021+
Non-Aero Box Vans	Automatic tire inflation system (ATIS) or tire pressure monitoring system (TPMS) with wheels on all axles	
	Tire Rolling Resistance Level (TRRL) at or below 5.1 kg/tonne	TRRL at or below 4.7 kg/tonne
Non-Box Trailers	ATIS or TPMS with wheels on all axles	
	TRRL at or below 6.0 kg/tonne	TRRL at or below 5.1 kg/tonne

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NHTSA Standards for Trailers

TABLE 15—PHASE 2 FULL AERO BOX VAN FUEL CONSUMPTION STANDARDS

[Gallons per 1,000 ton-miles]

Model years	Dry van		Refrigerated van	
	Long	Short	Long	Short
Voluntary Standards				
2018 to 2020	7.98625	12.31827	8.15324	12.68173
Mandatory Standards				
2021 to 2023	7.75049	12.15128	7.91749	12.52456
2024 to 2026	7.58350	11.87623	7.75049	12.24951
2027 and later	7.43615	11.72888	7.60314	12.10216

TABLE 16—PHASE 2 FUEL CONSUMPTION STANDARDS FOR PARTIAL-AERO BOX VANS

[Gallons per 1,000 ton-mile]

Model year	Dry van		Refrigerated van	
	Short	Long	Short	Long
2018–2020	12.31827	7.98625	12.68173	8.15324
2021 and later	12.15128	7.91749	12.52456	8.08448

Subcategory	MYs 2018-2020	MYs 2021+
Non-Aero Box Vans	ATIS or TPMS with wheels on all axles	
	TRRL at or below 5.1 kg/tonne	TRRL at or below 4.7 kg/tonne
Non-Box Trailers	ATIS or TPMS with wheels on all axles	
	TRRL at or below 6.0 kg/tonne	TRRL at or below 5.1 kg/tonne

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DEMONSTRATING COMPLIANCE

Summary of Certification Process

NHTSA NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Pre-Cert

Identify Technologies to Offer Customers

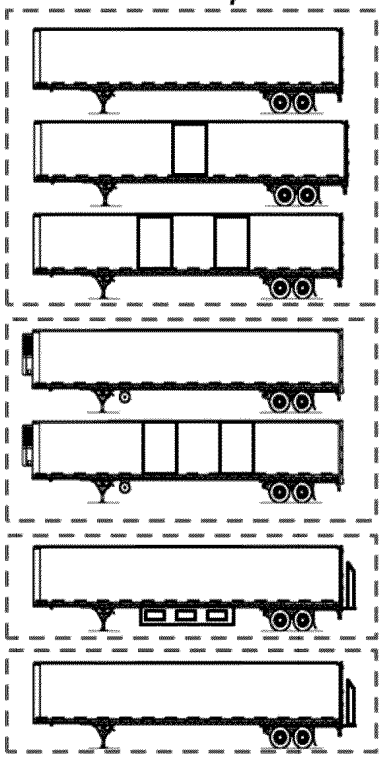
Choose appropriate technologies
(aero improvements, low rolling resistance tires, tire pressure systems, lightweight components)

Optional:
Perform testing on a limited number of aero technologies

Cert Application to EPA

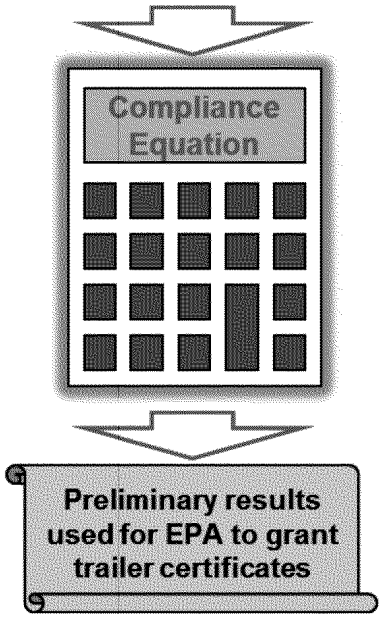
Create Families

For Example…



Calculate CO_2 & Fuel Consumption

Apply **performance parameters** and **production estimates**



End-Of-Year

Record-Keeping and Reporting Results to EPA

Use equation and *actual* sales at the end of the year to determine final compliance

Submit results to EPA

At all steps, we encourage manufacturers to work with EPA to avoid delays in the process

Compliance Equation for Box Vans (40 CFR 1037.515(a))

This equation and the coefficients apply to all full- and partial-aero box vans

$$e_{CO2} = \left(C_1 + C_2 \cdot TRRL + C_3 \cdot \Delta C_d A + C_4 \cdot WR\right) \cdot C_5$$

- C_1, C_2, C_3, C_4 are regression coefficients derived by EPA using GEM
- C_5 = 0.988 (ATIS), 0.990 (TPMS or mix), 1.000 (no tire inflation technology)

- NHTSA's fuel consumption standards are in gallons per 1,000 ton-miles
- Calculate the CO_2 emissions rate (e_{CO2}) and convert to fuel consumption (FC) as follows:

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Aerodynamic Improvements (ΔCdA)

$$e_{CO2} = \left(C_1 + C_2 \cdot TRRL + C_3 \cdot \Delta C_d A + C_4 \cdot WR\right) \cdot C_5$$

- Measured as change in drag area (ΔCdA)
  - See 40 CFR 1037.526(a)
  - Units of m^2
  - Reported to 2 decimal places and assigned an aerodynamic bin
  - Approved test procedures include wind tunnel, computational fluid dynamics (CFD) or coastdown
    - Wind tunnel and CFD are measured at two surrogate yaw angles (+/- 4.5°) to represent wind-averaged results
    - Coastdown uses zero-yaw or manufacturers can work with EPA to establish a wind-averaged correction
- Trailer manufacturers or device manufacturers may perform testing
- Data from aerodynamic devices verified under SmartWay's 2014 protocols before MY 2018 can be pre-approved for use by trailer manufacturers until MY 2021.

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Requirement for Certification

- Each **vehicle family** is required to be certified prior to introduction into US commerce
  - A **certificate of conformity**, or "**certificate**" is issued as evidence of this
- Trailer production of interest include "U.S.-directed production volume for which the manufacturer has a reasonable assurance that sale was or will be made to ultimate purchasers in the United States"
- The certificate is valid from the effective date until the end of the model year for which it is issued.
  - A model year must include January 1 of the calendar year for which the model year is named and may not begin before January 2 of the previous calendar year, and it must end by December 31 of the named calendar year (§1037.801)
- The certificate must be renewed annually for vehicles you continue to produce
  - There are no certification fees associated with the Phase 2 GHG Rule
- For trailers, the certifying manufacturer (i.e., "certificate holder") is the trailer manufacturer

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Request for Certificate Process: Compliance Statements

NHTSA NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

We require manufacturers to unconditionally certify that their vehicles comply.

Request *for* Certificate

1 Identify — 2 Documents — 3 Statements — 4 Confirm — 5 eSignature — 6 Complete

Review Industry Information

Hide

Process Code	Industry
Request for New Certificate	Heavy-Duty Highway Tractors & Vocational Vehicles
Model Year	**EPA Vehicle Family Name**
2017	HEPA2VOCV5TP

Review Certification Documents

Hide

File Name	Document Title	Type	Date
2017 Tire crr.rtf	EPA General Applicability Compliance Document Data	Tire Crr Statement	12/15/2015
2017 Aero.rtf	EPA General Applicability Compliance Document Data	Aerodynamics Report	12/15/2015
2017 Warranty Statement1.docx	EPA General Applicability Compliance Document Data	Warranty Statement	12/15/2015
2017 Maintenance Instructions.rtf	EPA General Applicability Compliance Document Data	Maintenance Instructions	12/15/2015
2017 Sample label.rtf	EPA General Applicability Compliance Document Data	Sample Vehicle Emission Control Label	12/15/2015
ABT-17-1.docx	US EPA General Applicability Compliance Document Data	ABT - Averaging, Banking and Trading Credit Projection Report	08/04/2016
CSI-HEPA2VOCV5TP.pdf	CSI-HEPA2VOCV5TP.pdf	CSI Report	07/21/2016

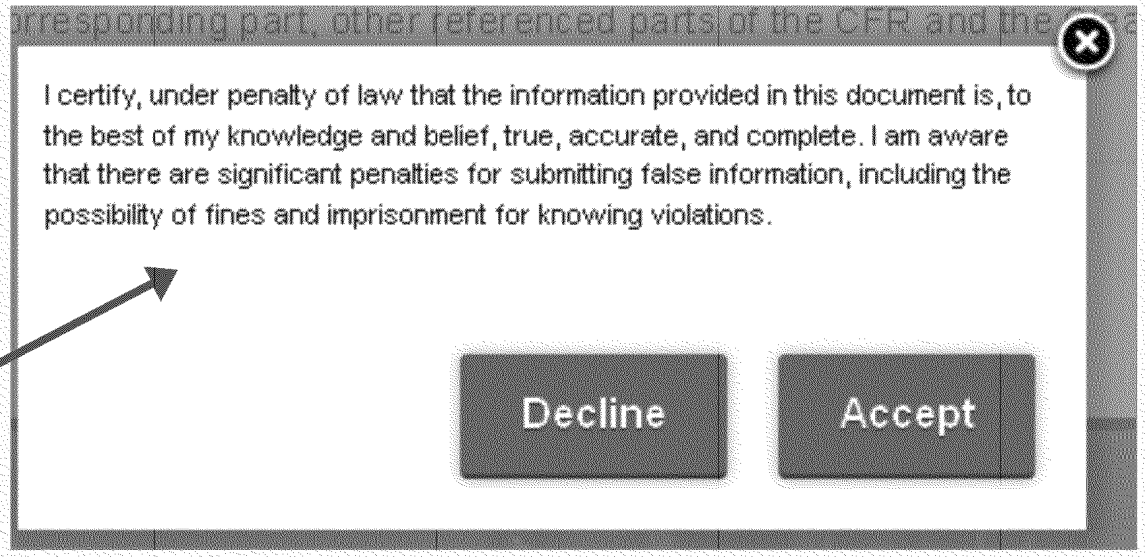
Certification Statements

1. Introduction to Commerce Date — 11/30/2016

2. I unconditionally certify that this test group/engine family/vehicle family/evaporative family complies with the requirements of its corresponding part, other referenced parts of the CFR and the Clean Air Act. * — ☑ I Agree

Back — Review

Request for Certificate Process



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WHAT DOCUMENTS WILL WE COLLECT?

