That could work too

Sent from my iPhone

On Jun 19, 2017, at 2:57 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

What about discussing over food? Dinner?

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: Personal Phone / Ex. 6

Greenwalt.Sarah@epa.gov

From: Schwab, Justin
Sent: Monday, June 19, 2017 2:53 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: WOTUS

On further review: Before 8 and 3:30-4 for me as well. Oops.

Sent from my iPhone

On Jun 19, 2017, at 2:51 PM, Fotouhi, David <fotouhi.david@epa.gov> wrote:

Before 8, 3:30-4 or after 6:00.

Sent from my iPhone

On Jun 19, 2017, at 2:51 PM, Schwab, Justin <schwab.justin@epa.gov> wrote:

5:30-6:15

Sent from my iPhone

On Jun 19, 2017, at 2:50 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

We need to get together tomorrow to Deliberative Process / Ex. 5
Availability?

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: Personal Phone / Ex. 6

Greenwalt.Sarah@epa.gov

Message

From: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Sent: 6/18/2017 10:00:06 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]
Subject: Fwd: State of Arizona Input on Proposed Revision to the Definition of "Waters of the United States"
Attachments: EPA WOTUS Definition from ADEQ_6_16_17.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Jackson, Ryan" <jackson.ryan@epa.gov>
> **Date:** June 18, 2017 at 9:12:12 AM EDT
> **To:** "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
> **Subject: Fwd: State of Arizona Input on Proposed Revision to the Definition of â€œWaters of the United Statesâ€**

Ryan Jackson
Chief of Staff
U.S. EPA
(Ex. 6

Begin forwarded message:

> **From:** Misael Cabrera <Cabrera.Misael@azdeq.gov>
> **Date:** June 16, 2017 at 7:20:03 PM EDT
> **To:** "jackson.ryan@epa.gov" <jackson.ryan@epa.gov>, "stacey.m.jensen@usace.army.mil" <stacey.m.jensen@usace.army.mil>, "cwawotus@epa.gov" <cwawotus@epa.gov>
> **Cc:** Hunter Moore <hmoore@az.gov>, 'Jill Metzinger' <jmetzinger@az.gov>, "Misael Cabrera" <Cabrera.Misael@azdeq.gov>, Leah Rossow <Rossow.Leah@azdeq.gov>, "Bret Parke" <Parke.Bret@azdeq.gov>, "Amanda E. Stone" <Stone.Amanda@azdeq.gov>, Trevor Baggiore <Baggiore.Trevor@azdeq.gov>, Mary Zanga <Zanga.Mary@azdeq.gov>
> **Subject: State of Arizona Input on Proposed Revision to the Definition of "Waters of the United States"**
>
> On behalf of Governor Ducey, attached is a letter in response to your May 2017 request for input on the forthcoming proposal to revise the definition of waters of the United States (WOTUS) Final Rule, 80 Fed. Rg. 37,054 (June 29, 2015) and how states might respond to reduced federal jurisdiction under the Clean Water Act (CWA). The original letter is being mailed to Administrator Pruitt and Assistant Secretary Lamont today via Federal Express.
>
> If you have any questions or need additional information, please contact Amanda Stone, Chief Policy and Legislative Affairs Officer, at the Arizona Department of Environmental Quality at 520-628-6883 or at stone.amanda@azdeq.gov.

Thank you, Misael Cabrera

Misael Cabrera, P.E.
Director
Arizona Department of Environmental Quality

To: Fotouhi, David[fotouhi.david@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Fri 6/16/2017 1:29:32 PM (UTC)
Subject: FW: WOTUS CA6 merits briefs - Briefs from petitioners: industry and states
ENV_DEFENSE-#786388-v1-WOTUS_-_Industry_Petitioners__Opening_Brief.PDF
ENV_DEFENSE-#786387-v1-WOTUS_-_State_Petitioners__Opening_Brief.PDF

As requested. Will be sending several emails with the attachments. Large files so thought I should send separately.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]
Sent: Tuesday, November 01, 2016 4:46 PM
To: Samuels, Stephen (ENRD) <Stephen.Samuels@usdoj.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; Dona, Amy (ENRD) <Amy.Dona@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil
Subject: WOTUS CA6 merits briefs - industry and states

All –

I'm forwarding the first two briefs, filed this afternoon, by the state petitioners and the industry/municipal petitioners. We expect two more briefs from the environmental groups and will forward them when we get them.

Happy reading!
Jessica

Jessica O'Donnell
Senior Counsel for Appellate Matters
Environmental Defense Section
202.305.0851

To: Schwab, Justin[schwab.justin@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: Thur 6/15/2017 12:36:47 AM (UTC)
Subject: RE: language

Deliberative Process / ACP Ex. 5

Deliberative Process / Ex. 5

Steven Neugeboren
Associate General Counsel
Water Law Office
Environmental Protection Agency
202-564-5488

From: Schwab, Justin
Sent: Wednesday, June 14, 2017 7:51 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: language

Deliberative Process / Ex. 5

From: Minoli, Kevin
Sent: Wednesday, June 14, 2017 6:30 PM
To: Fotouhi, David <fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: RE: language

Deliberative Process / Ex. 5

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

From: Fotouhi, David
Sent: Wednesday, June 14, 2017 5:52 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: RE: language

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Does that work?

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Minoli, Kevin
Sent: Wednesday, June 14, 2017 5:50 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>

Subject: RE: language

Thanks Steve. Deliberative Process / Ex. 5

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

From: Neugeboren, Steven
Sent: Wednesday, June 14, 2017 5:37 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: language

Deliberative Process / Ex. 5

Steven Neugeboren
Associate General Counsel
Water Law Office
Environmental Protection Agency
202-564-5488

To: Fotouhi, David[fotouhi.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Minoli, Kevin
Sent: Wed 6/14/2017 8:16:34 PM
Subject: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

To: Fotouhi, David[fotouhi.david@epa.gov]
From: Schwab, Justin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]
Sent: Tue 6/13/2017 7:31:05 PM (UTC)

Deliberative Process / ACP Ex. 5

To: Baptist, Erik[baptist.erik@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Mon 7/10/2017 11:15:58 AM (UTC)
Subject: FW: QFRs from House Budget Hearing - your help needed
HAC QFRs with RESPONSES FOR HOLLY_consolidatedv2.docx

FYI. **Attorney Client / Deliberative Process / Ex. 5**

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Greaves, Holly
Sent: Friday, July 7, 2017 12:11 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: QFRs from House Budget Hearing - your help needed

David, please see below – I excluded you by accident. Thanks!

From: Greaves, Holly
Sent: Friday, July 7, 2017 12:05 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Beck, Nancy <beck.nancy@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: QFRs from House Budget Hearing - your help needed

Deliberative Process / Ex. 5

Please send your edits **in tracked changes** by **Noon on Tuesday, July 11th.**

Deliberative Process / Ex. 5

Assignments

- **Deliberative Process / Ex. 5**

Thanks,
Holly

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Fotouhi, David
Sent: Thur 6/29/2017 6:12:33 PM
wotus_prepublication_version.pdf
ATT00001.txt

https://www.epa.gov/sites/production/files/2017-06/documents/wotus_prepublication_version.pdf

To: Schwab, Justin[schwab.justin@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Fri 6/16/2017 6:29:31 PM (UTC)
Subject: FW: WOTUS CA6 merits briefs - Briefs from petitioners: industry and states
ENV_DEFENSE-#786388-v1-WOTUS_-_Industry_Petitioners__Opening_Brief.PDF
ENV_DEFENSE-#786387-v1-WOTUS_-_State_Petitioners__Opening_Brief.PDF

FYI

Attorney Client / Deliberative Process / Ex. 5

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Wehling, Carrie
Sent: Friday, June 16, 2017 9:30 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: WOTUS CA6 merits briefs - Briefs from petitioners: industry and states

As requested. Will be sending several emails with the attachments. Large files so thought I should send separately.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]
Sent: Tuesday, November 01, 2016 4:46 PM
To: Samuels, Stephen (ENRD) <Stephen.Samuels@usdoj.gov>; Doyle, Andrew (ENRD) <Andrew.Doyle@usdoj.gov>; Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; Dona, Amy (ENRD)

<Amy.Dona@usdoj.gov>; McCune, Devon Lehman (ENRD) <Devon.McCune@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Boyd, Milt HQ02 <milt.boyd@usace.army.mil>; Inkelas, Daniel HQ02 <Daniel.Inkelas@usace.army.mil>; David.R.Cooper@usace.army.mil; Bregman, Lauren R CIV USARMY HQDA OGC (US) <lauren.r.bregman.civ@mail.mil>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>; Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; Gunter, David (ENRD) <David.Gunter2@usdoj.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; 'Timbrook, Shahara T (Tennaile) MAJ USARMY USAR LEGAL CMD (US)' <shahara.t.timbrook.mil@mail.mil>; Catherine.b.roy.mil@mail.mil; Craig.r.schmauder.civ@mail.mil
Subject: WOTUS CA6 merits briefs - industry and states

All –

I'm forwarding the first two briefs, filed this afternoon, by the state petitioners and the industry/municipal petitioners. We expect two more briefs from the environmental groups and will forward them when we get them.

Happy reading!
Jessica

Jessica O'Donnell
Senior Counsel for Appellate Matters
Environmental Defense Section
202.305.0851

From: Fotouhi, David
To: Bolen, Brittany; Greenwalt, Sarah
CC: Schwab, Justin
Sent: 6/15/2017 5:35:52 PM
Subject: FW: **Deliberative Process / Attorney Client Ex. 5**
Attachments: WOTUS Step 1 preamble 6.15.17 for OMB.DOCX

Brittany, Sarah,

OGC has **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Please let me know if that approach works and I'll advice Mindy to proceed. If you have questions, let me know as well.

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Eisenberg, Mindy
Sent: Thursday, June 15, 2017 12:22 PM
To: Kupchan, Simma ; Fotouhi, David
Cc: Neugeboren, Steven ; Wehling, Carrie ; Wendelowski, Karyn
Subject: RE: **Deliberative Process / Attorney Client Ex. 5**

Thanks very much!

All – my suggestion is **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Does that work?

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Kupchan, Simma
Sent: Thursday, June 15, 2017 12:16 PM

To: Fotouhi, David <fotouhi.david@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>
Subject: **Deliberative Process / Attorney Client Ex. 5**

David and Mindy,

Attached is the revised draft of the WOTUS Step 1 preamble for submission to OMB. Please let me know if you have questions. Thank you.

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

Message

From: Drinkard, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=808A6B7B65BF447F93DAD2F510FEAF61-ADRINKAR]
Sent: 6/27/2017 3:11:11 PM
To: Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Shapiro, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c70af880ba747b5a8b6baa45a040125-MShapiro]; Goodin, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3eac342f280a4b9db4079c81f66d1913-JGoodin]
Subject: RE: Script
Attachments: PrePub WOTUS Web Draft - RM Process - 6.27.2017.pdf

I have not seen a fact sheet on the comms side, but I'm wondering if the website could serve that purpose. See attached.

From: Forsgren, Lee
Sent: Tuesday, June 27, 2017 11:08 AM
To: Shapiro, Mike <Shapiro.Mike@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: FW: Script

Do we have a one pager?

From: Bolen, Brittany
Sent: Tuesday, June 27, 2017 11:01 AM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: Script

Folks, do you have a one-pager prepared on the WOTUS proposal? Offices usually have prepared a one-page high level overview for a major rule release. Do you have that prepared?

From: Bowman, Liz
Sent: Tuesday, June 27, 2017 10:20 AM
To: Letendre, Daisy <letendre.daisy@epa.gov>
Cc: Graham, Amy <graham.amy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Script

Thank you for taking a stab at the script for WOTUS. Please use the following talking point, in addition to the press statement I sent you to draft. When it is done, can you please send it to Amy Graham (copied here), so that she can review, and y'all can finalize it by about noon? Thanks again for your help – Liz

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5"

"**Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5"

Liz Bowman
U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Goodin, John[Goodin.John@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]; McDavit, Michael W.[Mcdavit.Michael@epa.gov]; Weinstock, Larry[Weinstock.Larry@epa.gov]
Cc: Brown, Robert[Brown.Robert@epa.gov]
From: Moore, Kristie
Sent: Mon 6/26/2017 10:29:43 AM
Subject: FW: Polling for Tuesday SAC hearing
FY18 PB WOTUS_DG.docx

Sorry. Looping in Larry and Mike McDavit.

Kristie M. Moore

Office of Wetlands Oceans and Watersheds

U.S. Environmental Protection Agency

EPA West

1200 Pennsylvania Ave., NW

MC-4501 T

Washington, DC, 20460

office: (202) 566-1616

fax: (202) 566-1544

From: Moore, Kristie
Sent: Monday, June 26, 2017 6:28 AM
To: Goodin, John <Goodin.John@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Brown, Robert <Brown.Robert@epa.gov>
Subject: RE: Polling for Tuesday SAC hearing

Thank you John and Palmer.

John,

Let us know when we can send the Q&A to OW.

What about WOTUS? Do we want to make any edits to address the Senator's connectivity concerns? Attached is the latest WOTUS paper.

WOTUS – as the Agency moves forward on a new WOUS rule, the EPA needs to take into account the impact to Alaska. 2/3 of the state is already a wetland, and if connectivity is the key to the new rulemaking.. every mile of Alaska is connected to a wetland in some part.

Kristie M. Moore

Office of Wetlands Oceans and Watersheds

U.S. Environmental Protection Agency

EPA West

1200 Pennsylvania Ave., NW

MC-4501 T

Washington, DC, 20460

office: (202) 566-1616

fax: (202) 566-1544

From: Goodin, John
Sent: Sunday, June 25, 2017 12:15 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Moore, Kristie <Moore.Kristie@epa.gov>; Brown, Robert <Brown.Robert@epa.gov>
Subject: Re: Polling for Tuesday SAC hearing

Thanks, Palmer. Very much appreciate the extra work here. I'll pursue the process clarifications

Monday.

Have a good week!

John

Sent from my iPhone

On Jun 25, 2017, at 10:02 AM, Hough, Palmer <Hough.Palmer@epa.gov> wrote:

John

Deliberative Process / Ex. 5

I'm cc'ing Heidi and Carrie so they can give this a review as well.

I'm at NCTC all week for the annual IRT training course with the Corps but I will be checking my emails in case folks have questions.

