From: Buie, Gregory W CIV
To: Sandoval, Joni; Robert.N.Hildebrand@uscg.mil
Cc: Newell, Duane; Hemminger, Helkei S CIV; Eastman, Timothy G CIV
Subject: RE: FPN E20801 - TC Energy OIl Spill
Date: Friday, November 1, 2019 9:31:54 AM

Joni,

We understand letting North Dakota take the lead on the cleanup. That said, does Region 8 believe this spill is a CWA/OPA incident; i.e. a discharge of oil to the Waters of the United States?

Greg

-----Original Message-----
From: Sandoval, Joni <Sandoval.Joni@epa.gov>
Sent: Friday, November 1, 2019 11:26 AM
To: Hildebrand, Robert N CIV <Robert.N.Hildebrand@uscg.mil>
Cc: Newell, Duane <Newell.Duane@epa.gov>; Hemminger, Helkei S CIV <Helkei.S.Hemminger@uscg.mil>; Buie, Gregory W CIV <Gregory.W.Buie@uscg.mil>; Eastman, Timothy G CIV <Timothy.G.Eastman@uscg.mil>
Subject: [Non-DoD Source] Re: FPN E20801 - TC Energy OIl Spill

We have decided to let the state take the lead and Duane is coming home today. Do you still need more info from us?

> On Nov 1, 2019, at 9:24 AM, Hildebrand, Robert N CIV <Robert.N.Hildebrand@uscg.mil> wrote:
>
> Duane and Joni:
>
> Duane, as we discussed today and you gave me your position on WOTUS, NPFC now would like to get an official position from EPA Region 8 that this oil spill meets EPA's jurisdiction and that an official nexus to a waterway (WOTUS) has been determined (wetlands to river) connection. Obviously, you will have to engage your attorney, but NPFC feels this is needed to document the uniqueness of this spill.
>
> Any questions, my attorney is Kei Hemminger (202-795-6057).
>
> Bob H
> NPFC Case Officer
> 202-795-6081 (office)
> 540-642-3795 (cell)