Trailer Certification Information

- We will collect general information about the types of trailers in each family, and the technologies to be used to comply
  - Detailed information for three configurations in each family
    - worst-performing, best-performing, and highest sales volume
- Supplemental documents
  - Sample Label with Emission Control Information
  - Warranty document
  - Aerodynamics test results (pre-approved)
  - Tire information
- All information will be uploaded to EPA's secure system

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Supplemental Labeling Documents (40 CFR 1037.135)

- 40 CFR 1037.135 Requires your vehicles to have a permanent emission-control information label

- Provide a sample vehicle label with the following information:
  - Heading: “VEHICLE EMISSION CONTROL INFORMATION”
  - Corporate name and trademark
  - Vehicle family standardized designation (provided in guidance)
  - Regulatory subcategory
  - Date of manufacture
  - Emission Control System (identifiers shown in next slide)
  - Statement “THIS VEHICLE COMPLIES WITH U.S. EPA REGULATIONS FOR [MODEL YEAR] HEAVY-DUTY VEHICLES”

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Emission Control Identifiers for Label (Appendix III to Part 1037)

Components	Description	Identifier
Tires	low rolling resistance tires	LRRA
Aerodynamic	tractor-to-trailer gap reducing trailer fairing	TGRT
	trailer aerodynamic side skirt	TATS
	trailer aerodynamic rear fairing	TARF
	trailer aerodynamic underbody device	TAUD
Other	automatic tire inflation system	ATI
	tire pressure monitoring system	TPMS
	weight-reducing trailer wheels	WRTW
	weight-reducing trailer upper coupler plate	WRTC
	weight-reducing trailer axle sub-frames	WRTS
	wide-base single trailer tires with steel wheel	WBSW
	wide-base single trailer tires with aluminum wheel	WBAW
	wide-base single trailer tires with light-weight aluminum alloy wheel	WBLW
	dual-wide trailer tires with steel wheel	DWSW
	dual-wide trailer tires with aluminum wheel	DWAW
	dual-wide trailer tires with light-weight aluminum alloy wheel	DWLW

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Supplemental Warranty Documents (40 CFR 1037.120)

- Copy of the emissions warranty statement provided to consumers
  - Warranty information for other trailer components not required
- The product must be designed and built so it conforms with GHG requirements at the time of sale
- Trailer-related Warranty periods:
  - 1 year for tires
  - 5 years for other emissions-related components
  - Warranty period cannot be shorter than any warranty of a component that you provide without charge
- Components covered include all components whose failure would increase a vehicle's GHG emissions, including:
  - Aerodynamic technologies, tires, tire pressure systems, and mass-reducing components
- Describe the emission-related warranty provisions in the owners manual
  - Do not need to create a trailer-specific owners manual for all trailer components; simply must provide information for GHG emissions components

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Supplemental Maintenance Documents (40 CFR 1037.125)

- Copy of any maintenance instructions provided to the consumer
- Describe any critical emission-related maintenance
  - Manufacturer may schedule critical emission-related maintenance on emission-related components if the manufacturer demonstrates to EPA that the maintenance is reasonably likely to be done at the recommended intervals on in-use vehicles
- Explain the owner's responsibility for proper maintenance in the owners manual
  - Include instructions that will enable the owner to replace tires so that the vehicle conforms to the original certified vehicle configuration

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RECORDKEEPING & REPORTING

End-of-Year Production Report

- An end-of-year production report must be submitted within 90 days after the end of the model year and include the following information:
  - Manufacturer corporate name and corporate ownership structure
  - US-directed production volumes by VIN, vehicle configuration, and subfamily
  - Trailers exempt under the transitional allowance flexibility, if applicable (§1037.150(v))
  - Uncertified vehicles sold to secondary vehicle manufacturers
  - Manufacturer average CO_2 and Fuel Consumption performance by subcategory
  - All intermediate calculation values

ED_001546_00005046

Confidential Compliance Information

- EPA and NHTSA are committed to both protecting Confidential Business Information (CBI) and to achieving transparency in implementation of the trailer program
- The agencies currently publish
  - Compliance Report
  - Certification data (certification testing summary)
- We do not consider emissions and fuel consumption data to be confidential
  - Compliance equation outputs will not be treated as CBI
- The agencies intend to publish as much non-CBI emissions and fuel consumption information as possible for each manufacturer after the end of the model year

ED_001546_00005046

AERODYNAMIC DEVICE APPROVAL

Aerodynamic Test Options

- Trailer testing for aerodynamic improvements may be conducted two ways:
  - Tests may be done according to SmartWay verification protocols
    - Verification must be obtained by January 1, 2018
    - Results must be mathematically converted to $\Delta C_d A$
  - Tests may be conducted using the Phase 2 rule test procedures
    - Coastdown, Wind Tunnel, or Computational Fluid Dynamics
- In addition to testing details, other information will be collected to review device approval requests

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Information Needed for Aero Device Approvals

- Installation Instructions (to be provided to trailer manufacturer)
- Maintenance Instructions (for trailer manufacturer to provide to owner)
- Suitable trailer subcategories
- Device Information
  - Is it a single device or multiple devices tested as a package?
  - May it be combined with other devices?
  - Will it be offered for sale to all trailer manufacturers?
  - List part numbers for components
  - Attest that device will be durable
- Testing Details
  - Description of testing facility and test protocol
  - Description of model tractor and model trailer
  - Attest that testing was completed correctly
  - Summary of test results including final $\Delta C_d A$

ED_001546_00005046

ED_001546_00005046

ENFORCEMENT

Enforcement

- Regulations in 40 CFR 1037.201 authorize EPA to perform confirmatory testing of any trailer or trailer component
- Regulations in 40 CFR 1037.310 authorize EPA to test any production trailer or trailer component
- Regulations in 40 CFR 1068.20 authorize EPA to inspect any manufacturer facilities including:
  - Any facility where trailers are manufactured
  - Any facility where records are kept

ED_001546_00005046

Enforcement Actions

- We may order a recall to require manufacturers to remedy defective emission controls or other emission problems
- We may temporarily “suspend” or permanently “revoke” certificates if manufacturers fail to comply with requirements
  - This includes:
    - Ensuring trailers meet the emission standards
    - Reporting and recordkeeping requirements
    - Allowing inspections
  - Manufacturer may not sell or offer to sell trailers with a suspended or revoked certificate
  - We may reinstate suspended certificates once manufacturers show us they have met the requirements
- We may retroactively “void” a certificate if manufacturers submit fraudulent data or fail to keep records

Penalties

- Regulations in 40 CFR 1068.101 authorize EPA to assess financial penalties for certain noncompliance infractions, including:
  - Up to $44,539 per trailer for introducing into commerce a trailer without a valid certificate
  - Up to $44,539 per day for failing to provide required records and reports, denying us access to such records, or denying us access to manufacturer facilities
- Regulations specify maximum penalties, but allow us to assess smaller penalties where appropriate
- Manufacturers knowingly submitting false information to EPA are subject to criminal penalties under 18 U.S.C. 1001 – potentially including 5 years imprisonment

ED_001546_00005046

To: Matt Brusstar[Brusstar.Matt@epa.gov]
From: Haugen, David
Sent: Thur 5/11/2017 3:24:34 PM
Subject: FW: Preparation: 5th EU-US Transportation Research Symposium
5th EU Draft Agenda v4.pdf
EUUS Symposium Read ahead.pdf

From: Simon, Karl
Sent: Thursday, May 11, 2017 11:23 AM
To: Charmley, William <charmley.william@epa.gov>; Haugen, David <haugen.david@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Lie, Sharyn <Lie.Sharyn@epa.gov>; Snapp, Lisa <snapp.lisa@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Bynum, Cheryl <bynum.cheryl@epa.gov>; Johnson, Dennis <Johnson.Dennis@epa.gov>; Keller, Jennifer <Keller.Jennifer@epa.gov>; Moltzen, Michael <Moltzen.Michael@epa.gov>
Subject: FW: Preparation: 5th EU-US Transportation Research Symposium

All,

As I have mentioned, here is the read ahead materials for a TRB meeting that I will participate in next week. If you have any comments/questions or points that you would like me to make, please let me know by Tuesday. Thanks

Karl

From: Anderson, William B [mailto:WBAnderson@nas.edu]
Sent: Monday, May 08, 2017 2:58 PM
To: Anderson, William B <WBAnderson@nas.edu>; Gick, Brittney <BGick@nas.edu>; 'Cliff, Steve@ARB' <Steve.Cliff@arb.ca.gov>; 'Simon.Edwards@ricardo.com' <Simon.Edwards@ricardo.com>
Cc: 'william.bird@ec.europa.eu' <william.bird@ec.europa.eu>; 'maria-cristina.marolda@ec.europa.eu' <maria-cristina.marolda@ec.europa.eu>; 'patrick.mercier-handisyde@ec.europa.eu' <patrick.mercier-handisyde@ec.europa.eu>;

'robert.missen@ec.europa.eu' <robert.missen@ec.europa.eu>; 'frank.smit@ec.europa.eu' <frank.smit@ec.europa.eu>; Womack, Kevin (OST) <Kevin.Womack@dot.gov>; Pedersen, Neil J <NPedersen@nas.edu>; 'Cain, Alasdair (OST)' <alasdair.cain@dot.gov>; 'Greene, David' <dgreen32@utk.edu>; 'Graham.Parkhurst@uwe.ac.uk' <Graham.Parkhurst@uwe.ac.uk>; 'malin.andersson@trafikkontoret.goteborg.se' <malin.andersson@trafikkontoret.goteborg.se>; 'Sexton, Timothy (DOT)' <timothy.sexton@state.mn.us>; 'Toll, Ray F.' <rtoll@odu.edu>; Daniel Kreeger <dkreeger@accoonline.org>; 'd.dimitriu@mmu.ac.uk' <d.dimitriu@mmu.ac.uk>; 'oliver.lah@wupperinst.org' <oliver.lah@wupperinst.org>; 'Dube, Phillip@ARB' <Phillip.Dube@arb.ca.gov>; 'Estabrook, Katie@ARB' <katie.estabrook@arb.ca.gov>; Kate.White@calsta.ca.gov; 'Turnbull, Katie' <k-turnbull@tti.tamu.edu>
Subject: Preparation: 5th EU-US Transportation Research Symposium

Greetings Attendees of the 5th EU-US Transportation Research Symposium –

Thank you, again, for participating in the 5th European Union - United States Transportation Research Symposium entitled, *Decarbonizing Transport for a Sustainable Future: Mitigating Impacts of the Changing Climate,* on May 17-18, 2017.