-Palmer

From: Goodin, John
Sent: Saturday, June 24, 2017 6:58 AM
To: Fontaine, Tim; Hough, Palmer; Wehling, Carrie; Eisenberg, Mindy
Cc: Brown, Robert; Moore, Kristie; Peck, Gregory; Best-Wong, Benita; Connors, Sandra; Kochis, Daniel; Lape, Jeff; Southerland, Elizabeth; Spraul, Greg; Drummond, Laura; Woods, Terry; Giddings, Daniel; Shapiro, Mike; Bennett, Brittany; Kaiser, Russell
Subject: Re: Polling for Tuesday SAC hearing

Thanks, Tim. We'll work up a draft on Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Palmer/Heidi-- feel free to connect with me this weekend to get a headstart.

John

Sent from my iPhone

On Jun 24, 2017, at 6:37 AM, Fontaine, Tim <Fontaine.Tim@epa.gov> wrote:

Bob and Dan

While no due date was provided, they will likely want this early Monday. I believe that we have fact sheets on WOTUS and Bristol Bay that can be tweaked - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: "Terris, Carol" <Terris.Carol@epa.gov>
Date: June 23, 2017 at 7:40:01 PM EDT
To: "Swack, David" <Swack.David@epa.gov>, "Fontaine, Tim" <Fontaine.Tim@epa.gov>, "Hyde, Courtney" <Hyde.Courtney@epa.gov>
Cc: "Nguyen, Khanh" <Nguyen.Khanh@epa.gov>, "Beg, Gul" <Beg.Gul@epa.gov>, "Ripley, Laura" <Ripley.Laura@epa.gov>
Subject: Polling for Tuesday SAC hearing

Polling for Sen Murkowski -- – please provide a quick set of background information bullets and talking point – thank you!

Bristol Bay-- As part of EPAs May 11th settlement agreement—we have 60 days to withdraw the 2014 determination which is in the middle of the

commercial fishing day season. The Senator wants to have as much involvement with the Tribes as possible – and will ask the administrator to have a 60-90 day comment period to give enough time for the tribal commercial fishermen to provide comment.

Fish Grinding – Both On shore and Off Shore – looking to find a solution to this issue and seeing if we can commit to have some options or solution with a time frame for completion. Sen. Murkowski would also like these options ready to be discussed at the meeting of the two senior staffs.

These are more for FYI/awareness.

Diesel Generators in remote villages—Alaska remote villages, that use diesel generators submitted a comment to the regulatory relief panel on this issue. Specifically, for any generators purchased after model year 2014 you need to have a diesel particulate filter installed—if used for power generator. In Alaska, if you have this filter on—there is a high failure rate because of the temperature outside. If the filter fails… the generator shuts down and then you have to get a technician out there to fix it—which is very expensive. We will be asked to work with her on a solution to this issue.

Small Remote Incinerator issue -- Will ask EPA to look at administrative options and see what is possible and would like that to be done before the two senior staffs sit down.

PM 2.5 Fairbanks – Murkowski will ask the Administrator to remember the unique situation that Fairbanks experiences due to the geography, low temperature, and that they don't have access to natural gas— when EPA works with the state and borough to come up with plan.

WOTUS – as the Agency moves forward on a new WOUS rule, the EPA

needs to take into account the impact to Alaska. 2/3 of the state is already a wetland, and if connectivity is the key to the new rulemaking.. every mile of Alaska is connected to a wetland in some part.

<Pebble-Bristol Bay_6-25-17.docx>

To: Campbell, Ann[Campbell.Ann@epa.gov]
From: Goodin.John@epa.gov[Goodin.John@epa.gov]
Sent: Wed 7/12/2017 1:35:35 PM (UTC)
Subject: Fwd: Meeting with the Administrator
Table WOTUS2_Step 2 options v2.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Goodin, John" <Goodin.John@epa.gov>
Date: July 11, 2017 at 6:29:43 PM EDT
To: "Shapiro, Mike" <Shapiro.Mike@epa.gov>, Benita Best-Wong <Best-Wong.Benita@epa.gov>, Gregory Peck <Peck.Gregory@epa.gov>
Cc: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>, Steven Neugeboren <Neugeboren.Steven@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, Donna Downing <Downing.Donna@epa.gov>, "Connors, Sandra" <Connors.Sandra@epa.gov>
Subject: RE: Meeting with the Administrator

Folks—brief update on planning for the Administrator's meeting tomorrow. I understand the agenda to be refined as follows (there is nothing in writing):

Deliberative Process / Ex. 5

Note that the majority of discussion today (Kevin Minoli joined for this part) was on Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I invite Steve or Mindy to add anything else they'd like. We can chat tomorrow morning too.
Thanks,
John

From: Goodin, John
Sent: Monday, July 10, 2017 6:03 PM
To: Shapiro, Mike <Shapiro.Mike@epa.gov>; Benita Best-Wong <Best-Wong.Benita@epa.gov>; Gregory Peck <Peck.Gregory@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Steven Neugeboren <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Meeting with the Administrator

Folks—quick heads up that Sarah is preparing for an hour conversation on WOTUS with the Administrator this

Wednesday at 3:30pm in which she would also like career staff participation from OGC and Water. She is scheduling a prep meeting for 4:00pm tomorrow. In a brief phone call with Steve, Mindy, Carrie, and me this afternoon, Sarah

Deliberative Process / Ex. 5

I know that Mike and Benita are offsite, so let us know how the three of you want to participate and what we can do additionally to prepare.

Copying Steve and Carrie to invite them to add to the above as needed.
Thanks
John

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Donna Downing[Downing.Donna@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]; Rose Kwok[Kwok.Rose@epa.gov]
From: Goodin, John
Sent: Tue 6/27/2017 8:42:44 PM
Subject: FW: Signed Proposed Rule - Definition of the "Waters of the United States" Recodification of Pre-existing Rules
WOTUS STEP1.pdf

From: Threet, Derek
Sent: Tuesday, June 27, 2017 3:13 PM
To: Goodin, John <Goodin.John@epa.gov>
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Subject: FW: Signed Proposed Rule - Definition of the "Waters of the United States" Recodification of Pre-existing Rules

John/Benita – FYI. WOTUS Step 1 was signed by Army and is on its way back to EPA. Mike Shapiro and others are aware. Ann will filter to other appropriate OW folks shortly. I let the OA, OPA, the political team, etc. know it was signed.

From: Threet, Derek
Sent: Tuesday, June 27, 2017 3:04 PM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Hull, George <Hull.George@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Signed Proposed Rule - Definition of the "Waters of the United States" Recodification of Pre-existing Rules

Good afternoon,

The Definition of the "Waters of the United States" Recodification of Pre-existing Rules proposed rule was signed today by Administrator Pruitt and Douglas Lamont, of the Department of the Army. Attached is a scan of the rule.

Let me know if you have any questions.

Thanks.

Derek

****

Derek Jason Threet, Special Assistant
Office of the Administrator (OW, OECA, OEI, OCFO & OIG)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20004
Telephone: (202) 564-1409
Office Cell Phone Personal Phone / Ex. 6

To: Giddings, Daniel[giddings.daniel@epa.gov]; Moore, Kristie[Moore.Kristie@epa.gov]; Fontaine, Tim[Fontaine.Tim@epa.gov]; Brown, Robert[Brown.Robert@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]
Cc: Spraul, Greg[Spraul.Greg@epa.gov]; Drummond, Laura[Drummond.Laura@epa.gov]; Woods, Terry[Woods.Terry@epa.gov]
From: Goodin, John
Sent: Mon 6/26/2017 3:42:56 PM
Subject: RE: Polling for Tuesday SAC hearing
WOTUS Options Paperv 6.26.17rev.docx

Kristie et al.-- Here is the revised WOTUS paper with the Alaska response included (thanks, Mindy!)

Thanks

John

From: Giddings, Daniel
Sent: Monday, June 26, 2017 11:25 AM
To: Moore, Kristie <Moore.Kristie@epa.gov>; Fontaine, Tim <Fontaine.Tim@epa.gov>; Brown, Robert <Brown.Robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Drummond, Laura <Drummond.Laura@epa.gov>; Woods, Terry <Woods.Terry@epa.gov>
Subject: RE: Polling for Tuesday SAC hearing

Ok. Thanks.

Best,

Danny Giddings

Resource Management Staff

Office of Water

U.S. Environmental Protection Agency

(202)-564-0320

From: Moore, Kristie
Sent: Monday, June 26, 2017 11:16 AM
To: Giddings, Daniel <giddings.daniel@epa.gov>; Fontaine, Tim <Fontaine.Tim@epa.gov>; Brown, Robert <Brown.Robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Drummond, Laura <Drummond.Laura@epa.gov>; Woods, Terry <Woods.Terry@epa.gov>
Subject: RE: Polling for Tuesday SAC hearing

Danny,

Thank you for checking. John said Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Kristie

Kristie M. Moore

Office of Wetlands Oceans and Watersheds

U.S. Environmental Protection Agency

EPA West

1200 Pennsylvania Ave., NW

MC-4501 T

Washington, DC, 20460

office: (202) 566-1616

fax: (202) 566-1544

From: Giddings, Daniel

Sent: Monday, June 26, 2017 11:09 AM
To: Moore, Kristie <Moore.Kristie@epa.gov>; Fontaine, Tim <Fontaine.Tim@epa.gov>; Brown, Robert <Brown.Robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Drummond, Laura <Drummond.Laura@epa.gov>; Woods, Terry <Woods.Terry@epa.gov>
Subject: RE: Polling for Tuesday SAC hearing

Kristie,

Is there perhaps a way we can revise the Bristol Bay talking point to be a little simpler? Please see suggestion below.

Deliberative Process / Ex. 5

Best,

Danny Giddings

Resource Management Staff

Office of Water

U.S. Environmental Protection Agency

(202)-564-0320

From: Moore, Kristie
Sent: Monday, June 26, 2017 9:37 AM
To: Fontaine, Tim <Fontaine.Tim@epa.gov>; Brown, Robert <Brown.Robert@epa.gov>;

Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Drummond, Laura <Drummond.Laura@epa.gov>; Woods, Terry <Woods.Terry@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>
Subject: RE: Polling for Tuesday SAC hearing

Danny and Tim,

Attached is an updated Bristol Bay paper. We're still working on the WOTUS paper.

Also, we have an update to the OH/MI paper. Not sure if we can slip this change in as well.

Kristie

Kristie M. Moore

Office of Wetlands Oceans and Watersheds

U.S. Environmental Protection Agency

EPA West

1200 Pennsylvania Ave., NW

MC-4501 T

Washington, DC, 20460

office: (202) 566-1616

fax: (202) 566-1544

From: Fontaine, Tim
Sent: Saturday, June 24, 2017 6:38 AM
To: Brown, Robert <Brown.Robert@epa.gov>; Moore, Kristie <Moore.Kristie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>; Lape, Jeff <lape.jeff@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>

Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Drummond, Laura <Drummond.Laura@epa.gov>; Woods, Terry <Woods.Terry@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>
Subject: Fwd: Polling for Tuesday SAC hearing

Bob and Dan

While no due date was provided, they will likely want this early Monday. I believe that we have fact sheets on WOTUS and Bristol Bay that can be tweaked - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: "Terris, Carol" <Terris.Carol@epa.gov>
Date: June 23, 2017 at 7:40:01 PM EDT
To: "Swack, David" <Swack.David@epa.gov>, "Fontaine, Tim" <Fontaine.Tim@epa.gov>, "Hyde, Courtney" <Hyde.Courtney@epa.gov>
Cc: "Nguyen, Khanh" <Nguyen.Khanh@epa.gov>, "Beg, Gul" <Beg.Gul@epa.gov>, "Ripley, Laura" <Ripley.Laura@epa.gov>
Subject: Polling for Tuesday SAC hearing

Polling for Sen Murkowski -- – please provide a quick set of background information bullets and talking point – thank you!

Bristol Bay-- As part of EPAs May 11th settlement agreement—we have 60 days to withdraw the 2014 determination which is in the middle of the commercial fishing day season. The Senator wants to have as much involvement with the Tribes as possible – and will ask the administrator to have a 60-90 day comment period to give enough time for the tribal commercial fishermen to provide comment.

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To: Forsgren, Lee[Forsgren.Lee@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Cc: Richardson, RobinH[Richardson.RobinH@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]; Campbell, Ann[Campbell.Ann@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]
From: Barbery, Andrea
Sent: Fri 7/14/2017 8:28:05 PM
Subject: Briefing memo and materials for ECOS-EPA Leadership Meeting (Tues/18th)
ECOS Committee Org Chart_Jul17.pdf
ECOS_Cooperative Federalism 2.0_6-12-17.pdf
Memo to ECOS_Oversight_8-30-16.pdf
Principles and Best Practices for Oversight_FINAL_08 22 2016.docx
ECOS - Pruitt_WOTUS_6-19-17.pdf
ECOS Press Statement on WOTUS Rule WDraw_6-27-17.pdf
ECOS and State Attendees_as of 7-12-17.xlsx
Briefing Memo-Forsgren_ECOS-EPA Leadership Mtg_7-18-17.docx

Hi Lee –

Thank you for your participation in Tuesday's **ECOS-EPA Leadership Meeting**. Attached for your reference are the following materials:

1) Briefing memo
2) ECOS Leadership and Committee Org Chart
3) ECOS' Cooperative Federalism 2.0 paper
4) August 30, 2016 Memo on Oversight of State-Delegated Permitting Programs
5) Memo Attachment: Principles and Best Practices paper
6) June 19, 2017 ECOS letter on WOTUS
7) June 27, 2017 ECOS Press Statement on Proposed WOTUS Withdrawal
8) List of state participants

I'd be happy to answer any questions you might have about this meeting. Thanks again, and have a great weekend!

Andrea Barbery (ECOS Liaison)
Office of Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-1397

JULY 18 ECOS-EPA LEADERSHIP MEETING

First name	Last Name	State	Notes	
Ben	Grumbles	MD	ECOS R3 EC Rep, Air Vice Chair	
John	Mitchell	KS	Innovation & Productivity Chair	
Erin	Chancellor	TX	For Bryan Shaw, Air Chair	
~~Craig~~	~~Butler~~	OH	ECOS R5 EC Rep, Water Chair	Canceled 7/14
Aaron	Keatley	KY	KY	
Carol	Comer	MO	MO, Compliance VC, leaves 9:30am	
John	Stine	MN	ECOS Pres	
Becky	Keogh	AR	ECOS Sec Treas	
Martha	Rudolph	CO	ECOS Past Pres	
Todd	Parfitt	WY	ECOS VP	
Scott	Thompson	OK	ECOS R6 EC Rep, Waste Chair	
Bob	Martineau	TN	TN	
Rob	Klee	CT	ECOS R1 EC Rep	
Misael	Cabrera	AZ	Innovation & Productivity Vice Chair	
Patrick	Stevens	WI	Planning Committee Chair	
Matthew	Rodriquez	CA	ECOS R9 EC Rep	
Larry	Hartig	AK	ECOS R10 EC Rep	
David	Paylor	VA	ERIS President	
Myra	Reece	SC	ECOS R4 EC Rep	
Fran	Marshall	SC	Myra's +1	
Alex	Dunn	ECOS	ECOS Executive Director	
Carolyn	Hanson	ECOS	ECOS Deputy Executive Director	
Beth	Graves	ECOS	ECOS staff (Planning, E-Enterprise)	
Lia	Parisien	ECOS	ECOS staff (Waste)	
Layne	Piper	ECOS	ECOS staff (Water, Federal Facilities)	
Kelly	Poole	ECOS	ECOS staff (Air, Compliance)	
Patty	Reyes	ECOS	ITRC Director	

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Greaves, Holly
Sent: Tue 7/11/2017 7:54:08 PM
Subject: Qfrs
HAC QFRs with RESPONSES FOR HOLLY_consolidatedv2 (002) 7.10.17.docx
ATT00001.txt

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Bolen, Brittany
Sent: Tue 7/11/2017 1:54:08 PM
Subject: Re: Materials for WOTUS Briefing

Sarah so sorry for delay on this, but I would be free to meet on this today at 5.