Come prepared to talk – and talk often. We want to listen to what you have to say. What are the research needs to mitigate the risks and threats impacting the causes of the changing climate and extreme weather events? To prepare for thoughtful, provoking discussions, the planning committee contracted a pair of authors to write a White Paper to set the baseline of understanding around the causes and effects of greenhouse gases emitted by the transportation sector. Additionally, the planning committees members teamed-up to co-author four Briefing Papers which question and focus discussions for the four breakout periods. The four discussion topic are:

1. The need for system changes in order to mitigate GHG emissions from the transport sector, what factors enable transition?

2. The influence of policy environment factors on climate change mitigation strategies in the transport sector

3. Megaregions: policy, research, practice

4. Decarbonizing the Logistics and Long Distance Transportation of Freight

The read ahead materials are attached as well as the draft agenda. If you have materials to share, please bring roughly 50-60 copies. We will provide a table for attendees to share resources.

Please keep in mind, the papers have not begun the official National Research Council editorial process the proceeding report. The information is prepared and shared solely for the purpose of generating an active, friendly conversation among attendees.

Safe travels and see you soon.

Bill Anderson

William “Bill” Anderson

Senior Program Officer

TRB | Transportation Research Board

Technical Activities Division

500 Fifth Street, NW

Washington, DC 20001

Direct: 202-334-2514

wbanderson@nas.edu

www.TRB.org

The National Academies of
SCIENCES · ENGINEERING · MEDICINE

To: Bunker, Byron[bunker.byron@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Manners, Mary[manners.mary@epa.gov]
Cc: Master, Barbora[Master.Barbora@epa.gov]; Anderson, Robert[Anderson.Robert@epa.gov]
From: Le, Madison
Sent: Wed 4/12/2017 11:53:06 AM
Subject: Federal fuel excise tax

Some helpful definitions from the tax law.

Excise taxes are imposed on all the following fuels:
- gasoline, including aviation gasoline and gasoline blendstock
- diesel fuel, including dyed diesel fuel
- diesel-water fuel emission
- kerosene, including dyed kerosene and kerosene used in aviation
- other fuels (including alternative fuel)
- compressed natural gas
- Fuels used in commercial transportation ok inland waterways
- any liquid used in a fractional ownership program aircraft as fuel

Position holder: This is the person that holds the inventory position in the taxable fuel in the terminal, as reflected in the records of the terminal operator. You hold the inventory position when you have a contractual agreement with the terminal operator for the use of the storage facilities and the terminaling services for the taxable fuel. A terminal operator that owns taxable fuel in its terminal is a position holder.

Blender: this is the person that produces blended taxable fuel.

Bulk transfer/terminal system: this is the taxable fuel distribution system consisting of refineries, prior lines, vessels, and terminals. Fuel in the supply tanks of any engine or in any tank car, rail car, trailer, truck or other equipment suitable for ground transportation is not in the bulk transfer/terminal system.

Rack: this a mechanism capable of delivering fuel into a means of transport other than a pipeline or vessel.

Enterer: this is the importer of record (under custom law) for the taxable fuel. However, if the importer of record is acting as an agent, such as a customs broker, the person for whom the agent is acting is the enterer. If there is not importer of record, the owner at the time do the entry into the United States is the enterer.

Entry: taxable fuel is entered into the United States when it is brought into the US and applicable customs law requires that it be entered for consumption, use or warehousing. Does not apply to fuel brought into Puerto Rico but applies to fuel brought into the US from Puerto Rico.

Exception: the tax doesn't apply to a removal of gasoline at the refinery rack if all the following requirements are met.
- the gasoline is removed from an approved refinery not served by the pipeline (other than receiving crude oil) or vessel
- the gasoline is received at a facility operated by a registrant and located within the bulk transfer/terminal
- the removal from the refinery is by rail car
- the same person operates the refinery and the facility at which the gasoline is received

Sent from my iPhone

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Srinivasan, Gautam
Sent: Tue 4/11/2017 1:53:34 PM
Subject: RE: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

Call you at 3? Will be pretty short.

++++++++++++

202-564-5647 (o)

202-695-6287 (c)

From: Hengst, Benjamin
Sent: Monday, April 10, 2017 7:37 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Re: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

Surc do. Maybc 2 or 3 pm?

On Apr 10, 2017, at 5:27 PM, Srinivasan, Gautam <Srinivasan.Gautam@epa.gov> wrote:

Good sir- Do you have a moment tomorrow to discuss this matter? 5-10 minutes tops.

++++++++++++

202-564-5647 (o)

202-695-6287 (c)

From: Orlin, David
Sent: Thursday, April 06, 2017 1:13 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Re: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

Just to confirm--

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

On Apr 6, 2017, at 9:40 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Let's do 10:45

From: Orlin, David
Sent: Thursday, April 06, 2017 9:40 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

That would be great. Do you want Mark to come at 10 (or 10:45 or 11?)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin
Sent: Thursday, April 06, 2017 9:26 AM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>

Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

David—sounds like it may be worth discussing this together (OTAQ + OGC) before you head out. Does that make sense, or have you and others already discussed this with Bill/Matt others?

Perhaps if there's time at the end of today's fuels mtg we can spend a few minutes on this with Chris. I'd like to make sure he's up to speed on all this, too (he was asking about the EO stuff yesterday)/

From: Orlin, David
Sent: Wednesday, April 05, 2017 6:55 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

Ex. 5 - Deliberative Process and Attorney Client

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Wednesday, April 05, 2017 5:45 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

Ex. 5 - Deliberative Process and Attorney Client

Ex. 5 - Deliberative Process and Attorney Client

Mark—of course feel free to correct or supplement anything I missed or otherwise got wrong,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David [mailto:Orlin.David@epa.gov]
Sent: Tuesday, April 04, 2017 6:50 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Fwd: Truck GHG: trailer petitioner's letter

Ex. 5 - Attorney Client

Begin forwarded message:

From: "Chen, Sue (ENRD)" <Sue.Chen@usdoj.gov>
To: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Subject: Truck GHG: trailer petitioner's letter

Mark & David,

NHTSA just forwarded this to me. Should we plan on a call to discuss?

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

From: Dunham, Sarah
Location: WJC-N 5400 + Video with AA + Ex. 6 - Personal Privacy Participant Code: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Heavy Duty Trailer Topics
Start Date/Time: Thur 7/6/2017 6:00:00 PM
End Date/Time: Thur 7/6/2017 7:00:00 PM

To: Sarah Dunham, Josh Lewis, Mandy Gunasekara, Chris Grundler, Ben Hengst, Bill Charmley, David Orlin, Mark Kataoka, Samantha Dravis, Brittany Bolen

Cc: Lorie Schmidt and Gautam Srinivasan

From: Grundler, Christopher
Location: RM. 6520 DC/RM. C-174 DOD AA
Importance: Normal
Subject: FW: Update Trailer Litigation
Start Date/Time: Thur 6/1/2017 1:00:00 PM
End Date/Time: Thur 6/1/2017 1:45:00 PM

-----Original Appointment-----
From: Stewart, Gwen **On Behalf Of** Grundler, Christopher
Sent: Tuesday, May 23, 2017 8:50 AM
To: Charmley, William; Spears, Matthew; Moulis, Charles; Brakora, Jessica; Simon, Karl; Orlin, David; Kataoka, Mark
Cc: Iffland, JoNell; Gonzalez, Gail; Dickinson, David; Healy, Stephen
Subject: Update Trailer Litigation
When: Thursday, June 01, 2017 9:00 AM-9:45 AM (UTC-05:00) Eastern Time (US & Canada).
Where: RM. 6520 DC/RM. C-174 DOD AA

MEETING REQUEST:

OTAQ MEETING REQUEST FORM

-

-

Requesting Meeting/Conference Call with: **Christopher Grundler**

Send form to: Gwen Stewart – 202 564-1682

Date of this Request: May 22, 2017

Point of Contact (Name/Number): Chuck Moulis

Title of Meeting: Trailer Pre-brief

Purpose of Meeting: Update about trailer litigation

Priority Status: Critical or time sensitive ---_____ Less Immediate ___X__

Last possible date for meeting: Please schedule between May 30 and June 2

If the meeting is critical, please explain why:

Location of Meeting: Chris' conference room

Length of Meeting: 1 hr

Key Participants: (List all who need to be notified of the meeting)

Office/Organization	Email Address	Number
William Charmley		
Matt Spears		

Chuck Moulis

Jessica Brakora

Karl Simon

David Orlin

Mark Kataoka

NOTE: All briefing materials must be sent by 4:00 PM the day prior in whatever format you are most comfortable, PPT Slides are not required. If briefing materials are not submitted by 4 pm, the meeting will be rescheduled, unless approved by Chris. (Briefing Materials are to be sent to: OTAQMaterials@epa.gov).

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Zaremski, Sara[zaremski.sara@epa.gov]
From: Bunker, Byron
Sent: Wed 5/10/2017 10:03:57 PM
Subject: FW: Information for Guidance Letter - HD Trailers Webinar

Please see David's suggestion and let us know if you have any thoughts.

Thanks,

Byron

From: Orlin, David
Sent: Wednesday, May 10, 2017 6:02 PM
To: Zaremski, Sara <zaremski.sara@epa.gov>
Cc: Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Information for Guidance Letter - HD Trailers Webinar

Sara,

Below is some suggested language. I'd like to take another look in the morning, but I thought you or Byron might have tweaks you'd suggest to the second sentence anyway so I would share what I have.

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Zaremski, Sara
Sent: Wednesday, May 10, 2017 11:39 AM
To: Orlin, David <Orlin.David@epa.gov>

Cc: Bunker, Byron <bunker.byron@epa.gov>
Subject: FW: Information for Guidance Letter - HD Trailers Webinar

David,

Per our discussion, below is the letter we will send out once we get your additions. Let me know if you have questions.

Sara

Sara Zaremski

Office of Transportation and Air Quality

Compliance Division

Center Director, Data Analysis and Information Center

2000 Traverwood Drive

Ann Arbor, MI 48105

phone: (734)214-4362

Cell: (734) 223-0957

SUBJECT:

Deployment of New Verify Module for Certification of Heavy-Duty Highway Trailers

BODY:

Dear Manufacturer:

Ex. 5 - Deliberative Process

The webinar will be held on **Wednesday, June 07, 2017 at 1:00pm ET**. Information for connecting to the webinar is enclosed.

Please contact Holly Pugliese of my staff at pugliese.holly@epa.gov if you have any questions.

-

ENCLOSURE:

Call-in Information

Call-in Number: Ex. 6 - Personal Privacy

Conference Code

Webinar Information

https://epawebconferencing.acms.com/hdtrailer/

If you have never attended an Adobe Connect meeting before, please test your connection here:
http://epawebconferencing.acms.com/common/help/en/support/meeting_test.htm

To: Bunker, Byron[bunker.byron@epa.gov]
Cc: Charmley, William[charmley.william@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]
From: Orlin, David
Sent: Wed 5/10/2017 9:40:45 PM
Subject: FW: draft letter announcing deferral of compliance date for trailer GHG stds
Draft trailer compliance date letter.docx

Sorry—just realized I didn't hit send on this this morning…

Adding Byron to this because I should have in the first place, and adding Ben fyi.

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Tuesday, May 09, 2017 5:03 PM
To: Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: draft letter announcing deferral of compliance date for trailer GHG stds

Bill and Karl,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

I have some time set up with Lorie for Thursday afternoon to talk about this issue, so it would be helpful if you could give me some feedback on Wednesday if possible. I could try to find time for us to talk if that would help.

Sorry for the delay but as you can tell it's a bit messy.

Thanks,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Cyran, Carissa[Cyran.Carissa@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Scoville, Pat[Scoville.Pat@epa.gov]
From: Sutton, Tia
Sent: Mon 5/8/2017 6:20:36 PM
Subject: OTAQ edits to Reg Agenda
Draft Redline EPA Agenda Entries-OMB_otaq.docx

Hi Carissa,

Attached is the redline with our edits. Since the file has been anonymized, please refer to the page numbers below for OTAQ's edits:

Ex. 5 - Deliberative Process

Thanks!

-Tia

From: Cyran, Carissa
Sent: Monday, May 08, 2017 10:20 AM
To: Koerber, Mike <Koerber.Mike@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Iglesias, Amber <Iglesias.Amber@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>
Subject: FW: OMB comments on Reg Agenda -- evidently, there are none for OAR
Importance: High

Good morning,

I just wanted to follow up to see if OAQPS, OTAQ, or ORIA had any comments on the draft Reg Agenda. OP would like to have our comments ASAP.

Please let me know if you have any questions.

Thank you,

Carissa

From: Cyran, Carissa
Sent: Thursday, May 04, 2017 5:28 PM
To: Henigin, Mary <Henigin.Mary@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; VonDemHagen, Rebecca <VonDemHagen.Rebecca@epa.gov>; Clarke, Deirdre <clarke.deirdre@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Perez, Idalia <Perez.Idalia@epa.gov>; Farrar, Wanda <farrar.wanda@epa.gov>
Subject: FW: OMB comments on Reg Agenda -- evidently, there are none for OAR
Importance: High

Hello,

Attached is the redline of the Reg Agenda for the agency from OMB - great news OAR received no comments ☺ However, during the monthly OAR/OP meeting today, we did express interest in still reviewing action items for OAR. This will be the final review for the agency before the agenda is published.

Josh and I will be reviewing tomorrow, but if you any comments/edits please send them forward to us no later than Monday at 10:00 am (OP granted us a short extension on the deadline).

Thank you!

Carissa

From: Eagles, Tom
Sent: Thursday, May 04, 2017 4:11 PM
To: Lewis, Josh <Lewis.Josh@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>
Cc: Farrar, Wanda <farrar.wanda@epa.gov>
Subject: OMB comments on Reg Agenda -- evidently, there are none for OAR
Importance: High

From: Muellerleile, Caryn
Sent: Wednesday, May 03, 2017 10:31 AM
To: Farrar, Wanda <farrar.wanda@epa.gov>; Eagles, Tom <Eagles.Tom@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>; Williams, Pat <Williams.Pat@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: Reg Agenda review from OMB - fast turnaround (responses and other edits due NOON Thurs 5/4)
Importance: High

We did not receive comments on the FY17 and FY18 regulatory/deregulatory cost spreadsheets. See attached for (few) comments on the Agenda itself. Note below which agenda entries (not page numbers) your office should review.

ORD – 92

OCSPP – 98, 110, 112, 119, 123, 130

OW – 160, 163, 167, 170, 185

Caryn Muellerleile

Regulatory Management Division

Office of Policy

US Environmental Protection Agency

1200 Pennsylvania Ave NW (1803A)

Washington, DC 20460

(202) 564-2855

muellerleile.caryn@epa.gov

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Sutton, Tia
Sent: Mon 5/8/2017 4:41:10 PM
Subject: FW: OMB comments on Reg Agenda -- evidently, there are none for OAR
Draft Redline EPA Agenda Entries-OMB.docx

Sorry- just realized you weren't on this. I'm reviewing now, too, just in case…

From: Cyran, Carissa
Sent: Monday, May 08, 2017 10:20 AM
To: Koerber, Mike <Koerber.Mike@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Iglesias, Amber <Iglesias.Amber@epa.gov>; Henigin, Mary <Henigin.Mary@epa.gov>
Subject: FW: OMB comments on Reg Agenda -- evidently, there are none for OAR
Importance: High

Good morning,

I just wanted to follow up to see if OAQPS, OTAQ, or ORIA had any comments on the draft Reg Agenda. OP would like to have our comments ASAP.

Please let me know if you have any questions.

Thank you,

Carissa

From: Cyran, Carissa
Sent: Thursday, May 04, 2017 5:28 PM
To: Henigin, Mary <Henigin.Mary@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; VonDemHagen, Rebecca <VonDemHagen.Rebecca@epa.gov>; Clarke, Deirdre <clarke.deirdre@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>

Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Perez, Idalia <Perez.Idalia@epa.gov>; Farrar, Wanda <farrar.wanda@epa.gov>
Subject: FW: OMB comments on Reg Agenda -- evidently, there are none for OAR
Importance: High

Hello,

Attached is the redline of the Reg Agenda for the agency from OMB - great news OAR received no comments ☺ However, during the monthly OAR/OP meeting today, we did express interest in still reviewing action items for OAR. This will be the final review for the agency before the agenda is published.

Josh and I will be reviewing tomorrow, but if you any comments/edits please send them forward to us no later than Monday at 10:00 am (OP granted us a short extension on the deadline).

Thank you!

Carissa

From: Eagles, Tom
Sent: Thursday, May 04, 2017 4:11 PM
To: Lewis, Josh <Lewis.Josh@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>
Cc: Farrar, Wanda <farrar.wanda@epa.gov>
Subject: OMB comments on Reg Agenda -- evidently, there are none for OAR
Importance: High

From: Muellerleile, Caryn
Sent: Wednesday, May 03, 2017 10:31 AM

To: Farrar, Wanda <farrar.wanda@epa.gov>; Eagles, Tom <Eagles.Tom@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>; Williams, Pat <Williams.Pat@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>
Subject: Reg Agenda review from OMB - fast turnaround (responses and other edits due NOON Thurs 5/4)
Importance: High

We did not receive comments on the FY17 and FY18 regulatory/deregulatory cost spreadsheets. See attached for (few) comments on the Agenda itself. Note below which agenda entries (not page numbers) your office should review.

ORD – 92

OCSPP – 98, 110, 112, 119, 123, 130

OW – 160, 163, 167, 170, 185

Caryn Muellerleile

Regulatory Management Division

Office of Policy

US Environmental Protection Agency

1200 Pennsylvania Ave NW (1803A)

Washington, DC 20460

(202) 564-2855

muellerleile.caryn@epa.gov

To: Sutton, Tia[sutton.tia@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Orlin, David[Orlin.David@epa.gov]
From: Kataoka, Mark
Sent: Thur 4/27/2017 6:26:23 PM
Subject: RE: Letter from TTMA
AX-17-000-7113 Resp Ltr MK.docx

Tia and Matt,

We suggest (see attached):

Ex. 5 - Attorney Client

As to process, we defer to you on any coordination with DOT/NHTSA, but let us know if you would like OGC to contact the DOT/NHTSA attorneys who are handling the litigation to help the coordination.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Sutton, Tia

Sent: April 27, 2017 11:24 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Letter from TTMA

My apologies – just realized this was still sitting in my 'Draft' box.

We received the attached control from TTMA on their petition. Matt drafted the attached response, which is pretty much what we've been sending out at this point due to not having much direction on responses to letters right now. I didn't originally see TTMA's letter come through, but this one is a little bit different because it was addressed to both EPA & DOT, so this will need to be a joint response.