Sent from my iPhone

> On Jul 10, 2017, at 9:54 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:
>
> All –
>
> Please review the following materials for our WOTUS briefing with the Administrator on Wednesday, July 12th at 3:30. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

>

> It would be beneficial to have a pre-meeting so that we are all on the same page. I am available tomorrow from 2:30-4pm. Would that timeframe work for you guys? I'm also available after 5pm.
>
> Please note that I have invited Mindy Eisenberg from OW and Steve Neugeboren from OGC to join us for the Wednesday briefing.
>
> Let me know if you have any questions!
>
> Sarah A. Greenwalt
> Senior Advisor to the Administrator
> for Water and Cross-Cutting Issues
>
> U.S. Environmental Protection Agency
> Work: 202-564-1722|Cell: Personal Phone / Ex. 6
> Greenwalt.Sarah@epa.gov
>

Deliberative Process / Ex. 5

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Cc: Dominguez, Alexander[dominguez.alexander@epa.gov]
From: Palich, Christian
Sent: Tue 6/27/2017 9:30:37 PM
Subject: FW: WOTUS proposed rule
Defense of Environment MCC17002.pdf

Hi Sarah,

Senator Paul's office wanted our insight on attached bill (see email below.) Since you handle water issues I thought I would send over your way.

Thanks and have a great evening,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Bennett, Tate
Sent: Tuesday, June 27, 2017 4:44 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: FW: WOTUS proposed rule

From: Vaughan, Aubrey (Paul) [mailto:Aubrey_Vaughan@paul.senate.gov]
Sent: Tuesday, June 27, 2017 4:19 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: WOTUS proposed rule

Hey Tate,

Hope you're doing well! I was excited to see the WOTUS proposed rule today. I haven't finished reading through yet, but I think this would be a good time for us to reintroduce our bill on navigable waters to reinforce Congressional support for EPA's work on this. Is there a good contact I could send our bill language to? I have a question on the impact of a certain section we currently have in the text –

SEC. 3. APPLICABILITY OF AGENCY REGULATIONS AND GUIDANCE.
(a) IN GENERAL.—The following regulations and guidance shall have no force or effect:
[...]
(4) Any subsequent regulation of or guidance issued by any Federal agency that defines or interprets the term ''navigable waters'' or ''waters of the United States''.
(b) PROHIBITION.—The Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall not promulgate any rules or issue any guidance that expands or interprets the definition of navigable waters unless expressly authorized by Congress.

Thanks so much,
--
Aubrey Vaughan
General Counsel
Office of Senator Rand Paul
167 Russell Senate Office Building
(202) 224-6515

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Wagner, Kenneth
Sent: Fri 6/23/2017 3:59:00 AM
Subject: Re: Head's up on recent letters from CT to EPA

I'm out until the 29th...in one day and then back the 13th...

I definitely want to hear about Nonresponsive Discussion of Personal Matters / Ex. 6 I will call you...

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: Personal Phone / Ex. 6
wagner.kenneth@epa.gov

On Jun 22, 2017, at 9:51 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

I did the same! Will you be in D.C. next week?

Sent from my iPhone

On Jun 22, 2017, at 10:26 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:

Came by your office today to say hello...but you were a busy girl! Hope you're doing well

Looks like the Alaska trip is happening Aug 12-17 (during Ad vacation)...you still interested?

Kenneth E. Wagner

Senior Advisor to the Administrator

For Regional and State Affairs

U S Environmental Protection Agency

202-564-1988 office

Personal Phone / Ex. 6 **cell**

wagner.kenneth@epa.gov

On Jun 22, 2017, at 7:22 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Thanks Ken

Sent from my iPhone

On Jun 22, 2017, at 3:12 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:

Comments from Connecticut on Ozone and WOTUS..

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: Personal Phone / Ex. 6
wagner.kenneth@epa.gov<mailto:wagner.kenneth@epa.gov>

Begin forwarded message:

From: "Klee, Robert" <Robert.Klee@ct.gov<mailto:Robert.Klee@ct.gov>>
To: "Wagner, Kenneth" <wagner.kenneth@epa.gov<mailto:wagner.kenneth@epa.gov>>, "Bennett, Tate" <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>
Cc: "robert.kaliszewski@ct.gov<mailto:robert.kaliszewski@ct.gov>" <robert.kaliszewski@ct.gov<mailto:robert.kaliszewski@ct.gov>>
Subject: Head's up on recent letters from CT to EPA

Ken and Tate,

I just wanted to drop a quick note to make sure you and Administrator Pruitt are aware of two recent letters – one from my Governor, and one from me – that Connecticut sent to the Administrator regarding recent EPA actions on ozone and WOTUS. Electronic copies are attached.

We continue to appreciate the collaborative relationship that Connecticut shares with EPA staff in Region 1, and we appreciate your willingness at EPA headquarters to engage on issues of significance to Connecticut.

The health and economic impacts of ozone transport and non-attainment is a

subject of particular concern here in Connecticut, and my Governor speaks directly and passionately about it every chance he gets. The delay in the designation phase of the 2015 ozone NAAQS puts Connecticut at an economic disadvantage against states that ignore critical air quality issues, and prolongs the risk of illness for thousands of residents in our state. We strongly oppose this decision to delay.

On WOTUS, we believed the 2015 rule was protective of vital intermittent headwaters, and dovetailed nicely with our existing state law. As a merged energy, environment, natural resource, and outdoor recreation agency, we take a holistic view of our entire suite of water resources and their importance to public health, ecological health, recreation and commerce – and we recognize the vulnerability of these water resources to a changing climate. We believe WOTUS protects Connecticut's water and wetland resources, and we definitely would not want to see any changes that would undermine flexibility or recognition of regional circumstances and needs.

Please let me know if you have any questions. Deputy Commissioner Kaliszewski and I would be more than happy to discuss any of these matters.

Cheers,

Rob

PS -- I also attach a four state letter from CT, VT, RI, and MA regarding the proposed EPA budget, which you may have already received from CONEG. We'd also welcome the chance to engage on budget issues, as appropriate.

Robert J. Klee
Commissioner
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
P: 860.424.3571|F: 860.424.4051 |E:
robert.klee@ct.gov<mailto:robert.klee@ct.gov>

<image003.png>

www.ct.gov/deep

Conserving, improving and protecting our natural resources and environment;

Ensuring a clean, affordable, reliable, and sustainable energy supply.

<CTozone respons.pdf>

<CT WOTUS response.pdf>

<NECOE Ltr to EPA 6-14-17.pdf>

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Wagner, Kenneth
Sent: Fri 6/23/2017 2:26:56 AM
Subject: Re: Head's up on recent letters from CT to EPA

Came by your office today to say hello...but you were a busy girl! Hope you're doing well

Looks like the Alaska trip is happening Aug 12-17 (during Ad vacation)...you still interested?

Kenneth E. Wagner

Senior Advisor to the Administrator

For Regional and State Affairs

U S Environmental Protection Agency

202-564-1988 office

Personal Phone / Ex. 6 **cell**

wagner.kenneth@epa.gov

On Jun 22, 2017, at 7:22 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Thanks Ken

Sent from my iPhone

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Comments from Connecticut on Ozone and WOTUS..

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: Personal Phone / Ex. 6
wagner.kenneth@epa.gov<mailto:wagner.kenneth@epa.gov>

Begin forwarded message:

From: "Klee, Robert" <Robert.Klee@ct.gov<mailto:Robert.Klee@ct.gov>>
To: "Wagner, Kenneth" <wagner.kenneth@epa.gov<mailto:wagner.kenneth@epa.gov>>, "Bennett, Tate" <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>
Cc: "robert.kaliszewski@ct.gov<mailto:robert.kaliszewski@ct.gov>" <robert.kaliszewski@ct.gov<mailto:robert.kaliszewski@ct.gov>>
Subject: Head's up on recent letters from CT to EPA

Ken and Tate,

I just wanted to drop a quick note to make sure you and Administrator Pruitt are aware of two recent letters – one from my Governor, and one from me – that Connecticut sent to the Administrator regarding recent EPA actions on ozone and WOTUS. Electronic copies are attached.

We continue to appreciate the collaborative relationship that Connecticut shares with EPA staff in Region 1, and we appreciate your willingness at EPA headquarters to engage on issues of significance to Connecticut.

The health and economic impacts of ozone transport and non-attainment is a subject of particular concern here in Connecticut, and my Governor speaks directly and passionately about it every chance he gets. The delay in the designation phase of the 2015 ozone NAAQS puts Connecticut at an economic disadvantage against states that ignore critical air quality issues, and prolongs the risk of illness for thousands of residents in our state. We strongly oppose this decision to delay.

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Please let me know if you have any questions. Deputy Commissioner Kaliszewski and I would be more than happy to discuss any of these matters.

Cheers,

Rob

PS -- I also attach a four state letter from CT, VT, RI, and MA regarding the proposed EPA budget, which you may have already received from CONEG. We'd also welcome the chance to engage on budget issues, as appropriate.

Robert J. Klee
Commissioner
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
P: 860.424.3571|F: 860.424.4051 |E: robert.klee@ct.gov<mailto:robert.klee@ct.gov>

<image003.png>

www.ct.gov/deep

Conserving, improving and protecting our natural resources and environment;

Ensuring a clean, affordable, reliable, and sustainable energy supply.

<CTozone respons.pdf>

<CT WOTUS response.pdf>

<NECOE Ltr to EPA 6-14-17.pdf>

To: Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Sent: Mon 7/10/2017 6:58:13 PM (UTC)
Subject: RE: Materials for WOTUS Briefing

Deliberative Process / Ex. 5

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: Personal Phone / Ex. 6
Greenwalt.Sarah@epa.gov

From: Greenwalt, Sarah
Sent: Monday, July 10, 2017 9:55 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Materials for WOTUS Briefing

All –

Please review the following materials for our WOTUS briefing with the Administrator on **Wednesday, July 12th at 3:30**. We will be briefing the Administrator on Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

It would be beneficial to have a pre-meeting so that we are all on the same page. I am available **tomorrow from 2:30-4pm**. Would that timeframe work for you guys? I'm also available after 5pm.

Please note that I have invited Mindy Eisenberg from OW and Steve Neugeboren from OGC to join us for the Wednesday briefing.

Let me know if you have any questions!

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: Personal Phone / Ex. 6
Greenwalt.Sarah@epa.gov

Message

From: greenwalt.sarah@epa.gov [greenwalt.sarah@epa.gov]
Sent: 7/12/2017 8:51:18 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Subject: Re: stats on tribal and federalism letters

Awesome, thanks Mindy!

Sent from my iPad

On Jul 12, 2017, at 3:03 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

> Andrew has better info!
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Hanson, Andrew" <Hanson.Andrew@epa.gov>
> > **Date:** July 12, 2017 at 2:51:14 PM EDT
> > **To:** "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
> > **Cc:** "Christensen, Damaris" <Christensen.Damaris@epa.gov>
> > **Subject: RE: stats on tribal and federalism letters**
> >
> > If there's undue confusion (opposed to normal/baseline confusion) **20 AGs** (attorneys general) signed onto one letter. **16 governors** wrote in individually. 2 governors signed the NGA letter (one of whom was Matt Mead (WY) who also wrote his own letter) and 2 governors signed the WGA letter.
> >
> > Tate has all this info, as do Dolores and Julia.
> >
> > ---
> >
> > **From:** Bennett, Tate
> > **Sent:** Wednesday, July 12, 2017 2:42 PM
> > **To:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>
> > **Cc:** Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>
> > **Subject:** Fwd: stats on tribal and federalism letters
> >
> > Preston- can you send us an updated Gov's number? We have over 20.
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:
> >
> > > **From:** "Bowman, Liz" <Bowman.Liz@epa.gov>
> > > **Date:** July 12, 2017 at 2:08:59 PM EDT
> > > **To:** "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Ford, Hayley" <ford.hayley@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
> > > **Cc:** "Jackson, Ryan" <jackson.ryan@epa.gov>
> > > **Subject: RE: stats on tribal and federalism letters**

This is great; thanks for sharing/pulling this together.

From: Greenwalt, Sarah
Sent: Wednesday, July 12, 2017 2:08 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Fwd: stats on tribal and federalism letters

For our metrics/press purposes.

Sent from my iPhone

Begin forwarded message:

> **From:** "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
> **Date:** July 12, 2017 at 12:25:54 PM EDT
> **To:** "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
> **Subject: stats on tribal and federalism letters**
>
> Currently about **31** tribal comment letters
>
> At a glance:
>
> - Most of the written comment letters are from western tribes
> - 6 letters are from state/regional/national tribal groups or fish commissions that represent multiple tribes: National Tribal Water Council, Region 10 RTOC, California Indian Environmental Alliance, Columbia River Inter-Tribal Fish Commission, Great Lakes Indian Fish and Wildlife Commission, Northwest Indian Fisheries Commission
> - Most of the tribes oppose rescinding or revising the Clean Water Rule and oppose a Scalia-only approach to jurisdiction
> - Only one tribe (Barona Band of Mission Indians (CA)) is supportive of the agencies' efforts to review and revise or rescind the CWR
>
> Federalism
> In total **24 meetings** were held from April 19 to June 29, and **156 letters** were received as part of the federalism process. The breakdown of who we heard from is as follows:
>
> - 17 governors
> - 2 lieutenant governors
> - 20 attorney generals (19 signed onto 1 letter)
> - 62 state agencies
> - 63 local-government representatives

- 18 intergovernmental associations
- 8 state associations
- 11 water & irrigation districts

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

<WOTUSFedCommentsByState.docx>

Message

From: greenwalt.sarah@epa.gov [greenwalt.sarah@epa.gov]
Sent: 7/12/2017 6:07:45 PM
To: Ford, Hayley [ford.hayley@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Dravis, Samantha [dravis.samantha@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: stats on tribal and federalism letters

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Sent from my iPhone

Begin forwarded message:

From: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Date: July 12, 2017 at 12:25:54 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Subject: stats on tribal and federalism letters

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U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460

(202) 566-1290
eisenberg.mindy@epa.gov

To: Hupp, Millan[hupp.millan@epa.gov]; Chmielewski, Kevin[chmielewski.kevin@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]
From: Greenwalt, Sarah
Sent: Mon 7/10/2017 3:35:43 PM
Subject: FW: Most Updated August Travel Plan
DRAFT Clean Travel Plan 7.10.17docx.docx

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: Personal Phone / Ex. 6

Greenwalt.Sarah@epa.gov

From: Shimmin, Kaitlyn
Sent: Monday, July 10, 2017 10:56 AM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Most Updated August Travel Plan

Hi All, here is the most updated august travel plan. With hotel and flight suggestions and press hits. San Diego & Mexico City are held for 8/21 and 22 with the preference of Mexico City on the 22nd.