So I'm looping in OGC and Matt here to figure out the best way to reach out to DOT/NHTSA on this. For a Congressional letter, OCIR would normally do the liaising – but on a letter that went to the Administrator & Secretary wasn't sure if Matt should reach out to Jim/Rebecca (or someone else at NHTSA), or if OGC should reach out at a Counsel level?

No preference or anything here, just wanted to make sure everyone's looped in.

To: Kataoka, Mark[Kataoka.Mark@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Sutton, Tia
Sent: Thur 4/27/2017 3:24:12 PM
Subject: Letter from TTMA
AL-17-000-7113 TTMA.pdf
AX-17-000-7113 Resp Ltr.docx

My apologies – just realized this was still sitting in my 'Draft' box.

We received the attached control from TTMA on their petition. Matt drafted the attached response, which is pretty much what we've been sending out at this point due to not having much direction on responses to letters right now. I didn't originally see TTMA's letter come through, but this one is a little bit different because it was addressed to both EPA & DOT, so this will need to be a joint response.

So I'm looping in OGC and Matt here to figure out the best way to reach out to DOT/NHTSA on this. For a Congressional letter, OCIR would normally do the liaising – but on a letter that went to the Administrator & Secretary wasn't sure if Matt should reach out to Jim/Rebecca (or someone else at NHTSA), or if OGC should reach out at a Counsel level?

No preference or anything here, just wanted to make sure everyone's looped in.

To: Kataoka, Mark[Kataoka.Mark@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Brakora, Jessica[Brakora.Jessica@epa.gov]; Dickinson, David[Dickinson.David@epa.gov]
Cc: Orlin, David[Orlin.David@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Charmley, William
Sent: Tue 6/27/2017 1:46:01 PM
Subject: FW: TTMA Petition for Reconsideration and Stay
TTMA Petition for Reconsideration and Stay.PDF

From: Martel, Jonathan S. [mailto:Jonathan.Martel@apks.com]
Sent: Monday, June 26, 2017 5:30 PM
To: A-AND-R-DOCKET <A-AND-R-DOCKET@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; ryan.hagen@dot.gov; Jeffrey.Rosen@dot.gov
Cc: Glen Darbyshire <GDarbyshire@bouhan.com>; Jeff Sims <jeff@ttmanet.org>; Theodore, Elisabeth <Elisabeth.Theodore@apks.com>; Fayne, Zachary <Zachary.Fayne@apks.com>
Subject: TTMA Petition for Reconsideration and Stay

All –

Please see attached Petition for Reconsideration and Stay on behalf of the Truck Trailer Manufacturers Association with regard to GHG and fuel economy standards for trailers. This is also being transmitted by first class mail. Thank you very much.

Sincerely,

Jonathan Martel

Jonathan S. Martel
Partner

Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW | Washington | DC 20001-3743

T: +1 202.942.5470 | M: +1 301.412.2075 | F: +1 202.942.5999
jonathan.martel@apks.com | www.apks.com

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

To: Kataoka, Mark[Kataoka.Mark@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Orlin, David
Sent: Mon 6/26/2017 9:36:14 PM
Subject: FW: TTMA Petition for Reconsideration and Stay
TTMA Petition for Reconsideration and Stay.PDF

FYI (I don't know if this is a prelude to TTMA seeking a stay from the court, or more of a placeholder so TTMA can seek a stay from the court on July 20 if we don't have a plan that is acceptable to them by then)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Martel, Jonathan S. [mailto:Jonathan.Martel@apks.com]
Sent: Monday, June 26, 2017 5:30 PM
To: A-AND-R-DOCKET <A-AND-R-DOCKET@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; ryan.hagen@dot.gov; Jeffrey.Rosen@dot.gov
Cc: Glen Darbyshire <GDarbyshire@bouhan.com>; Jeff Sims <jeff@ttmanet.org>; Theodore, Elisabeth <Elisabeth.Theodore@apks.com>; Fayne, Zachary <Zachary.Fayne@apks.com>
Subject: TTMA Petition for Reconsideration and Stay

All –

Please see attached Petition for Reconsideration and Stay on behalf of the Truck Trailer Manufacturers Association with regard to GHG and fuel economy standards for trailers. This is also being transmitted by first class mail. Thank you very much.

Sincerely,

Jonathan Martel

Jonathan S. Martel
Partner

Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW | Washington | DC 20001-3743
T: +1 202.942.5470 | M: +1 301.412.2075 | F: +1 202.942.5999
jonathan.martel@apks.com | www.apks.com

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For more information about Arnold & Porter Kaye Scholer LLP, click here:
http://www.apks.com

To: Lewis, Josh[Lewis.Josh@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Stewart, Gwen[Stewart.Gwen@epa.gov]
From: Atkinson, Emily
Sent: Mon 6/26/2017 1:13:05 PM
Subject: RE: Trailers Briefing

Thursday, July 6 at 2pm worked for everyone so I have moved it there. Let me know if you need anything else.

Emily Atkinson
Management Analyst/Office Manager
Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

-----Original Message-----
From: Lewis, Josh
Sent: Monday, June 26, 2017 9:11 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Stewart, Gwen <Stewart.Gwen@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>
Subject: RE: Trailers Briefing

+ Emily...she can take a look and suggest a new time

-----Original Message-----
From: Hengst, Benjamin
Sent: Monday, June 26, 2017 9:03 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Stewart, Gwen <Stewart.Gwen@epa.gov>
Subject: Re: Trailers Briefing

Hi Josh --

Apologies but I just learned that we have to reschedule this. Bill C can not make this time and Chris wants him there.

Can we shoot for July 5/6/7?

The week of July 10 Bill is out the entire week.

Ben
> On Jun 23, 2017, at 9:21 AM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:
>
> You probably saw this got scheduled for Wed...schedules didn't work for a Thursday meeting. Assume Wed is ok, but if not give us a holler
>
> Josh
>
> -----Original Message-----
> From: Hengst, Benjamin
> Sent: Thursday, June 22, 2017 4:30 PM

> To: Lewis, Josh <Lewis.Josh@epa.gov>
> Subject: Re: Trailers Briefing
>
> I think we should focus on trailers so I'd vote to call it Heavy Duty Trailer Topics.
>
>> On Jun 22, 2017, at 4:27 PM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:
>>
>> Do you have a preference for what we title this briefing? "Heavy Duty Trailers" ok? Or do you want to say more generally "Heavy Duty update" knowing Mandy and Brittany will want to talk also about race cars and gliders?
>>
>>
>> -----Original Message-----
>> From: Hengst, Benjamin
>> Sent: Thursday, June 22, 2017 2:32 PM
>> To: Lewis, Josh <Lewis.Josh@epa.gov>
>> Subject: FW: Trailers Briefing
>>
>> Just confirming that you should go ahead and try to aim for next Thursday, if possible. If that doesn't work I'd say we aim for July 5 or after.
>>
>> -----Original Message-----
>> From: Grundler, Christopher
>> Sent: Thursday, June 22, 2017 2:23 PM
>> To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
>> Subject: Trailers Briefing
>>
>> Pls go ahead and get this briefing on S/M/B calendars. Sarah does not need a prebrief but would like to see the materials in advance. Bill--I sent you comments last night.
>> Thx
>>
>> Christopher Grundler, Director
>> Office of Transportation and Air Quality U.S. Environmental Protection Agency
>> 202/564-1682 (Washington DC)
>> 734/214-4207 (Ann Arbor MI)
>>

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]; Stewart, Gwen[Stewart.Gwen@epa.gov]; Atkinson, Emily[Atkinson.Emily@epa.gov]
From: Lewis, Josh
Sent: Mon 6/26/2017 1:10:56 PM
Subject: RE: Trailers Briefing

+ Emily...she can take a look and suggest a new time

-----Original Message-----
From: Hengst, Benjamin
Sent: Monday, June 26, 2017 9:03 AM
To: Lewis, Josh <Lewis.Josh@epa.gov>
Cc: Sutton, Tia <sutton.tia@epa.gov>; Stewart, Gwen <Stewart.Gwen@epa.gov>
Subject: Re: Trailers Briefing

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> To: Lewis, Josh <Lewis.Josh@epa.gov>
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>>
>>
>> -----Original Message-----
>> From: Hengst, Benjamin
>> Sent: Thursday, June 22, 2017 2:32 PM
>> To: Lewis, Josh <Lewis.Josh@epa.gov>
>> Subject: FW: Trailers Briefing
>>
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work I'd say we aim for July 5 or after.
>>
>> -----Original Message-----
>> From: Grundler, Christopher
>> Sent: Thursday, June 22, 2017 2:23 PM
>> To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
>> Subject: Trailers Briefing
>>
>> Pls go ahead and get this briefing on S/M/B calendars. Sarah does not need a prebrief but would like to see the materials in advance. Bill--I sent you comments last night.
>> Thx
>>
>> Christopher Grundler, Director
>> Office of Transportation and Air Quality U.S. Environmental Protection Agency
>> 202/564-1682 (Washington DC)
>> 734/214-4207 (Ann Arbor MI)
>>

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Sutton, Tia
Sent: Thur 6/22/2017 8:12:15 PM
Subject: RE: Racing enthusiasts suit on HD

Aha- I was just responding, to send him Mark's response. So is he asking Qs about Mark's response, or are we all set??

From: Hengst, Benjamin
Sent: Thursday, June 22, 2017 4:11 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Subject: Fwd: Racing enthusiasts suit on HD

I forwarded this to CG already. Thus his questions.

Begin forwarded message:

From: "Sutton, Tia" <sutton.tia@epa.gov>
Date: June 22, 2017 at 3:46:35 PM EDT
To: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>, "Moulis, Charles" <moulis.charles@epa.gov>
Cc: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Subject: RE: Racing enthusiasts suit on HD

Got it- thanks, Mark!

From: Kataoka, Mark
Sent: Thursday, June 22, 2017 3:34 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Subject: RE: Racing enthusiasts suit on HD

Tia,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

We can review any one-pager that is prepared on Racing.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Sutton, Tia
Sent: June 22, 2017 1:23 PM
To: Orlin, David <Orlin.David@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Racing enthusiasts suit on HD

First I just have to say "wow" to that 12:00 call (or maybe "sigh" is the better word??). But on to what I'm actually emailing you guys about…

What is the situation/take on things with the Racing Enthusiasts suit on HD? I recall at one

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Charmley, William[charmley.william@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]
Cc: Kataoka, Mark[Kataoka.Mark@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]
From: Orlin, David
Sent: Thur 4/6/2017 1:40:16 PM
Subject: RE: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

That would be great. Do you want Mark to come at 10 (or 10:45 or 11?)

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin
Sent: Thursday, April 06, 2017 9:26 AM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

David—sounds like it may be worth discussing this together (OTAQ + OGC) before you head out. Does that make sense, or have you and others already discussed this with Bill/Matt others?

Perhaps if there's time at the end of today's fuels mtg we can spend a few minutes on this with Chris. I'd like to make sure he's up to speed on all this, too (he was asking about the EO stuff yesterday)/

From: Orlin, David
Sent: Wednesday, April 05, 2017 6:55 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>

Subject: RE: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Wednesday, April 05, 2017 5:45 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Truck GHG: trailer petitioner's letter (DOJ recommending 90 day abeyance)

Ex. 5 - Deliberative Process and Attorney Client

Ex. 5 - Deliberative Process and Attorney Client

Mark—of course feel free to correct or supplement anything I missed or otherwise got wrong,

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David [mailto:Orlin.David@epa.gov]
Sent: Tuesday, April 04, 2017 6:50 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: Fwd: Truck GHG: trailer petitioner's letter

Ex. 5 - Deliberative Process and Attorney Client

Begin forwarded message:

From: "Chen, Sue (ENRD)" <Sue.Chen@usdoj.gov>
To: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Subject: Truck GHG: trailer petitioner's letter

Mark & David,

NHTSA just forwarded this to me. Should we plan on a call to discuss?

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

TTMA
TRUCK TRAILER Manufacturers Association
TTMAnet.org Since 1941

Jeffrey M. Sims • President
7001 Heritage Village Plaza • Suite 220 • Gainesville, VA 20155 • 703-549-3010

April 3, 2017

RECEIVED
2017 APR -4 AM 11:06
OFFICE OF THE EXECUTIVE SECRETARIAT

Scott Pruitt, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Elaine L. Chao, Secretary
US Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Request to Reconsider and Stay Phase 2 GHG and Fuel Efficiency Standards for Truck Trailers

Dear Administrator Pruitt and Secretary Chao:

I am writing to request your immediate intervention to resolve a pending petition filed by the Truck Trailer Manufacturers Association (TTMA) in the US Court of Appeals for the District of Columbia Circuit to review the greenhouse gas fuel economy standards for heavy-duty truck trailers. TTMA's members manufacture nearly all of the heavy-duty truck trailers sold and operated in the United States. We represent over 70 trailer manufacturers with offices and plants located in over 33 states. Most of these manufacturing companies are closely-held, family-owned businesses. Our members' customers comprise cargo shippers and motor carrier fleets, large and small, as well as independent owner-operators, who together move nearly all of the nation's commercial truck freight.

The new greenhouse gas standards unlawfully treat trailers as "motor vehicles" and unwisely mandate installation of aerodynamic equipment on the vast majority of trailers, regardless of actual use. Because the industry already installs this equipment in those uses where it saves fuel, the standards will substantially burden the motor carrier industry and produce little or no additional greenhouse gas or fuel economy gain. Moreover, we believe that the President's March 28, 2017 Executive Order requiring review and, as appropriate, suspension, revision or rescission of actions arising from President Obama's June 2013 Climate Action plan directly applies to these standards. We therefore ask that EPA and NHTSA review, reconsider and begin a process to rescind these standards. We further ask EPA and NHTSA to take steps to suspend or stay the effectiveness of the standards in the interim, due to the burden of imminent steps that trailer manufacturers otherwise must take to comply. We ask to meet with you or your designees at your earliest convenience to address this matter, which is urgent for our members, their employees and customers.

* * *

1. *The Standards*. On October 25, 2016, EPA and NHTSA promulgated "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2" (GHGP2), which the agencies expressly described as having been "called for" in the 2013 Climate Action Plan. 81 Fed. Reg. 73,478, 73,480 (Oct. 25, 2016). Beginning with 2018 trailer production, the new GHGP2 standards will mandate installation of side skirts, trailer tails, low-rolling resistance tires and tire monitoring/inflation systems on most trailers manufactured and sold in the United States by TTMA's members. Trailer manufacturers must install and sell this equipment even if the trucking operations of their customers will not achieve any fuel economy benefits (such as circumstances in which the trailers will not be hauled over long distances at highway speeds sufficient to produce any benefits).

2. *Petition for Review and Deficiencies in Rule*. On December 22, 2016, TTMA petitioned for review of the trailer standards in the United States Court of Appeals for the District of Columbia Circuit (Case No. 16-1430). TTMA intends to raise several objections to the rule:

The agencies lack statutory authority. EPA's authority under the Clean Air Act to set standards for mobile sources is limited to engines and "motor vehicles," defined in the statute to mean "self-propelled vehicle[s] designed for transporting persons or property on a street or highway." 42 U.S.C. § 7550(2). Trailers are not self-propelled. Trailers are not equipped with engines that provide the power needed to transport cargo and thereby consume fuel or cause air emissions. EPA's contention that trailers are part of the motor vehicle tractor-trailer combination makes no sense. Tractors and trailers are manufactured and sold separately by different sets of manufacturers to customer populations that are not the same; a single trailer is likely to be hauled by multiple tractors during its lifetime and, conversely, a single tractor is likely to haul multiple trailers. Moreover, in the nearly fifty years since EPA has been regulating emissions from heavy-duty engines and trucks, it has never treated the trailer as part of a truck so as to fall within the definition of "motor vehicle," and there is no evidence Congress ever intended such a result. Likewise, NHTSA lacks statutory authority. Its governing authority for fuel economy standards, the Energy Independence and Security Act (EISA), also does not define heavy-duty "vehicle" to include a trailer. In the rulemaking, NHTSA has erroneously relied instead on definitions in the Motor Vehicle Safety Act, which separately authorizes NHTSA to adopt safety regulations but does not address fuel efficiency or emissions of any kind. *See* 49 U.S.C. § 30101.

The standards are arbitrary and capricious. The GHGP2 standards for trailers, if implemented, will do little to reduce greenhouse gas emissions or improve fuel economy. TTMA members and the trucking industry already participate extensively in EPA's voluntary Smartway program to develop and incorporate aerodynamic equipment in trailers where there are benefits from doing so. This is particularly true for trailers hauled regularly over long distances at highway speeds, where aerodynamic efficiency makes a measurable difference. But aerodynamic devices such as side skirts and trailer tails also add significant weight to trailers and thus are counterproductive in multiple short-run operations and at lower speeds (where most of the trailers' moving time occurs). In lower speed operations, aerodynamic efficiency is not achieved and the equipment is only counter-productive dead weight. EPA and NHTSA erroneously assumed in the rulemaking that tractor-trailers, on average, operate near highway speeds most of the time. Moreover, heavy-duty trucks are subject to an 80,000-pound maximum combined weight limit for tractor, trailer and cargo. Because the GHGP2 rule will mandate aerodynamic equipment on trailers, trucking companies who already haul loads that are at or near this limit in order to maximize efficiency will have to reduce the cargo in each load and haul the excess on additional trailers. The result will be more (and heavier) tractor-trailers on the nation's highways to haul the same total amount of freight. In addition to the costs of the aerodynamic equipment, this will add more trucks burning more fuel with more emissions, especially in low-speed service for which the additional equipment has no material benefits. It will also result in more accidents and more injuries and fatalities involving tractor-

trailers, which is contrary to NHTSA's primary mission under the Motor Vehicle Safety Act. 81 Fed Reg. at 73,642.

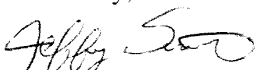
3. *The Executive Order Requires Review, Reconsideration and Rescission*. Section 3(d) of President Trump's March 28, 2017 Executive Order mandates that all agencies review and identify actions that are related to or arose from President Obama's June 2013 Climate Action Plan. As noted above, the GHGP2 rule, including the trailer standards, are clearly within the scope of this Order. The Order further directs that each agency shall, as soon as practicable, publish for notice and comment proposed rules suspending, revising, or rescinding any such actions, as appropriate and consistent with law and the policies stated in Section 1 of the Order. The Order states in its very first sentence as policy to avoid regulatory burdens that unnecessarily constrain economic growth and prevent job creation. Section 1 goes on to elaborate as policy that environmental regulations must comply with the law, have greater benefits than costs, and rely on the best available peer-reviewed science and economics. For the reasons described above, the trailer requirements in the GHGP2 rule conflict with these policies.

Furthermore, we note that in seeking to justify the costs as outweighing the benefits of the GHGP2 rule, EPA relied on the Obama Administration's "social cost of carbon." *See* 81 Fed. Reg. at 73,875 (explaining that the agencies "estimate the global social benefits of CO_2 emission reductions expected from the heavy-duty GHG and fuel efficiency standards using the social cost of carbon"). The March 28 Executive Order directed that the prior Administration's social cost of carbon analyses be withdrawn, and that, effective immediately, agencies shall ensure that estimates used in valuing the GHG impacts of regulations be consistent with OMB Circular A-4 (Sept. 17, 2003). The Order specifically directed that this include the approach to considering domestic versus international impacts and the consideration of the appropriate discount rates. Accordingly, the Order directs a new approach, effective immediately, that is different from and in conflict with the approach EPA used to justify the GHGP2 standards, which the Order makes clear is "no longer representative of government policy." Not only does this constitute a further policy reason to revisit the trailer requirements, but it constitutes centrally relevant new information warranting reconsideration of the rule under Section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B).