Please let me know if you have any edits or suggestions.

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: Personal Phone / Ex. 6

Shimmin.Kaitlyn@epa.gov

To: Wagner, Kenneth[wagner.kenneth@epa.gov]
From: Greenwalt, Sarah
Sent: Fri 6/23/2017 2:51:50 AM
Subject: Re: Head's up on recent letters from CT to EPA

I did the same! Will you be in D.C. next week?

Sent from my iPhone

On Jun 22, 2017, at 10:26 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:

> Came by your office today to say hello...but you were a busy girl! Hope you're doing well
>
> Looks like the Alaska trip is happening Aug 12-17 (during Ad vacation)...you still interested?
>
> **Kenneth E. Wagner**
>
> *Senior Advisor to the Administrator*
>
> *For Regional and State Affairs*
>
> **U S Environmental Protection Agency**
>
> **202-564-1988 office**
>
> Personal Phone / Ex. 6 **cell**
>
> **wagner.kenneth@epa.gov**
>
> On Jun 22, 2017, at 7:22 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:
>
> > Thanks Ken
> >
> > Sent from my iPhone
> >
> > On Jun 22, 2017, at 3:12 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:
> >
> > > Comments from Connecticut on Ozone and WOTUS..
> > >
> > > Kenneth E. Wagner
> > > Senior Advisor to the Administrator
> > > For Regional & State Affairs

US Environmental Protection Agency
Office: 202-564-1988
Cell: Personal Phone / Ex. 6
wagner.kenneth@epa.gov<mailto:wagner.kenneth@epa.gov>

Begin forwarded message:

From: "Klee, Robert" <Robert.Klee@ct.gov<mailto:Robert.Klee@ct.gov>>
To: "Wagner, Kenneth" <wagner.kenneth@epa.gov<mailto:wagner.kenneth@epa.gov>>, "Bennett, Tate" <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>
Cc: "robert.kaliszewski@ct.gov<mailto:robert.kaliszewski@ct.gov>" <robert.kaliszewski@ct.gov<mailto:robert.kaliszewski@ct.gov>>
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Please let me know if you have any questions. Deputy Commissioner

Kaliszewski and I would be more than happy to discuss any of these matters.

Cheers,

Rob

PS -- I also attach a four state letter from CT, VT, RI, and MA regarding the proposed EPA budget, which you may have already received from CONEG. We'd also welcome the chance to engage on budget issues, as appropriate.

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<image003.png>

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<CT WOTUS response.pdf>

<NECOE Ltr to EPA 6-14-17.pdf>

To: Wagner, Kenneth[wagner.kenneth@epa.gov]
From: Greenwalt, Sarah
Sent: Fri 6/23/2017 12:22:07 AM
Subject: Re: Head's up on recent letters from CT to EPA

Thanks Ken

Sent from my iPhone

On Jun 22, 2017, at 3:12 PM, Wagner, Kenneth <wagner.kenneth@epa.gov> wrote:

Comments from Connecticut on Ozone and WOTUS..

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: Personal Phone / Ex. 6
wagner.kenneth@epa.gov<mailto:wagner.kenneth@epa.gov>

Begin forwarded message:

From: "Klee, Robert" <Robert.Klee@ct.gov<mailto:Robert.Klee@ct.gov>>
To: "Wagner, Kenneth" <wagner.kenneth@epa.gov<mailto:wagner.kenneth@epa.gov>>, "Bennett, Tate" <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>
Cc: "robert.kaliszewski@ct.gov<mailto:robert.kaliszewski@ct.gov>" <robert.kaliszewski@ct.gov<mailto:robert.kaliszewski@ct.gov>>
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<CTozone respons.pdf>

<CT WOTUS response.pdf>

<NECOE Ltr to EPA 6-14-17.pdf>

To: Saltman, Tamara[Saltman.Tamara@epa.gov]; Mroz, Jessica[mroz.jessica@epa.gov]; Lubetsky, Jonathan[Lubetsky.Jonathan@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]; Terry, Sara[Terry.Sara@epa.gov]; Strine, Lora[Strine.Lora@epa.gov]; Clarke, Deirdre[clarke.deirdre@epa.gov]; Krieger, Jackie[Krieger.Jackie@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]; LaRue, Steven[LaRue.Steven@epa.gov]; Wolfe, Michael[Wolfe.Michael@epa.gov]; Walters, Margaret[Walters.Margaret@epa.gov]; Hyde, Courtney[Hyde.Courtney@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Cyran, Carissa[Cyran.Carissa@epa.gov]
Cc: Thundiyil, Karen[Thundiyil.Karen@epa.gov]; Haman, Patricia[Haman.Patricia@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]
From: Davis, Matthew
Sent: Thur 6/29/2017 7:05:59 PM
Subject: CQ draft transcript from SAC hearing (attached) RE: Notes/transcript-ish on OAR-related items from Senate Appropriations EPA FY18
Transcript SAC EPA FY18 Budget 6-27-17.docx

I haven't had time to highlight the relevant air sections, but you can use my notes (still below) as a guide.

-Matthew

From: Davis, Matthew
Sent: Wednesday, June 28, 2017 6:02 PM
To: Saltman, Tamara <Saltman.Tamara@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Terry, Sara <Terry.Sara@epa.gov>; Lora Strine <Strine.Lora@epa.gov>; Clarke, Deirdre <clarke.deirdre@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; LaRue, Steven <LaRue.Steven@epa.gov>; Wolfe, Michael <Wolfe.Michael@epa.gov>; Walters, Margaret <Walters.Margaret@epa.gov>; Hyde, Courtney <Hyde.Courtney@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Cc: Thundiyil, Karen <Thundiyil.Karen@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: Notes/transcript-ish on OAR-related items from Senate Appropriations EPA FY18

All,

I'm sending this in case it's helpful- my notes and attempt at transcript-type detail on portions of the Senate Appropriations FY18 budget hearing yesterday on items I thought were OAR related. Apologies that I ran out of time to get to the last couple of exchanges with Sen. Udall and Administrator Pruitt on RFS and oil and gas. My colleague's quick summary of those portions is at the end.

-Matthew

Notes and draft transcript-type notes on OAR-related topics from Senate Appropriations hearing 6/27/17:

Opening Statements

Chair Murkowski:

-She'd like to continue a meeting ongoing on "Parochial issues" she looks forward to working with the Administrator on: PM2.5, CISWI

Ranking Member Udall:

-eliminating Energy Star is a mistake, it and WaterSense have saved consumers nearly a trillion dollars on their utility bills

-cutting state funding 45% would make it even more challenging, particularly as you suggest "returning programs to the state"

-mentioned states running the radon programs, monitoring and reducing ozone pollution, using grants for DERA, targeted airsheds

-cuts all the various climate programs, fuels, emissions, science, etc.

-withdrawing from the Paris Agreement is misguided, can't afford to stick our head in the sand, we shouldn't walk away from our global commitments

-core responsibilities: protect public health and maintain clean air and clean water

Ranking Member Leahy:

-we need to maintain our support of clean air, particularly in VT where they get pollution from out of state disregarding borders

-important to maintain clean energy support

-climate: major need to work on this issue, it is part of an overall disregarding of science, pages being deleted, scientists being fired, ignoring compelling scientific evidence

-with your decision on the Paris Climate agreement, you're leading us away from the rest of the world on climate change

-we have been the global leader on environment and climate change, and Leahy liked that, but now China is coming in to fill that void

Administrator Pruitt:
3 priorities/focus of EPA:

-rule of law, we will no longer reimagine our statutory authority

-regulation through litigation we will no longer pursue at EPA

-reinforcing the importance of cooperative federalism

-clean air is the heart of public health, we have made tremendous progress, and attainment will be a priority of EPA, work to meet the NAAQS

-regulatory certainty is important for businesses we work with, and important for economic progress

Q&As

Murkowski: You talk about lands, cleaning up lands, and holding those accountable who contaminate our lands and this is important to the people of AK…

Pruitt: There are lands across the country, some are interagency with department of defense and department of energy [assuming he's talking about nuclear waste issues/areas]. I will be working across departments to make sure we clean up these sites from around the country.

Murkowski: I and my colleagues say clean air, clean water, you say clean air clean water, but we may not agree on the budget. Your priorities, can you outline?

Pruitt: we need to make more decisions, like in West Lake in Missouri, decision languishing over years, no urgency in making a decision. NAAQS reduction, because 40% of people still live in counties that don't meet the standard. And we have a backlog. Over 700 SIPs have been submitted to the agency and we haven't responded and that is not acceptable. There is a lot of improvements we can make through better management and leadership. And money matters, yes, but in many instances, it has been a lack of decisions and management and leadership that I will improve.

Udall: Can you confirm you will respond to correspondence and information requested to

ranking members and majority members?

Pruitt: I met with about 40-50 of your colleagues before being confirmed. Yes, we will respond and try to be proactive through our Office of Congressional Affairs, with whomever gets in touch with questions.

Udall: This budget is just a proposal, but it reduces staffing by 30%, and I understand you're planning voluntary buyouts. This committee has the authority on changes of staffing and office closures. Will you commit to following our subcommittee direction?

Pruitt: We're not going to be giving out pink slips, we will meet these goals by voluntary buy outs and early retirement and hiring freeze. Yes, We will respect the role of congress in that regard.

Udall: The thing I have the hardest time with your budget is the mismatch between your stated priorities and your funding request. For example, you delayed ozone standards a year because some areas have yet to meet the old standard, but you have cut $150M in state grants to reduce air pollution, including $50M for upgrading dirty diesel engines [DERA], and for $30M in grants targeted at the areas with the worst air quality [Targeted Air Sheds Grants]. I know you dismiss the problem of climate change but these are about the air we breathe and having clean air. You say that states and other entities should take on more responsibility, but states are still struggling to recover from the recession. It is the case in NM and OK- they are two of 19 states that still have lower revenues now than before the 2009 downturn. It looks to me that this budget makes a foregone conclusion that these states programs die on the vine. How do you think states would be able to make up the drop in federal support? That 45% drop in federal grants to states?

Pruitt: Well, that Targeted Air Sheds Grants as you indicated have served a very useful purpose, and we look forward to the discussion with this committee, and Congress, with respect to those issues. I would say to you, Senator, the air transport issues, the air attainment issues that states face, clearly there are air quality issues that cross state lines. There are things going on in TX that impact OK, and as Sen. Leahy talked about the impact in VT, as well. We serve a very important role in air transport issues, the cross state air pollution issues, and we look forward to working with this committee and working with Congress to work on that and achieve better attainment.

Udall: But you haven't answer the question: how do you expect the states to do more, and cut their budgets 45%? What we've done over time with the environmental statutes is that we've delegated authority to the states, and we have given them significant budgets. And now you're proposing to cut a lot of that funding, and I don't see how you fit those two things together.

Pruitt: Some of it, Senator, is from better cooperation. The first weekend after being sworn in on Friday, I had 18 governors in my office, and we talked about a varied host of issues, from Superfund to air attainment, compliance and assistance, and how we can better cooperate with them. And as I indicated in my earlier answer, we have over 700 State Implementation Plans that are before the agency today, that the agency hasn't responded to. And that was before any discussion about a budget. That provides a lack of clarity and direction to the states and doesn't

provide them the steps forward to achieve attainment under the Clean Air Act. So some of this Senator is having more decisive approaches to working with the states and cooperating with the states and making decisions, compliance and assistance. Now to your point, the budget proposal is something we have to be mindful of, because I really believe that the states serve an important role in enforcement. In fact we just joined with CO in taking action against a company for 3,000 tons of VOCs that had been emitted into the atmosphere there. And working with Justice we actually have engaged on some very constructive and meaningful enforcement actions there. So you're right, states serve a very important role in enforcement and compliance assistance, and we need to be mindful of that as we go through this budget process.

Daines: [Nothing on air, all on Superfund and community engagement.]

Leahy: [First exchange on Lake Champlain initiative] Is it the intention of the administration to eliminate the EPA, or restructure it frequently enough that it can't get anything done? Is it the administration's plan to eliminate the EPA in the next four years?

Pruitt: No. As I indicated in my confirmation hearing and when I was Attorney General of OK, and I note the EPA is not very popular there, I said that there is an important role for EPA. There are air quality issues, water quality issues, Superfund issues, TSCA, there are many important roles that the agency plays, and it is important that we fund those roles.

Leahy: If we vote to add or continue programs, even if they have been eliminated in the budget you've presented here, do I have your pledge that you will follow what the congress has done and maintain those programs?

Pruitt: Absolutely.

Tester: [Superfund questions and overall budget]

Van Hollen: One of the issues that has come up again and again is the integrity and accuracy of information that has come out of the EPA. There's a report today in the NY Times today about Dr. Swakhamer, former chair of the Board of Scientific Councilors [BOSC}, reported that the Chief of Staff of the EPA called her to change her testimony to Congress. Do you know about this instance?

Pruitt: I do not know about this situation. So that any emails or communications that relate to this issue we would be happy to provide to this committee. And make sure that you're fully aware of any conversations that took place between this individual that you cite and the Chief of Staff.

Van Hollen: But you would agree that it is important that EPA provide accurate information to the Congress?

Pruitt: Without question. I would say to you that those members of the BOSC, there's a rotation. None of those folks have been fired. Those folks can reapply for positions on the board, and they in fact are. It is intended that as we make decisions about representation on that board, that we have geographical dispersion and that was something that was mentioned to me both by democrats and republicans during the confirmation process that we had folks in different parts of the country participating on scientific review on rulemaking that we are engaged in. Any specific information in regards to that issue you mention we will get to you. And the integrity of the scientific review is I take very seriously.

Van Hollen: Along the lines of disclosure, why did you take down the climate change website at the EPA?

Pruitt: There are pages that have been changed that have not been trying to send any particular message one way or another. We have a job to do, under the Clean Air Act, and that job is going to continue whether it's on a website or not. We have an endangerment finding from 2007, we have a Supreme Court case in 2009 from Mass v. EPA. The agency tried twice to regulate carbon twice, and failed twice, with respect to the clean power plan and the UARG decision involving the tailoring rule. And so there is ongoing review with respect to what authority we have under the CAA to address these issues. How it affects the website…[crosstalk]

Van Hollen: Could you tell this committee, could you get back to this committee, on what you found inaccurate on this website? This was the compilation of a lot of information that had been vetted. You've got political conservatives and liberals who follow this issue who both say that this was the gold standard. So could you provide us in follow-up what you found inaccurate?

There were some inaccuracies and things we needed to change.

Pruitt: Yes, we will get you that information.

Murkowski: Let me just do a little bit of follow-up from Sen. Van Hollen. I come from a state where we have seen a lot of things changing in our climate in Alaska, visually, such as ice farther from shore, with erosion on our coastline, and the interior, and there is a visuality to the changing climate. There is a discussion about it in the state that is relatively open. There has been some criticism that the budget zeroes out all of the climate change programs. But we recognize within the mission set of the agency and your priorities of clean air and clean water that you might address so much of what we're seeing with the environmental impact of climate change. Can you speak to some of the common sense pieces of the budget proposal that deal with climate? Something that I can give the folks back home

Pruitt: So you're not asking about NAAQS program or criteria pollutants or anything like that,

you're making reference to steps that we're taking in regard to CO2? [yes/crosstalk] Okay, I think that the greatest progress that we have made as an agency has really been, obviously, with mobile sources,. The CAFÉ standards and the focus on the CAA over the last several years has made a big difference in GHGs and CO2. I think we've also seen great progress with respect to our CO footprint industry has made a huge difference. We're below our 1994 levels right now with respect to our CO2 footprint. From 2000-2014 we've reduced our footprint more than 18%. And that's primarily through industry. Sometimes we don't recognize the technology that has contributed to better outcomes. Natural gas in the generation of electricity. Horizontal drilling and hydraulic fracturing contributed to that. We have technology that's being deployed with respect to coal burning that matters. But I think from a regulatory perspective, the areas we've made the most progress is the mobile source categories.

Murkowski: Do you think this budget provides enough funding to continue the progress and the efforts here and on mobile sources?

Pruitt: Yes, we do. If you look at the CAFE standards, we will have a midterm evaluation that will come out by April 2018. We have been involved in meaningful and intense discussions with parties respect to that midterm review and I think that will continue the progress on mobile sources we are making.

Murkowski: [WOTUS]

Udall: [Gold King Mine question, Navajo, Water quality funding for tribes question.] We can't wall off TSCA office and expect it to perform when the ORD is being cut 50% and other programs are being cut by a lot, too. Core agency functions like enforcement, cut too. Same applies to clean air, clean water, radon, even childhood lead poisoning programs. Strong implementation requires a strong EPA across all disciplines. Given the EPA budget is already lower that it has been in years, how do you reconcile these cuts with strong timely implementation of the TSCA statute.

Pruitt: As you know, we have scientists in each of the individual program offices, air, water, chemicals, and those people are supported by the scientists in ORD. to give an example, when I came into this position, there was a backlog of chemicals. As you know there is a requirement that new chemicals get a review under TSCA and there was a backlog of 600 or 700 chemicals when I came into this position. And we actually worked, ORD and the chemicals office, worked to pull together adding FTE to reduce it, and it is going to cleaned out by the end of next month. You make a very good point and that point is that ORD working with those program offices needs to provide support and assistance and partnership to achieve good rulemaking. That is going to continue, it's something we are committed to. I would say this to you as well, ORD can provide, I think, technical assistance to the states in a way that helps them develop plans to address air attainment, water quality issues, and the rest. And so, that mission is important to our ORD as well.

Udall: [more on TSCA framework]

Murkowski: We have talked about Fairbanks and the interior and the issues that they have meeting the air quality requirements in the Fairbanks Bourough this is the PM2.5 issue. Fairbanks was fortunate, and they wrote a strong grant, and under the Targeted Air Sheds Grants program they got $2.5M grant to do a woodstove change-out, and they're working to do that. As was mentioned here earlier, I think these TASG are important programs, as you have acknowledged as well. Fairbanks is in a situation now, because in April they, the Fairbanks/Northstar Borough, were officially reclassified from moderate to serious non-attainment, and the designation means that the state is required to submit an air quality plan by the end of this year, by Dec. 31. And I know that EPA has been working with the state and working with the borough to develop a plan and provide that level of technical assistance. You know the issues and we've had the conversations about some of the challenges the Fairbanks Northstar Borough faces- it's not because of lack of trying. We don't have a lot of alternatives. The geography of the area makes it very, very complicated. So I'm hoping that again by the next time we have the opportunity to meet with your team that we've got some specifics in terms of some measures that you can outline that will help us working with those in the area working to come into compliance. No one wants to be in non-attainment they want to clean it, but it's a complicated set of facts.

Pruitt [around 1:45 of the video]: We've interpreted, we've perceived that the individuals, the AK DEQ, their leadership, they are committed to finding answers. And that's good. So we're working very cohesively with them. And you're right, there's a SIP that is due by the end of this year, and that's very important, I believe, that the implementation plan is drafted and completed at that time, so there's not exposure with respect to potential litigation. And we're working diligently, members of our team here in DC and through the Region, with AK to try to achieve some good outcomes and plan going forward.

Udall: We have heard a lot of different statements on climate change and its impacts on humans. What is the official Trump administration position on accepting the scientific evidence that man-made climate change is occurring?

Pruitt: Senator, I have been consistent from my confirmation hearing through all my comments that the global warming CO2 is impacting the climate, that human activity contributes to it in some measure, and measuring that with precision is very difficult. But there is a very important question: what is the process as far as response? The CAA, when you go back to individuals, when it was amended in 1990, there was great question about whether it was intended to regulate carbon pollution. It was originally meant to deal with regional pollution. And Congressman Dingell, for example, said that if the framework was used to regulate CO2 that it would create a "glorious mess". So the question is from the process issue.

Udall: They settled that issue, the Court settled that question about regulating CO2…

Pruitt: No, in Mass v. EPA simply said to the EPA that it had to make a decision on whether to regulate, whether it posed a risk to public health. And EPA responded with an endangerment finding in 2009. It did not address whether there were the tools in the toolbox it did not address wither the agency, because Congress has not responded to that CO2 issue with amendments to the CAA to address that. And the Supreme Court has noted that in the CPP stay, and in the UARG decision, with respect to the tailoring rule.

Udall: Now, I know you stated your position, but is that the official Trump administration position?

Pruitt: The Agency that I lead is responsible for responding to the endangerment finding.

Udall: Is there no official Trump administration position?

Pruitt: I have responded to you based on our responsibilities at the Agency and CO2.

Udall: Do you know of any official position that I can find somewhere and understand what the Trump Administration official position is?

Pruitt: I think what is important is that we are responding to the CO2 issue with the regulation of mobile sources, we are also evaluating the steps or tools we have in the toolbox with regard to stationary sources, and that is what is important.

Udall: Senate EPW is looking at updates to the Renewable Fuel Program (RFS). I helped with its passage when I was in the House, but now I am concerned about its implementation. I am concerned it has led to widespread land conversion,

[1:54 in video]

SEPW is looking at RFS updates – Response to letters on RFS?

Lisa Murkowski (R-AK), Chairman, Round Four

Fish grinding – need to continue to work with EPA to resolve associated issues, such as the use of best available technology

Regional Administrator positions status?

Tom Udall (D-NM), Ranking Member, Round Four

Pesticide determination – which October?

RFS – agree to focus to incentivize?

Oil and Gas Methane emissions delay signal a formal federal process to develop new rule? EPA have a role in methane regulation?

Matthew H. Davis

Office of Congressional Affairs

U.S. EPA

1200 Pennsylvania Ave NW, MC 1301A

Washington, DC 20460

(202) 564-1267

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Sasa[Personal Email / Ex. 6 ; Hollidae Morrison[Personal Email / Ex. 6
From: Danielle Bartolone
Sent: Fri 7/14/2017 2:56:13 PM
Subject: The Garden Club of America concern for Clean Water Rule
GCA_Clean_Water_Letter.pdf

Dear Mr. Jackson,

Attached is a letter from the Conservation and National Affairs and Legislation Committees expressing their concern over the Administration's action to roll back the Clean Water Rule that the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) promulgated in 2016.

The Garden Club of America is comprised of 200 clubs and approximately 18,000 club members nationwide.

Would you please forward this in your office as appropriate?

Thank you for your time and attention to this matter,

Danielle Bartolone
Staff Administrator
Conservation and National Affairs and Legislation Committees
The Garden Club of America

--
Danielle Bartolone | Staff Administrator | The Garden Club of America | danielle.bartolone@gcamerica.org | (212) 753-8316 ext. Ex. 6

Message

From: Michael Lee [mlee@gcsaa.org]
Sent: 7/12/2017 4:37:56 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Robert Helland [RHelland@gcsaa.org]
Subject: WOTUS Rescission Letter
Attachments: GCSAA WOTUS letter to Adm Pruitt - 07.06.pdf

Ryan,

I hope you're doing well. I just wanted to send you a quick note regarding the letter submitted by our CEO, Rhett Evans, to Administrator Pruitt thanking him for his efforts to rescind and replace WOTUS. As I've mentioned to you in the past, this has been a primary issue and concern for the golf industry and we want to be supportive of your efforts as you work to implement a new rule. Elizabeth Tate Bennet mentioned she would submit this letter to the docket, but just thought I would shoot it to you as well.

I also wanted to introduce you by way of email to Bob Helland (cc'd here) who is our Director of Congressional and Federal Affairs based in Washington. Bob does a great job for us on the hill and wants to be a resource for you locally if you ever need anything from GCSAA.

Please don't hesitate to reach out to either one of us anytime if we can do anything for you and your staff moving forward on the WOTUS issue or any others under the EPA purview in the future.

Thanks Ryan. Take care,

Michael Lee | Manager, Government Affairs
Golf Course Superintendents Association of America
1421 Research Park Drive | Lawrence, KS 66049
800.472.7878, ext. **Ex. 6** | Ex. 6 Direct | 785.832.4433 Fax
www.gcsaa.org | www.eifg.org | FACEBOOK | TWITTER

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Greaves, Holly
Sent: Fri 7/7/2017 3:22:27 PM
Subject: QFRs from budget hearing
HAC QFRs with RESPONSES FOR HOLLY_consolidatedv2.docx

Ryan,

Attached please find the list of QFRs with responses. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

How would you like to proceed? Would you like Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Holly

Message

From: Morris, Madeline [morris.madeline@epa.gov]
Sent: 7/3/2017 2:53:35 PM
To: Graham, Amy [graham.amy@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Perrotta, Pasquale [Perrotta.Pasquale@epa.gov]; Chmielewski, Kevin [chmielewski.kevin@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; McMurray, Forrest [mcmurray.forrest@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: FYI: Updated schedule for Thursday and Friday
Attachments: Alabama and Georgia.pdf

Here is the Alabama and Georgia line by line.

Will send out a line by line for farther out on the calendar. Just wanted to get those involved with Thursday and Friday the calendar.

Message

From: J. Steven Hart [jshart@wms-jen.com]
Sent: 6/28/2017 11:32:37 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Fwd: EPA Budget Hearing
Attachments: Senate Appropriations 06-27-2017.docx; ATT00001.htm

Pruitt is already scheduled to meet with Dennis on July 11 with me along. Dennis is controllable so do not default on this one . I would send Van Hollen a follow up note saying " i already had this meeting on my calendar but was not sure if it was confidential since you ask the question. Senator- we would like to make this a productive meeting . i am happy to publicize your success in making this happen ". Blah blah blah

Call me if you can . No urgency but we need to talk about issues unrelated to the EPA.

Sent from my iPad

Begin forwarded message:

> **From:** "Frank C. Vlossak" <fcvlossak@wms-jen.com>
> **Date:** June 28, 2017 at 7:22:50 PM EDT
> **To:** "Treacy, Dennis" <dtreacy@smithfield.com>
> **Cc:** "J. Steven Hart" <jshart@wms-jen.com>
> **Subject: EPA Budget Hearing**
>
> Dennis-
>
> Note the Van Hollen exchange re: the Chesapeake Bay.
>
> Frank
>
> ***Chesapeake Bay***
>
> **Senator Chris Van Hollen (D-MD)** asserted the Chesapeake Bay is a "national treasure" and explained six states and the EPA formed a compact to clean up the bay. He said there was an effort to enforce the Total Maximum Daily Load (TMDL) program. He recalled Pruitt's confirmation hearing and noted he committed to working with the states. He asked how the budget meets that commitment. **Pruitt** asserted the TMDL program is reflective of what is good about state cooperation on cleaning up point and nonpoint sources. He said the EPA will work with states to ensure concerns are addressed. **Van Hollen** asserted eliminating the funding would make it more difficult to reach the goals and opposition to the cut to the Chesapeake Bay program has united the Maryland Congressional delegation. **Pruitt** acknowledged it is difficult to get six states together to reach that type of cooperation and commended the states. **Van Hollen** asked Pruitt to meet with the Chesapeake Bay Commission. **Pruitt** agreed.

Disclaimer

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]
From: Greaves, Holly
Sent: Thur 6/15/2017 12:26:49 AM
Importance: Normal
Subject: RE: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17
Received: Thur 6/15/2017 12:26:52 AM
2015 Delay Implementation of the 2015 Ozone Standards.docx
Accomplishing Reg Reform.docx
appendix.docx
Cooperative Federalism.docx
DERA.docx
Ecolabels in wood.docx
Enforcement.docx
Factcheck of coal jobs.docx
FTE Reductions.docx
Gold King Mine.docx
Great Lakes.docx
Harmful Algal Blooms.docx
Indoor Air.docx
IRIS.docx
Lake Erie Ohio Portion.docx
Lead.docx
New Source Performance Standards.docx
Office closures.docx
Oil and Gas Rule.docx
PRIA.docx
Radon.docx
Regional Haze.docx
Rescission.docx
Responding to congressional inquiries.docx
SAB.docx
Sewer Backlog.docx
Superfund.docx
Targeted airshed grants.docx
US Navy in Puget Sound.docx
War on Coal.docx
WOTUS.docx

To clarify – I asked for them by 10:00 pm tonight, so I would have everything ready by tomorrow morning.