4. *EPA Action is Urgent to Avoid Substantial Economic Impacts*. As anticipated in the directive of Section 3(d) of the Executive Order that the agencies take action "as soon as practicable," this matter is of great time sensitivity to TTMA's members. Although the GHGP2 standards apply to trailers manufactured after January 1, 2018, the standards will have costly impacts on trailer manufacturers in the latter half of 2017. The manufacturers will soon have to quote and commit in advance to trailer orders for production in 2018, and they will soon begin incurring substantial expenditures for parts inventory and for reconfiguring manufacturing plants and assembly lines to enable installation of the required devices. These are, in many cases, small- to medium-sized businesses throughout the country who can ill afford the unnecessary burdens of these standards, which will impact them, their employees, customers and the economy at large.

TTMA would like to meet with you or your designees to seek an immediate path to reconsideration of the GHGP2 trailer requirements and an approach to stay the effectiveness of the rule in the interim to avoid the burden and disruption of imminent steps to comply. We very much appreciate your attention to this important matter and your consideration of our requests on an expedited basis.

Sincerely,



Jeff Sims, President

TTMA
TRUCK TRAILER Manufacturers Association
TTMAnet.org Since 1941

JEFF SIMS
President

Nothing Moves Until You're Engaged

7001 Heritage Village Plaza
Suite 220
Gainesville, VA 20155

Office: (703) 549-3010
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jeff@ttmanet.org

ORIGIN ID:CKXA (703) 549-3010
JEFF SIMS

7001 HERITAGE VILLAGE PLAZA
SUITE 220
GAINESVILLE, VA 20155
UNITED STATES US

SHIP DATE: 03APR17
ACTWGT:
CAD: 107973149/INET3850

BILL SENDER

TO **SCOTT PRUITT**
ENVIRONMENTAL PROTECTION AGENCY
1200 PENNSYLVANIA AVENUE, N.W.

WAS DC 20460
(202) 564-4700 REF
INV:
PO: DEPT

546J2/CFD6/53C1

FedEx Express

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J171117821401uv

TUE - 04 APR 3:00P
STANDARD OVERNIGHT

TRK# 0201 **7788 0708 9832**

19 RDVA

20460
DC-US **IAD**

ED_001546_00005972

To: Spears, Matthew[spears.matthew@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]
From: Moulis, Charles
Sent: Fri 1/13/2017 8:57:14 PM
Subject: RE: Ben, racing issue, confirmation hearing?
1068.236 - Draft Race Exemption.docx

Attached is a discussion draft reg section for a potential motor vehicle competition exemption.

Ex. 5 - Deliberative Process

From: Spears, Matthew
Sent: Friday, January 13, 2017 10:43 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Cc: Moulis, Charles <moulis.charles@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>
Subject: Ben, racing issue, confirmation hearing?

Hi Ben,

Bill, Chuck and I talked this morning about the racing issue.

Q. Is it possible for you or someone else in DC to find out if Atty Gen Pruitt will be briefed by EPA on any issues to prepare him for his Jan 18 confirmation hearing?

Q. Why am I asking this?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Matthew Spears

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

2000 Traverwood Dr.

Ann Arbor, MI 48105

spears.matthew@epa.gov

w. 734-214-4921

m. 734-276-7079

From: Hengst, Benjamin
Sent: Thursday, January 12, 2017 8:39 AM
To: Spears, Matthew <spears.matthew@epa.gov>; Moulis, Charles <moulis.charles@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: Fwd: HD phase 2 litigation

FYI.

Begin forwarded message:

From: "Orlin, David" <Orlin.David@epa.gov>
Date: January 11, 2017 at 10:33:38 PM EST
To: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Subject: HD phase 2 litigation

Ex. 5 - Deliberative Process and Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Simon, Karl[Simon.Karl@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Moran, Robin[moran.robin@epa.gov]; Yanca, Catherine[yanca.catherine@epa.gov]; Moulis, Charles[moulis.charles@epa.gov]; Olechiw, Michael[olechiw.michael@epa.gov]; Spears, Matthew[spears.matthew@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]
From: Charmley, William
Sent: Mon 5/15/2017 6:06:59 PM
Subject: Updated near final draft of the Light-duty & heavy-duty briefing for new EPA leadership
OTAQ LD_HD Rule Briefing May 2017 draft 7.pptx

Dear all –

Attached is what I consider to be a near final draft of the OTAQ briefing for Mandy Gunasekara and Sarah Dunham on OTAQs light-duty & heavy-duty regulatory programs, including the LD MTE and HD Phase 2.

This addresses the verbal comments provided by Sarah Dunham, and the input from Chris from last week. Thanks to David, Mark and Robin for their most recent input.

If anyone has any additional comments please provide them by COB on Tuesday, as this will be due to OAR by 4pm on Wednesday.

Bill

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]; Mylan, Christopher[Mylan.Christopher@epa.gov]; Richards, David[Richards.David@epa.gov]; Argyropoulos, Paul[Argyropoulos.Paul@epa.gov]; Scoville, Pat[Scoville.Pat@epa.gov]; Blubaugh, Jim[Blubaugh.Jim@epa.gov]
Cc: Boylan, Thomas[boylan.thomas@epa.gov]
From: Sutton, Tia
Sent: Mon 5/15/2017 1:24:10 PM
Subject: Regs Tracker for 9:30 mtg
OTAQ IO Regs Tracker.xlsx

Since it sounds like a number of us are working offsite today, thought it might be easiest to send the Regs Tracker out.

From: Hengst, Benjamin
Sent: Monday, May 15, 2017 8:53 AM
To: Burch, Julia <Burch.Julia@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Richards, David <Richards.David@epa.gov>; Argyropoulos, Paul <Argyropoulos.Paul@epa.gov>; Scoville, Pat <Scoville.Pat@epa.gov>; Blubaugh, Jim <Blubaugh.Jim@epa.gov>
Cc: Boylan, Thomas <boylan.thomas@epa.gov>
Subject: Weekly regs/coms meeting

Phone line for today

Ex. 6 - Personal Privacy code Ex. 6 - Personal Privacy

From: Hengst, Benjamin
Location: WJC-N 5400 + Video with AA + Ex. 6 - Personal Privacy Participant Code: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Accepted: Heavy Duty Trailer Topics
Start Date/Time: Thur 7/6/2017 6:00:00 PM
End Date/Time: Thur 7/6/2017 7:00:00 PM

Cc: Sutton, Tia[sutton.tia@epa.gov]; Stewart, Gwen[Stewart.Gwen@epa.gov]
To: Lewis, Josh[Lewis.Josh@epa.gov]
From: Hengst, Benjamin
Sent: Mon 6/26/2017 1:03:28 PM
Subject: Re: Trailers Briefing

Hi Josh --

Apologies but I just learned that we have to reschedule this. Bill C can not make this time and Chris wants him there.

Can we shoot for July 5/6/7?

The week of July 10 Bill is out the entire week.

Ben
> On Jun 23, 2017, at 9:21 AM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:
>
> You probably saw this got scheduled for Wed...schedules didn't work for a Thursday meeting. Assume Wed is ok, but if not give us a holler
>
> Josh
>
> -----Original Message-----
> From: Hengst, Benjamin
> Sent: Thursday, June 22, 2017 4:30 PM
> To: Lewis, Josh <Lewis.Josh@epa.gov>
> Subject: Re: Trailers Briefing
>
> I think we should focus on trailers so I'd vote to call it Heavy Duty Trailer Topics.
>
>> On Jun 22, 2017, at 4:27 PM, Lewis, Josh <Lewis.Josh@epa.gov> wrote:
>>
>> Do you have a preference for what we title this briefing? "Heavy Duty Trailers" ok? Or do you want to say more generally "Heavy Duty update" knowing Mandy and Brittany will want to talk also about race cars and gliders?
>>
>>
>> -----Original Message-----
>> From: Hengst, Benjamin
>> Sent: Thursday, June 22, 2017 2:32 PM
>> To: Lewis, Josh <Lewis.Josh@epa.gov>
>> Subject: FW: Trailers Briefing
>>
>> Just confirming that you should go ahead and try to aim for next Thursday, if possible. If that doesn't work I'd say we aim for July 5 or after.
>>
>> -----Original Message-----
>> From: Grundler, Christopher
>> Sent: Thursday, June 22, 2017 2:23 PM
>> To: Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
>> Subject: Trailers Briefing
>>
>> Pls go ahead and get this briefing on S/M/B calendars. Sarah does not need a prebrief but would like to see the materials in advance. Bill--I sent you comments last night.
>> Thx

>>
>> Christopher Grundler, Director
>> Office of Transportation and Air Quality U.S. Environmental Protection Agency
>> 202/564-1682 (Washington DC)
>> 734/214-4207 (Ann Arbor MI)
>>

To: Charmley, William[charmley.william@epa.gov]
Cc: Sutton, Tia[sutton.tia@epa.gov]
From: Hengst, Benjamin
Sent: Mon 6/26/2017 1:01:35 PM
Subject: Re: Wednesday's 10am Trailer briefing - Charmley not available

I can do it. Josh somewhat anticipated this--we knew Weds would be tough

On Jun 26, 2017, at 8:59 AM, Charmley, William <charmley.william@epa.gov> wrote:

Ben and Tia –

At least on the rescheduling part, do I need to do something on this?

I can send an email to Gwen asking for it to be moved to July 5/6/7, if that is helpful.

I am on annual leave the week of July 10-14, so it can't happen then.

Thanks

Bill

From: Grundler, Christopher
Sent: Monday, June 26, 2017 7:13 AM
To: Charmley, William <charmley.william@epa.gov>

Cc: Simon, Karl <Simon.Karl@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Re: Wednesday's 10am Trailer briefing - Charmley not available

Reschedule; send up paper in interim

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202/564-1682 (Washington DC)

734/214-4207 (Ann Arbor MI)

On Jun 26, 2017, at 7:08 AM, Charmley, William <charmley.william@epa.gov> wrote:

Dear Chris,

On Wednesday we are scheduled to give the HD trailers briefing to the new leadership at 10am.