I just left you a voicemail – happy to hand deliver these to Pruitt/to his security detail as I think he is at dinner.

Alternatively, I have attached soft copies of all the updates we have here. Note, still waiting for a few more updates that I will get by 10:00.

From: Jackson, Ryan
Sent: Wednesday, June 14, 2017 8:15 PM
To: Greaves, Holly <greaves.holly@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

That's way too late. We have to leave by 10:30 and he will not really reference the sheets at the hearing.

From: Greaves, Holly
Sent: Wednesday, June 14, 2017 8:14 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

I'm sorry Ryan, Im still waiting for a few things from the senior advisors and have asked for it by 10:00.

I didn't realize that we were giving him the new notes tonight, I thought they were for my binder so I could pass him the streamlined factsheets in the hearing. That's my mistake, I'm so sorry.

Sent from my iPhone
On Jun 14, 2017, at 8:11 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

So Pruitt left tonight without the new notes from today's prep. I think tomorrow morning will be really tight for him to review the changes but it is what it is. Please be sure we have the material for in the morning of edits to sheets based on his preparation this morning.

From: Greaves, Holly
Sent: Wednesday, June 14, 2017 2:43 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

Brittany provided yesterday – thank you!

From: Jackson, Ryan
Sent: Wednesday, June 14, 2017 1:37 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: FW: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

We do need a page on this.

From: McGonagle, Kevin
Sent: Wednesday, June 14, 2017 1:12 PM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: E&E News: Inhofe, Mullin praise EPA safety regs delay, 6/14/17

E&E News
https://www.eenews.net/greenwire/2017/06/14/stories/1060056025
Inhofe, Mullin praise EPA safety regs delay
By Cecelia Smith-Schoenwalder 6/14/17

Two Republican Oklahoma lawmakers, Sen. Jim Inhofe and Rep. Markwayne Mullin, yesterday praised U.S. EPA's nearly two-year delay of chemical safety regulations.

Risk Management Plan rule changes from the Obama administration were intended to strengthen emergency preparedness requirements, but the lawmakers argued they would do the opposite.

"The RMP rule is excessive and would actually make our chemical facilities less safe by oversharing sensitive information with anybody who asks for it, including bad actors," Mullin, a member of the House Energy and Commerce Committee, said in a statement.

The Obama administration proposed the requirements after a 2013 chemical fire at a Texas fertilizer facility killed 15 people. The new rules were originally scheduled to take effect in March, but that month EPA proposed to delay their implementation until Feb. 19, 2019.

At an April hearing on the proposed delay, industry officials said current regulations are satisfactory (Greenwire, April 19). EPA Administrator Scott Pruitt on Monday signed the final rule implementing the delay, saying the agency needs more time to review the public comments and consider other issues that may need public input (E&E News PM, June 12).

"The RMP rule is duplicative and therefore its delay will not affect the existing regulations that keep our facilities safe," said Inhofe, who serves on the Senate Environment and Public Works Committee. "I applaud the administration's decision and look forward to EPA's continued efforts in reassessing this unnecessary rule."

Kevin McGonagle
Office of Media Relations Intern
U.S. Environmental Protection Agency
Telephone: (202)-564-4524
mcgonagle.kevin@epa.gov

To: Kenny, Shannon[Kenny.Shannon@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]
From: Rees, Sarah
Sent: Wed 7/12/2017 2:19:47 PM
Subject: RE:
Regulatory Reform rundown.docx

As for your other questions, on the regulatory reform progress report we've been told Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

We don't really have a summary of comments received in the docket; we've been focusing on Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

-----Original Message-----
From: Kenny, Shannon
Sent: Wednesday, July 12, 2017 9:59 AM
To: Nickerson, William <Nickerson.William@epa.gov>
Cc: Rees, Sarah <rees.sarah@epa.gov>
Subject:

Can you all get me updated EO summary with infra and Ag in next hour?

Sent from my iPhone

Message

From: Kime, Robin [Kime.Robin@epa.gov]
Sent: 6/30/2017 4:41:03 PM
To: McCluney, Lance [McCluney.Lance@epa.gov]; Kenny, Shannon [Kenny.Shannon@epa.gov]; Campbell, Jennie [Campbell.Jennie@epa.gov]
CC: Benton, Michael [benton.michael@epa.gov]
Subject: RE: Status of QFRs
Attachments: OP Budget QFRs Final.docx

Good afternoon,
The attached response was sent to Holly at noon today.

-----Original Message-----
From: McCluney, Lance
Sent: Friday, June 30, 2017 12:37 PM
To: Kenny, Shannon <Kenny.Shannon@epa.gov>; Campbell, Jennie <Campbell.Jennie@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>
Cc: Benton, Michael <benton.michael@epa.gov>
Subject: Status of QFRs

Hello All,

I am just checking in on the status of the QFRs assigned to OP. They were due to OCFO at noon today.

Thanks,
Lance

Sent from my iPhone

Message

From: Rees, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=REES, SARAH]
Sent: 6/28/2017 10:46:01 PM
To: Kenny, Shannon [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=57cd4660f9e342a99180ac2cbc3d264c-Kenny, Shannon]; Nickerson, William [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=148f2c1c05b54f358e29c59b841664aa-Wnicker]; McGartland, Al [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5fe25fc1df634f9798675527e0070429-AMcGartl]; Marten, Alex [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bbb5e4745e544893b0aa24fa0167a779-Marten, Alex]
CC: Kime, Robin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Campbell, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a9cf5943a6bc4620bca5506e7fdbe650-Campbell, J]
Subject: RE: ACTION REQUIRED: HAC QFRs -- OP
Attachments: HAC OP QFRs (June 27 2017) bn slr(002).docx

As it happens, Brittany already assigned these to us; I believe we have them covered with the exception of a few that seemed far better suited for OGC to answer. I've attached our draft responses which we have already forwarded to Brittany to review.

From: Kenny, Shannon
Sent: Wednesday, June 28, 2017 4:54 PM
To: Rees, Sarah <rees.sarah@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>; Campbell, Jennie <Campbell.Jennie@epa.gov>
Subject: Fwd: ACTION REQUIRED: HAC QFRs -- OP

Hi guys, there are two QFRs below for which we need for you to draft answers.

We've taken care of EJ one already, and I am trying to punt science one to another lucky winner.

Shannon

Sent from my iPad

Begin forwarded message:

> **From:** "McCluney, Lance" <McCluney.Lance@epa.gov>
> **Date:** June 28, 2017 at 10:52:38 AM EDT
> **To:** "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "Campbell, Jennie" <Campbell.Jennie@epa.gov>
> **Cc:** "Allen, Reginald" <Allen.Reginald@epa.gov>, "Benton, Michael" <benton.michael@epa.gov>, "Swack, David" <Swack.David@epa.gov>, "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>, "Clark, Rebekah" <Clark.Rebekah@epa.gov>
> **Subject: ACTION REQUIRED: HAC QFRs -- OP**
>
> Hello Shannon and Jennie,
>
> We have received HAC QFRs from OCFO and attached are the questions related to your program area that needs to be answered.

The House is under a very tight deadline -as you know they must complete their 'record' before voting on the proposed appropriation and they have a goal of completing their process before August recess. OCFO has requested that we send our responses by noon this Friday, June 30, 2017. If you can finish any earlier that would be much appreciated. I am asking that you all send answers to me by COB Thursday.

There are a few questions that deal with Environmental Justice, that both OA and OECA should probably answer together. I have included David Swack and Caroline Emmerson on the email, they are the POCs for OECA.

I know on yesterday, I had mentioned the questions in yellow would be handled by the policy team, however, OCFO has since reversed that guidance. We will need to address those questions that pertain your program area.

Thank you for your assistance with this matter. If you have any questions, please don't hesitate to contact me or Michael Benton.

Thanks,
Lance

Lance O. McCluney
Assistant Director, Resource Management Staff
Office of Administrative and Executive Services
Office of the Administrator
202-564-2944
mccluney.lance@epa.gov

To: Hannon, Arnita[Hannon.Arnita@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Cheatham-Strickland, Latonia[Cheatham-Strickland.Latonia@epa.gov]
From: Klasen, Matthew
Sent: Thur 6/29/2017 6:59:29 PM
Subject: Fw: OW question re: WOTUS NC lieutenant governor letter (AL-17-000-8546)
D Forest Draft Response - 06-06-17 clean draft.docx

Arnita, Demond, and Latonia,

Arnita -- per our chat, here's the Word version of the NC Lt Gov letter, which I got from CMS. This is the only electronic version I've seen, and is hopefully the same version Troy commented on.

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell Personal Phone / Ex. 6

From: Klasen, Matthew
Sent: Thursday, June 29, 2017 11:06 AM
To: Hannon, Arnita; Cheatham-Strickland, Latonia; Matthews, Demond
Subject: Re: OW question re: WOTUS NC lieutenant governor letter (AL-17-000-8546)

Arnita, Latonia, and Demond,

(Removing everyone else.)

Attached is the Word version that's in CMS, which I presume should do the trick if it matches up with the paper version that Latonia has.

-Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell Personal Phone / Ex. 6

From: Hannon, Arnita
Sent: Thursday, June 29, 2017 11:04 AM
To: Cheatham-Strickland, Latonia
Cc: Matthews, Demond; Bennett, Tate; Bowles, Jack; Klasen, Matthew; Barbery, Andrea; Kuhn, Kevin; Gaines, Cynthia
Subject: Re: OW question re: WOTUS NC lieutenant governor letter (AL-17-000-8546)

Thank you! Hopefully, we can find the original so that Troy's edits can be incorporated; but I have no idea at this point. Demond -might you help? Thanks all!

Sent from my iPhone

On Jun 29, 2017, at 10:14 AM, Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov> wrote:

Good Morning,

The letter has been sent back, Troy would like the letter to reflect the 6/27 signing. Troy will approve once those edits have been made. Does anyone have the original document, to implement those changes? I tried to extract this document from a scan but the quality was really awful. So we need to find the original document.

Best Regards,

Latonia

Latonia Cheatham Strickland
Special Assistant to the DPAA
OCIR
Cheatham-Strickland.latonia@epa.gov
Cell: Personal Phone / Ex. 6
Phone: 202-564-7930

On Jun 29, 2017, at 8:05 AM, Hannon, Arnita <Hannon.Arnita@epa.gov> wrote:

Hi!
Might any of you know the status of the response to the Lt. Governor referenced below? Can you update Demond and me if you do?

Thank you!

Sent from my iPhone

Begin forwarded message:

From: "Bowles, Jack" <Bowles.Jack@epa.gov>
Date: June 28, 2017 at 10:00:42 PM EDT
To: "Klasen, Matthew" <Klasen.Matthew@epa.gov>
Cc: "Barbery, Andrea" <Barbery.Andrea@epa.gov>, "Hannon, Arnita" <Hannon.Arnita@epa.gov>, "Kuhn, Kevin" <Kuhn.Kevin@epa.gov>, "Borum, Denis" <Borum.Denis@epa.gov>
Subject: Re: OW question re: WOTUS NC lieutenant governor letter (AL-17-000-8546)

+Demond, who with Arnita can check on this.. I think the final already went up for signature and may have already gone.

Sent from my iPhone

On Jun 28, 2017, at 3:36 PM, Klasen, Matthew <Klasen.Matthew@epa.gov> wrote:

Jack, Andrea, and Arnita,

Earlier today, Diane Jones-Coleman (in OW's correspondence shop) mentioned to our Congressional water team that they wanted to check in on a WOTUS-focused letter from North Carolina Lieutenant Governor Dan Forrest -- control # AL-17-000-8546.

Diane reported that the draft response came to OCIR for review about a week and a half ago (after Mike Shapiro's sign-off) and they haven't

heard anything since then. We correctly diagnosed this as most likely an issue of the letter being in Becky's inbox, where it currently sits.

I'm not sure what the plan is for filling in for Becky while she's out, so just wanted to see if someone can follow up to keep this moving.

(For what it's worth, the draft response in CMS doesn't yet reflect signing of the "Step 1" rule, so we'll need to update the response before signature to reflect yesterday's developments.)

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell Personal Phone / Ex. 6

To: Hannon, Arnita[Hannon.Arnita@epa.gov]; Cheatham-Strickland, Latonia[Cheatham-Strickland.Latonia@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]
From: Klasen, Matthew
Sent: Thur 6/29/2017 3:06:53 PM
Subject: Re: OW question re: WOTUS NC lieutenant governor letter (AL-17-000-8546)
D Forest Draft Response - 06-06-17 clean draft.docx

Arnita, Latonia, and Demond,

(Removing everyone else.)

Attached is the Word version that's in CMS, which I presume should do the trick if it matches up with the paper version that Latonia has.

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Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell (Personal Phone / Ex. 6

From: Hannon, Arnita
Sent: Thursday, June 29, 2017 11:04 AM
To: Cheatham-Strickland, Latonia
Cc: Matthews, Demond; Bennett, Tate; Bowles, Jack; Klasen, Matthew; Barbery, Andrea; Kuhn, Kevin; Gaines, Cynthia
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Best Regards,

Latonia

Latonia Cheatham Strickland
Special Assistant to the DPAA
OCIR
Cheatham-Strickland.latonia@epa.gov
Cell: Ex. 6
Phone: 202-564-7930

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Might any of you know the status of the response to the Lt. Governor referenced below? Can you update Demond and me if you do?

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Sent from my iPhone

Begin forwarded message:

From: "Bowles, Jack" <Bowles.Jack@epa.gov>
Date: June 28, 2017 at 10:00:42 PM EDT
To: "Klasen, Matthew" <Klasen.Matthew@epa.gov>
Cc: "Barbery, Andrea" <Barbery.Andrea@epa.gov>, "Hannon, Arnita" <Hannon.Arnita@epa.gov>, "Kuhn, Kevin" <Kuhn.Kevin@epa.gov>, "Borum, Denis" <Borum.Denis@epa.gov>
Subject: Re: OW question re: WOTUS NC lieutenant governor letter (AL-17-000-8546)

+Demond, who with Arnita can check on this.. I think the final already went up for signature and may have already gone.

Sent from my iPhone

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Jack, Andrea, and Arnita,

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Diane reported that the draft response came to OCIR for review about a week and a half ago (after Mike Shapiro's sign-off) and they haven't heard anything since then. We correctly diagnosed this as most likely an issue of the letter being in Becky's inbox, where it currently sits.

I'm not sure what the plan is for filling in for Becky while she's out, so just wanted to see if someone can follow up to keep this moving.

(For what it's worth, the draft response in CMS doesn't yet reflect signing of the "Step 1" rule, so we'll need to update the response before signature to reflect yesterday's developments.)

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell Personal Phone / Ex. 6

To: Kuhn, Kevin[Kuhn.Kevin@epa.gov]
From: Klasen, Matthew
Sent: Mon 6/26/2017 4:39:36 PM
Subject: Fw: OW-relevant Pruitt QFR responses
2017-01-31 Pruitt OW QFRs.docx
Pruitt QFRs.pdf

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell (Personal Phone / Ex. 6

From: Klasen, Matthew
Sent: Tuesday, January 31, 2017 5:12 PM
To: Peck, Gregory; Orvin, Chris; Farris, Erika D.; Nandi, Romell; Conerly, Octavia; Gonzalez, Yvonne V.; Lousberg, Macara; Ruf, Christine; Spraul, Greg; Fontaine, Tim; Threet, Derek
Cc: Borum, Denis; Kaiser, Sven-Erik; Kuhn, Kevin
Subject: OW-relevant Pruitt QFR responses

Hi everyone,

As you likely know, Administrator-nominee Pruitt responded to a long list of Questions for the Record from Senate EPW Committee members late last week, following up from his confirmation hearing a couple weeks ago. This was reported in Inside EPA and a few other outlets.

OCIR (and EPA) didn't assist in developing the responses to these questions, but our water team thought that pulling out the OW-relevant questions and responses might be generally helpful, if only to avoid interested folks needing to wade through a 245-page document. Toward that end, see attached for a shorter-but-still-not-short 42-page document. This focuses on the most OW-relevant responses, and does not include responses with only passing references to water, or that don't directly focus on OW's work. (See caveat at the top of p. 1.)

I've also attached the original PDF of all Qs&As in case that's of interest to folks with a surplus of available patience and time.

Senate EPW is scheduled to vote on Administrator-nominee Pruitt tomorrow at a business meeting at 10:45 am, with reports this afternoon suggesting that Democrats may choose to not show up and/or walk out. We'll see. Live stream of the meeting is likely to be available here: http://www.epw.senate.gov/public/index.cfm/hearings?ID=87E06C7E-6037-4CE3-A594-D0823491D2E4

Let Sven, Denis, Kevin, or me know if you have any questions.

Thanks,

Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell Personal Phone / Ex. 6

To: Kupchan, Simma[Kupchan.Simma@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Mon 7/10/2017 7:41:32 PM (UTC)
Subject: FW: WOTUS schedule -- and this one too
WOTUS-2 Scheduling Options July 15 2017.docx

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Eisenberg, Mindy
Sent: Friday, July 07, 2017 6:02 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: WOTUS schedule

Steve,
Here is the schedule options paper we sent forward.

Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Eisenberg, Mindy
Sent: Wednesday, July 05, 2017 6:27 PM
To: Shapiro, Mike <Shapiro.Mike@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Subject: WOTUS schedule

Deliberative Process / Ex. 5

Please let me know if you have any questions or would like to discuss further.

Thanks,
Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

To: Kupchan, Simma[Kupchan.Simma@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Mon 7/10/2017 7:41:08 PM (UTC)
Subject: briefing materials for Sarah -- what OWOW sent last week

Deliberative Process / Ex. 5

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Eisenberg, Mindy
Sent: Thursday, July 06, 2017 5:53 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: your vmail

Hi,
Here are the documents that Sarah requested I send to prep for the Wednesday meeting. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Eisenberg, Mindy
Sent: Wednesday, July 05, 2017 12:57 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: RE: WOTUS Discussion

Hi Sarah,
Here are the various papers. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Greenwalt, Sarah
Sent: Wednesday, July 05, 2017 11:42 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: WOTUS Discussion

Mindy –

Deliberative Process / Ex. 5

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: Personal Phone / Ex. 6
Greenwalt.Sarah@epa.gov

To: Evalenko, Sandy[Evalenko.Sandy@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]
From: Kwok, Rose[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3D2987BA8F246A5A9E37773201FD180-KWOK, ROSE]
Sent: Thur 7/6/2017 2:35:36 PM (UTC)
Subject: FW: OFR Edits to Your Signed Federal Register Document
2017-13997_1202979 (6).docx

FYI – I have not looked through these yet but will now.

From: Thomas, Elizabeth
Sent: Thursday, July 06, 2017 10:35 AM
To: Kwok, Rose <Kwok.Rose@epa.gov>
Cc: Downing, Donna <Downing.Donna@epa.gov>; EPA-FederalRegisterLiaison <EPA-FederalRegisterLiaison@epa.gov>
Subject: OFR Edits to Your Signed Federal Register Document

Hi Rose:

Please review the attached OFR Word file with edits to your document. Upon your review, if you agree with their edits, please reply by noting that the changes are "approved." If you have any concerns, please use the comment feature in the OFR Word file.

Do not use the "accept" nor "reject" feature for any of the changes, please leave the redline/strikeout if it's apparent in the OFR Word file.

Thanks,

Elizabeth N. Thomas
Federal Register Liaison
Regulatory Management Division, Office of Policy
Environmental Protection Agency
WJC North 3526E
(202) 566-1609 (Office)
(202) 564-8601 (Fax)

To: Rivera, Nina[Rivera.Nina@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]
Cc: Field, Stephen[Field.Stephen@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Wed 7/5/2017 5:08:16 PM (UTC)
Subject: RE: ELI-WOTUS Information Request

Deliberative Process / Ex. 5

Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Rivera, Nina
Sent: Wednesday, July 05, 2017 10:02 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Field, Stephen <Field.Stephen@epa.gov>
Subject: FW: ELI-WOTUS Information Request

Deliberative Process / Ex. 5

From: Brundage, Jennifer
Sent: Monday, July 03, 2017 4:18 PM
To: Hakowski, Denise <Hakowski.Denise@epa.gov>; Barath, Mark <Barath.Mark@epa.gov>; Adair, Jillian <adair.jillian@epa.gov>; Bentley, Katherine <bentley.katherine@epa.gov>; Atkinson, Cheryl <Atkinson.Cheryl@epa.gov>
Subject: FW: ELI-WOTUS Information Request

Deliberative Process / Ex. 5

Please let me know if you have any questions.

Thanks,
Jenn

From: Ludwig-Monty, Sarah
Sent: Thursday, June 22, 2017 4:33 PM
To: Skovira, Lindsay <skovira.lindsay@epa.gov>; Crk, Tanja <Crk.Tanja@epa.gov>; Gardner, Thomas <Gardner.Thomas@epa.gov>; Brundage, Jennifer <Brundage.Jennifer@epa.gov>; McLaughlin, Julianne <McLaughlin.Julianne@epa.gov>; Sengco, Mario <Sengco.Mario@epa.gov>; Soo-Hoo, Mimi <Soo-Hoo.Mimi@epa.gov>; Ruge, Zoe <ruge.zoe@epa.gov>
Cc: Fleisig, Erica <Fleisig.Erica@epa.gov>; Keating, Jim <Keating.Jim@epa.gov>
Subject: ELI-WOTUS Information Request

Hi Liaisons,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank You, and have a great July 4th Holiday!

Sarah Ludwig-Monty
ORISE Participant
U.S. Environmental Protection Agency
Office of Water | Office of Science and Technology
Standards & Health Protection Division | Regional Branch
Phone: (202)566-1072

To: Kupchan, Simma[Kupchan.Simma@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]
From: Kwok, Rose[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3D2987BA8F246A5A9E37773201FD180-KWOK, ROSE]
Sent: Tue 6/27/2017 4:21:02 PM (UTC)
Subject: OGC Clearance for WOTUS
WOTUS_2040-AF74_NPRM_FRN_20170627.docx
WOTUS_2040-AF74_NPRM_EA_20170627.docx

Hi OGC,

Attorney Client / Deliberative Process / Ex. 5

Rose Kwok
U.S. Environmental Protection Agency
Oceans, Wetlands, and Communities Division
kwok.rose@epa.gov
202-566-0657

To: Kupchan, Simma[Kupchan.Simma@epa.gov]; Thomas, Elizabeth[Thomas.Elizabeth@epa.gov]
Cc: Owens, Nicole[Owens.Nicole@epa.gov]; Nurse, Leanne[Nurse.Leanne@epa.gov]; Evalenko, Sandy[Evalenko.Sandy@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]
From: Kwok, Rose[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3D2987BA8F246A5A9E37773201FD180-KWOK, ROSE]
Sent: Mon 6/26/2017 11:07:21 PM (UTC)
Subject: RE: Fed Reg Prep for WOTUS

Deliberative Process / Ex. 5

WOTUS Draft Proposed Rule (OMB 06-23-17) EPA 6.26.17.docx

Thanks to Bridgid for her call this evening. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Rose

From: Kupchan, Simma
Sent: Monday, June 26, 2017 2:40 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Thomas, Elizabeth <Thomas.Elizabeth@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>
Subject: RE: Fed Reg Prep for WOTUS

Deliberative Process / Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Kwok, Rose
Sent: Monday, June 26, 2017 2:17 PM
To: Thomas, Elizabeth <Thomas.Elizabeth@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>
Subject: RE: Fed Reg Prep for WOTUS

Hi Elizabeth,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Thomas, Elizabeth
Sent: Monday, June 26, 2017 1:55 PM
To: Kwok, Rose <Kwok.Rose@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>
Subject: RE: Fed Reg Prep for WOTUS

Hi Rose:

Regarding this question you stated below:

Deliberative Process / Ex. 5

Thanks,

Elizabeth N. Thomas
Federal Register Liaison
Regulatory Management Division, Office of Policy
Environmental Protection Agency
WJC North 3526E
(202) 566-1609 (Office)
(202) 564-8601 (Fax)

From: Kwok, Rose
Sent: Monday, June 26, 2017 12:13 PM
To: Thomas, Elizabeth <Thomas.Elizabeth@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>
Subject: RE: Fed Reg Prep for WOTUS

Hi Elizabeth,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks!
Rose

From: Thomas, Elizabeth
Sent: Friday, May 26, 2017 2:04 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Subject: RE: Fed Reg Prep for WOTUS

Hi Simma:

Deliberative Process / Ex. 5

Thanks,

Elizabeth N. Thomas
Federal Register Liaison
Regulatory Management Division, Office of Policy
Environmental Protection Agency
WJC North 3526E
(202) 566-1609 (Office)
(202) 564-8601 (Fax)

From: Kupchan, Simma
Sent: Thursday, May 25, 2017 1:10 PM
To: Thomas, Elizabeth <Thomas.Elizabeth@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Subject: RE: Fed Reg Prep for WOTUS

Thanks, Elizabeth,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Thomas, Elizabeth
Sent: Thursday, May 25, 2017 12:05 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Subject: RE: Fed Reg Prep for WOTUS

Hi Simma:

I am not available to attend the meeting on Tuesday, 5/30/17 Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Thanks,

Elizabeth N. Thomas
Federal Register Liaison
Regulatory Management Division, Office of Policy
Environmental Protection Agency
WJC North 3526E
(202) 566-1609 (Office)
(202) 564-8601 (Fax)

From: Kupchan, Simma
Sent: Thursday, May 25, 2017 11:55 AM
To: Thomas, Elizabeth <Thomas.Elizabeth@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Subject: Fed Reg Prep for WOTUS

Hi Elizabeth,

I wanted to check to see if you were free to attend the meeting I have just postponed to this coming Tuesday afternoon Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 If you aren't free, feel free to propose another time that works better. Thanks!

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

To: Kupchan, Simma[Kupchan.Simma@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Nalven, Heidi
Sent: Mon 6/26/2017 1:08:35 PM
Subject: FW: Polling for Tuesday SAC hearing
FY18 PB WOTUS_DG.docx

I am not sure what this is about but since it mentions WOTUS I wanted to forward it to you.

Heidi Nalven

U.S. EPA Office of General Counsel

202-564-3189

From: Moore, Kristie
Sent: Monday, June 26, 2017 6:30 AM
To: Goodin, John <Goodin.John@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>
Cc: Brown, Robert <Brown.Robert@epa.gov>
Subject: FW: Polling for Tuesday SAC hearing

Sorry. Looping in Larry and Mike McDavit.

Kristie M. Moore

Office of Wetlands Oceans and Watersheds

U.S. Environmental Protection Agency

EPA West

1200 Pennsylvania Ave., NW

MC-4501 T

Washington, DC, 20460

office: (202) 566-1616

fax: (202) 566-1544

From: Moore, Kristie
Sent: Monday, June 26, 2017 6:28 AM
To: Goodin, John <Goodin.John@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Brown, Robert <Brown.Robert@epa.gov>
Subject: RE: Polling for Tuesday SAC hearing

Thank you John and Palmer.

John,

Let us know when we can send the Q&A to OW.

What about WOTUS? Do we want to make any edits to address the Senator's connectivity concerns? Attached is the latest WOTUS paper.

WOTUS – as the Agency moves forward on a new WOUS rule, the EPA needs to take into account the impact to Alaska. 2/3 of the state is already a wetland, and if connectivity is the key to the new rulemaking.. every mile of Alaska is connected to a wetland in some part.

Kristie M. Moore

Office of Wetlands Oceans and Watersheds

U.S. Environmental Protection Agency

EPA West

1200 Pennsylvania Ave., NW

MC-4501 T

Washington, DC, 20460

office: (202) 566-1616

fax: (202) 566-1544

From: Goodin, John
Sent: Sunday, June 25, 2017 12:15 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Moore, Kristie <Moore.Kristie@epa.gov>; Brown, Robert <Brown.Robert@epa.gov>
Subject: Re: Polling for Tuesday SAC hearing

Thanks, Palmer. Very much appreciate the extra work here. I'll pursue the process clarifications Monday.

Have a good week!

John

Sent from my iPhone

On Jun 25, 2017, at 10:02 AM, Hough, Palmer <Hough.Palmer@epa.gov> wrote:

John

Deliberative Process / Ex. 5

I'm cc'ing Heidi and Carrie so they can give this a review as well.

I'm at NCTC all week for the annual IRT training course with the Corps but I will be checking my emails in case folks have questions.

-Palmer

From: Goodin, John
Sent: Saturday, June 24, 2017 6:58 AM
To: Fontaine, Tim; Hough, Palmer; Wehling, Carrie; Eisenberg, Mindy
Cc: Brown, Robert; Moore, Kristie; Peck, Gregory; Best-Wong, Benita; Connors, Sandra; Kochis, Daniel; Lape, Jeff; Southerland, Elizabeth; Spraul, Greg; Drummond, Laura; Woods, Terry; Giddings, Daniel; Shapiro, Mike; Bennett, Brittany; Kaiser, Russell
Subject: Re: Polling for Tuesday SAC hearing

Thanks, Tim. We'll work up a draft on Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Palmer/Heidi-- feel free to connect with me this weekend to get a headstart.