Unfortunately I cannot make that time. I have an appointment from Colin that I have already had to reschedule twice since December, and I need to get it done now.

We have a few options. We could go ahead with the briefing, and I would ask Matt Spears to give the briefing. Hopefully both Karl and Chris are in D.C. with Mandy, Brittney and Samantha. Recall that David Orlin is going to be our for more than a week, so Mark K. will be at the briefing from D.C.

The other alternative is we can reschedule it until after July 4 (Ben had already sent a note on Friday saying that to reschedule would push this past July 4.

Let me know what you think makes sense.

Bill

From: Hengst, Benjamin
Location: WJC-N 5400 + Video with AA + Ex. 6 - Personal Privacy Participant Code: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Accepted: Heavy Duty Trailer Topics
Start Date/Time: Wed 6/28/2017 2:00:00 PM
End Date/Time: Wed 6/28/2017 3:00:00 PM

From: Hengst, Benjamin
Location: RM. 6520 DC/RM. C-174 DOD AA
Importance: Normal
Subject: Accepted: Update Trailer Litigation
Start Date/Time: Thur 6/1/2017 1:00:00 PM
End Date/Time: Thur 6/1/2017 1:45:00 PM

From: Hengst, Benjamin
Location: RM. 6520 DC/RM. C-174 DOD AA
Importance: Normal
Subject: FW: Update Trailer Litigation
Start Date/Time: Thur 6/1/2017 1:00:00 PM
End Date/Time: Thur 6/1/2017 1:45:00 PM

-----Original Appointment-----
From: Stewart, Gwen **On Behalf Of** Grundler, Christopher
Sent: Tuesday, May 23, 2017 8:50 AM
To: Charmley, William; Spears, Matthew; Moulis, Charles; Brakora, Jessica; Simon, Karl; Orlin, David; Kataoka, Mark
Cc: Iffland, JoNell; Gonzalez, Gail; Dickinson, David; Healy, Stephen
Subject: Update Trailer Litigation
When: Thursday, June 01, 2017 9:00 AM-9:45 AM (UTC-05:00) Eastern Time (US & Canada).
Where: RM. 6520 DC/RM. C-174 DOD AA

MEETING REQUEST:

OTAQ MEETING REQUEST FORM

-

-

Requesting Meeting/Conference Call with: **Christopher Grundler**

Send form to: Gwen Stewart – 202 564-1682

Date of this Request: May 22, 2017

Point of Contact (Name/Number): Chuck Moulis

Title of Meeting: Trailer Pre-brief

Purpose of Meeting: Update about trailer litigation

Priority Status: Critical or time sensitive ---_____ Less Immediate ___X__

Last possible date for meeting: Please schedule between May 30 and June 2

If the meeting is critical, please explain why:

Location of Meeting: Chris' conference room

Length of Meeting: 1 hr

Key Participants: (List all who need to be notified of the meeting)

Office/Organization	Email Address	Number
William Charmley		
Matt Spears		

Chuck Moulis

Jessica Brakora

Karl Simon

David Orlin

Mark Kataoka

NOTE: All briefing materials must be sent by 4:00 PM the day prior in whatever format you are most comfortable, PPT Slides are not required. If briefing materials are not submitted by 4 pm, the meeting will be rescheduled, unless approved by Chris. (Briefing Materials are to be sent to: OTAQMaterials@epa.gov).

To: Lewis, Josh[Lewis.Josh@epa.gov]
From: Hengst, Benjamin
Sent: Tue 5/9/2017 3:03:57 PM
Subject: Fwd: Updated version of LD & HD program briefing
OTAQ LD_HD Rule Briefing May 2017 draft 3.pptx
ATT00001.htm

Here you go

Begin forwarded message:

From: "Charmley, William" <charmley.william@epa.gov>
To: "OTAQ Materials" <OTAQMaterials@epa.gov>
Cc: "Simon, Karl" <Simon.Karl@epa.gov>, "Haugen, David" <haugen.david@epa.gov>, "Bunker, Byron" <bunker.byron@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Cook, Leila" <cook.leila@epa.gov>, "Haley, Mike" <Haley.Mike@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>
Subject: Updated version of LD & HD program briefing

Ben & Tia,

I did not hear back from Chris on this draft, and I know Ben said it is due to OAR for Sarah by 4pm.

The attached has a few minor updates compared to the draft I sent to Chris, mostly based on a few recommendations from David Orlin.

Thanks

Bill

To: Simon, Karl[Simon.Karl@epa.gov]
From: Hengst, Benjamin
Sent: Wed 4/12/2017 9:48:09 PM
Subject: Fwd: DC Cir. 16-1430 (Truck Trailer petition)

Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>
Date: April 12, 2017 at 5:27:30 PM EDT
To: "Kataoka, Mark" <Kataoka.Mark@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Cook, Leila" <cook.leila@epa.gov>
Cc: "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>
Subject: RE: DC Cir. 16-1430 (Truck Trailer petition)

Mark—

Thanks for framing up the issue so well for me. I've given this some more thought, and conferred with my team (as well as Sarah Dunham), and Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks,

CHris

From: Kataoka, Mark
Sent: Wednesday, April 12, 2017 4:47 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Cook, Leila <cook.leila@epa.gov>

Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: DC Cir. 16-1430 (Truck Trailer petition)

Ex. 5 - Attorney Client

FYI I'm leaving the office now but will have phone.

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: April 12, 2017 4:09 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FW: DC Cir. 16-1430 (Truck Trailer petition)

Mark,
See below from Racing Enthusiasts. Ex. 5 - Attorney Client
Ex. 5 - Attorney Client

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

From: Broome, Shannon S. [mailto:SBroome@hunton.com]
Sent: Wednesday, April 12, 2017 3:02 PM
To: Chen, Sue (ENRD) <SChen@ENRD.USDOJ.GOV>
Subject: RE: DC Cir. 16-1430 (Truck Trailer petition)

Sue – I know that the Truck/Trailer group wants to proceed to set a briefing schedule on their issue. My client would like to engage in discussion of our reconsideration petition once there is staff in place to do that at EPA. We are thinking about filing a motion to sever our issues and to hold our case in abeyance – basically de-consolidate. I anticipate filing this motion soon and would appreciate your position. Please let me know.

Best regards,

Shannon S. Broome

Partner

sbroome@hunton.com
415.975.3718 (SF)

202.955.1912 (DC)

415.818.2275 (cell)

Hunton & Williams LLP
575 Market St.
Suite 3700
San Francisco, CA 94105

hunton.com

Check out Hunton's new Environmental and Energy Law Blog!
https://www.huntonnickelreportblog.com/

This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, please advise by return email immediately and then delete this message and all copies and backups thereof.

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: Wednesday, April 12, 2017 12:01 PM
To: Theodore, Elisabeth; Fayne, Zachary; Broome, Shannon S.; Knauss, Chuck
Subject: DC Cir. 16-1430 (Truck Trailer petition)

Counsel,

Are you available Friday after 11 to discuss this matter and next week's filing deadline?

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov

To: William Charmley (charmley.william@epa.gov)[charmley.william@epa.gov]; Leila Cook[Cook.Leila@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Karl Simon[Simon.Karl@epa.gov]
From: Hengst, Benjamin
Sent: Wed 4/12/2017 5:15:14 PM
Subject: HD litigation update--one pager
HD Litigation Update 4.12.17.docx

I pulled the attached together for our 4pm, based on various email exchanges with OGC on this topic

To: Leila Cook[Cook.Leila@epa.gov]
From: Hengst, Benjamin
Sent: Wed 4/12/2017 4:13:53 PM
Subject: FW: HD Litigation Update Meeting on Wednesday
TTMA Request to Reconsider and Stay.pdf
Energy Independence EO.pdf

From: Kataoka, Mark
Sent: Tuesday, April 11, 2017 5:47 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: HD Litigation Update Meeting on Wednesday

Ben, et al.,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Mark M. Kataoka

Attorney

EPA OGC ARLO (2344A)

202-564-5584

From: Hengst, Benjamin
Sent: April 11, 2017 3:26 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Charmley, William <charmley.william@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Spears, Matthew <spears.matthew@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: HD Litigation Update Meeting on Wednesday

Hi Folks—

A few of us got together last week for a short meeting with David Orlin and Mark K to discuss next steps and upcoming decisions related to TTMA's challenge to the HD2 rule.

Ex. 5 - Attorney Client

Thanks

Ben

To: Grundler, Christopher[grundler.christopher@epa.gov]
Cc: William Charmley (charmley.william@epa.gov)[charmley.william@epa.gov]
From: Hengst, Benjamin
Sent: Fri 3/31/2017 3:25:48 PM
Subject: FW: Truck GHG: executive order

Chris—read the whole chain below.

From: Orlin, David
Sent: Friday, March 31, 2017 11:25 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Truck GHG: executive order

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Hengst, Benjamin
Sent: Friday, March 31, 2017 11:19 AM
To: Orlin, David <Orlin.David@epa.gov>; Charmley, William <charmley.william@epa.gov>
Subject: RE: Truck GHG: executive order

David—did you send this to Chris yet? If not, I will

From: Orlin, David
Sent: Friday, March 31, 2017 11:18 AM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>
Cc: Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FW: Truck GHG: executive order

fyi

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Orlin, David
Sent: Friday, March 31, 2017 11:17 AM
To: 'Chen, Sue (ENRD)' <Sue.Chen@usdoj.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Truck GHG: executive order

Sue,

Ex. 5 - Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

From: Chen, Sue (ENRD) [mailto:Sue.Chen@usdoj.gov]
Sent: Friday, March 31, 2017 10:41 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: Truck GHG: executive order

Mark,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

For your convenience I've attached the order and the Climate Action Plan. Please let us know if you would like to schedule a call to discuss this.

Thanks,

Sue

Sue Chen

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

202.305.0283

Sue.Chen@usdoj.gov