John

Sent from my iPhone

On Jun 24, 2017, at 6:37 AM, Fontaine, Tim <Fontaine.Tim@epa.gov> wrote:

Bob and Dan

While no due date was provided, they will likely want this early Monday. I believe that we have fact sheets on WOTUS and Bristol Bay that can be tweaked - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: "Terris, Carol" <Terris.Carol@epa.gov>
Date: June 23, 2017 at 7:40:01 PM EDT
To: "Swack, David" <Swack.David@epa.gov>, "Fontaine, Tim" <Fontaine.Tim@epa.gov>, "Hyde, Courtney" <Hyde.Courtney@epa.gov>
Cc: "Nguyen, Khanh" <Nguyen.Khanh@epa.gov>, "Beg, Gul" <Beg.Gul@epa.gov>, "Ripley, Laura" <Ripley.Laura@epa.gov>
Subject: Polling for Tuesday SAC hearing

Polling for Sen Murkowski -- – please provide a quick set of background information bullets and talking point – thank you!

Bristol Bay-- As part of EPAs May 11th settlement agreement—we have 60 days to withdraw the 2014 determination which is in the middle of the commercial fishing day season. The Senator wants to have as much involvement with the Tribes as possible – and will ask the administrator to have a 60-90 day comment period to give enough time for the tribal commercial fishermen to provide comment.

Fish Grinding – Both On shore and Off Shore – looking to find a solution to this issue and seeing if we can commit to have some options or solution with a time frame for completion. Sen. Murkowski would also like these options ready to be discussed at the meeting of the two senior staffs.

These are more for FYI/awareness.

Diesel Generators in remote villages—Alaska remote villages, that use diesel generators submitted a comment to the regulatory relief panel on this issue. Specifically, for any generators purchased after model year 2014 you need to have a diesel particulate filter installed—if used for power generator. In Alaska, if you have this filter on—there is a high failure rate because of the temperature outside. If the filter fails… the generator shuts down and then you have to get a technician out there to

fix it—which is very expensive. We will be asked to work with her on a solution to this issue.

Small Remote Incinerator issue -- Will ask EPA to look at administrative options and see what is possible and would like that to be done before the two senior staffs sit down.

PM 2.5 Fairbanks – Murkowski will ask the Administrator to remember the unique situation that Fairbanks experiences due to the geography, low temperature, and that they don't have access to natural gas— when EPA works with the state and borough to come up with plan.

WOTUS – as the Agency moves forward on a new WOUS rule, the EPA needs to take into account the impact to Alaska. 2/3 of the state is already a wetland, and if connectivity is the key to the new rulemaking.. every mile of Alaska is connected to a wetland in some part.

<Pebble-Bristol Bay_6-25-17.docx>

To: Kupchan, Simma[Kupchan.Simma@epa.gov]
From: Christensen, Damaris[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E04107C23C1043D6967754064C477A29-CHRISTENSEN, DAMARIS]
Sent: Mon 6/19/2017 5:33:26 PM (UTC)
Subject: FW: Deliberative Process / Attorney Client Ex. 5

Deliberative Process / Attorney Client Ex. 5

Deliberative Process / Attorney Client Ex. 5

Damaris

From: Nickerson, William
Sent: Monday, June 19, 2017 12:49 PM
To: Christensen, Damaris <Christensen.Damaris@epa.gov>
Subject: RE: Deliberative Process / Attorney Client Ex. 5

Lanelle looked at this not in Sharepoint, so attached is a redline with both our comments.

From: Christensen, Damaris
Sent: Thursday, June 15, 2017 11:06 PM
To: Owens, Nicole <Owens.Nicole@epa.gov>; Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Cindy Barger <cindy.s.barger.civ@mail.mil>
Subject: Nonresponsive Internal URL/ Ex. 6

Hi, all.

Deliberative Process / Attorney Client Ex. 5

Deliberative Process / Attorney Client Ex. 5 If you have Sharepoint access, please edit online and let me know.

Nonresponsive Internal URL/ Ex. 6

The document is attached if you don't have access to that Sharepoint site. Please reply all with your comments though I will take responsibility for uploading them.

Please send your **comments NLT noon Monday June 19**. Earlier is always nice. ☺

Thanks!

Damaris

To: Kupchan, Simma[Kupchan.Simma@epa.gov]
From: Wendelowski, Karyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1D913E7D7397466A803149761A0BDF18-KWENDELO]
Sent: Thur 6/15/2017 4:51:16 PM (UTC)
Subject: FW: comments on latest preamble draft
WOTUS STEP 1 - Attorney Client / Deliberative Process / Ex. 5 .docx

Karyn Wendelowski
Attorney-Advisor
Water Law Office
Office of General Counsel
(202)564-5493

From: Wendelowski, Karyn
Sent: Wednesday, June 14, 2017 11:09 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: comments on latest preamble draft

I have to leave around Personal Matters / Ex. 6
Personal Matters / Ex. 6 Attorney Client / Deliberative Process / Ex. 5
Attorney Client / Deliberative Process / Ex. 5
Attorney Client / Deliberative Process / Ex. 5

Talk to you soon

To: Kupchan, Simma[Kupchan.Simma@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]
From: Neugeboren, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: Tue 6/13/2017 4:51:48 PM (UTC)
Subject: FW: draft EA and revised preamble were transmitted to OMB at 9 today
WOTUS Draft Proposed Rule incorporating OMB comments and econ_6-8-2017 clean.docx
Economic Analysis of Proposed WOTUS Step 1.OMB review draft.20170608.docx

Steven Neugeboren
Associate General Counsel
Water Law Office
Environmental Protection Agency
202-564-5488

From: Fotouhi, David
Sent: Tuesday, June 13, 2017 12:16 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: FW: draft EA and revised preamble were transmitted to OMB at 9 today

FYI, just to make sure you have what was sent to OMB previously.

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Bolen, Brittany
Sent: Tuesday, June 13, 2017 12:03 PM
To: Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: draft EA and revised preamble were transmitted to OMB at 9 today

This was the latest document sent to OMB.

From: Eisenberg, Mindy
Sent: Thursday, June 8, 2017 11:05 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Lamont, Douglas W SES (US) <douglas.w.lamont2.civ@mail.mil>; Schmauder, Craig R SES (US) <craig.r.schmauder.civ@mail.mil>; Cindy Barger <cindy.s.barger.civ@mail.mil>; Moyer, Jennifer A CIV USARMY CEHQ (US) <Jennifer.A.Moyer@usace.army.mil>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Goodin, John <Goodin.John@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; David.F.Dale@usace.army.mil
Cc: McGartland, Al <McGartland.Al@epa.gov>; Hewitt, Julie <Hewitt.Julie@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Doley, Todd <Doley.Todd@epa.gov>
Subject: draft EA and revised preamble were transmitted to OMB at 9 today

Hi All,
Letting you know that the draft econ analysis and revised preamble with conforming changes were sent to OMB. I will let you know when we hear any comments and questions.

thanks

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

To: Carrie Wehling[Wehling.Carrie@epa.gov]
From: Kupchan, Simma[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]
Sent: Mon 6/26/2017 4:24:09 PM (UTC)
Subject: Proposed edits
WOTUS Draft Proposed EA (OMB 06-23-17) sak.docx
WOTUS Draft Proposed Rule (OMB 06-23-17) sak.docx

Carrie,

Deliberative Process / Attorney Client / Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

To: Hewitt, Julie[Hewitt.Julie@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]
From: Kupchan, Simma[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]
Sent: Wed 6/14/2017 8:52:15 PM (UTC)
Subject: RE: Weekly WOTUS Econ
WOTUS Draft Proposed Rule incorporating Attorney Client / Deliberative Process / Ex. 5 ...docx

Hi all,

Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Hewitt, Julie
Sent: Wednesday, June 14, 2017 4:01 PM
To: Nickerson, William <Nickerson.William@epa.gov>
Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Weekly WOTUS Econ

Thanks, Bill. Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

From: Nickerson, William
Sent: Wednesday, June 14, 2017 3:24 PM
To: Hewitt, Julie <Hewitt.Julie@epa.gov>
Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Weekly WOTUS Econ

Attorney Client / Deliberative Process / Ex. 5

From: Hewitt, Julie
Sent: Wednesday, June 14, 2017 2:37 PM
To: Doley, Todd <Doley.Todd@epa.gov>; McGartland, Al <McGartland.Al@epa.gov>; Massey, Matt <Massey.Matt@epa.gov>; Guignet, Dennis <Guignet.Dennis@epa.gov>; Scodari, Paul F CIV USARMY CEIWR (US) <Paul.F.Scodari@usace.army.mil>; Thomas Hughes <thomas.e.hughes1.civ@mail.mil>; Kwok, Rose <Kwok.Rose@epa.gov>; Jensen, Stacey M CIV USARMY HQDA (US) <Stacey.M.Jensen@usace.army.mil>; Robert.W.Brumbaugh@usace.army.mil
Cc: Keating, Jim <Keating.Jim@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Ludwig-Monty, Sarah <ludwig-monty.sarah@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Schlieger, Brian <schlieger.brian@epa.gov>; Cindy Barger <cindy.s.barger.civ@mail.mil>; Cope, Clayton <cope.clayton@epa.gov>
Subject: Weekly WOTUS Econ

A few folks already know this, but the point is to bring everyone else up to speed.

Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Stay tuned.

Julie Hewitt
Associate Director for Economics
Engineering and Analysis Division
Office of Science & Technology, Office of Water
U.S. Environmental Protection Agency
EPA West Building
1200 Pennsylvania Avenue, N.W.
Room 6233-H and Mail Code 4303T
Washington, DC 20460

(202) 566-1031
(202) 566-1053 fax
Hewitt.Julie@epa.gov
https://www.epa.gov/eg
https://www.epa.gov/cooling-water-intakes

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]
From: Kupchan, Simma[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]
Sent: Wed 6/14/2017 5:44:31 PM (UTC)
Subject: Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Steve,

Thanks for the update. **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

Let me know if you need anything further. Thanks.

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

-----Original Message-----
From: Neugeboren, Steven
Sent: Wednesday, June 14, 2017 1:16 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>
Subject:

Attorney Client / Deliberative Process / Ex. 5

Sent from my iPhone

Steven Neugeboren
Associate General Counsel
United States Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC. 20460
202-564-5488

Message

From: Kupchan, Simma [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=784E0AEA94A7485FA0435CC0CF5A62A5-SASHER]
Sent: 6/13/2017 3:17:04 PM
To: Green, Noelle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ec442d76ba547f681cbb9b52f990a97-Green, Noel]
Subject: RE: Deliberative Process / attorney client Ex. 5
Attachments: WOTUS Draft Proposed Rule incorporating OMB comments and econ_6-8-2017 c....docx; Economic Analysis of Proposed WOTUS Step 1.OMB review draft.20170608 ADV....docx

Hi Noelle,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Green, Noelle
Sent: Tuesday, June 13, 2017 11:11 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Deliberative Process / attorney client Ex. 5

Hi Simma,

Deliberative Process / Ex. 5

Thanks!

Noelle Green
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, Northwest
Washington, DC 20460
(202) 564-1236
green.noelle@epa.gov

From: Kupchan, Simma
Sent: Wednesday, June 07, 2017 4:38 PM
To: Talty, Mark <Talty.Mark@epa.gov>

Cc: Green, Noelle <Green.Noelle@epa.gov>
Subject: RE: Deliberative Process / attorney client Ex. 5

Thanks, Mark and Noelle. **Deliberative Process / Ex. 5**

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Talty, Mark
Sent: Wednesday, June 07, 2017 4:36 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Green, Noelle <Green.Noelle@epa.gov>
Subject: RE: Deliberative Process / attorney client Ex. 5

Hi, Simma. **Deliberative Process / attorney client Ex. 5**

Mark C. Talty
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1262
talty.mark@epa.gov

From: Kupchan, Simma
Sent: Wednesday, June 07, 2017 4:14 PM
To: Talty, Mark <Talty.Mark@epa.gov>
Subject: FW: Deliberative Process / attorney client Ex. 5

Mark,

Deliberative Process / Ex. 5

Thanks,

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Wendelowski, Karyn
Sent: Wednesday, June 07, 2017 4:08 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: Deliberative Process / attorney client Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Karyn Wendelowski
Attorney Advisor
Office of General Counsel
(202) 564-5493

On Jun 7, 2017, at 4:00 PM, Kupchan, Simma <Kupchan.Simma@epa.gov> wrote:

Deliberative Process / attorney client Ex. 5

Deliberative Process / attorney client Ex. 5 ?

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: McGartland, Al
Sent: Wednesday, June 07, 2017 3:56 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Re Deliberative Process / attorney client Ex. 5

Deliberative Process / attorney client Ex. 5

From: Kupchan, Simma
Sent: Wednesday, June 7, 2017 3:52 PM
To: McGartland, Al; Nickerson, William
Cc: Wehling, Carrie; Wendelowski, Karyn; Kwok, Rose
Subject: RE: Deliberative Process / attorney client Ex. 5

Thanks, Al, Deliberative Process / attorney client Ex. 5

Deliberative Process / attorney client Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: McGartland, Al
Sent: Wednesday, June 07, 2017 3:49 PM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Wendelowski, Karyn <wendelowski.karyn@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>
Subject: Re: Deliberative Process / attorney client Ex. 5

Deliberative Process / attorney client Ex. 5

From: Kupchan, Simma
Sent: Wednesday, June 7, 2017 3:33 PM
To: Nickerson, William; McGartland, Al
Cc: Wehling, Carrie; Wendelowski, Karyn; Kwok, Rose
Subject: Deliberative Process / attorney client Ex. 5

Bill and Al,

Deliberative Process / attorney client Ex. 5

Thanks,

Simma

Deliberative Process / attorney client Ex. 5

Deliberative Process / attorney client Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

Message

From: Barbery, Andrea [Barbery.Andrea@epa.gov]
Sent: 7/14/2017 8:27:26 PM
To: Lyons, Troy [lyons.troy@epa.gov]
CC: Richardson, RobinH [Richardson.RobinH@epa.gov]; Cheatham-Strickland, Latonia [Cheatham-Strickland.Latonia@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: Briefing memo and materials for ECOS-EPA Leadership Meeting (Tues/18th)
Attachments: Briefing Memo-Lyons_ECOS-EPA Leadership Mtg_7-18-17.docx; ECOS Committee Org Chart_Jul17.pdf; ECOS_Cooperative Federalism 2.0_6-12-17.pdf; Memo to ECOS_Oversight_8-30-16.pdf; Principles and Best Practices for Oversight_FINAL_08 22 2016.docx; Prioritizing the Superfund Program Memo 5-22-2017.pdf; ECOS - Pruitt_WOTUS_6-19-17.pdf; ECOS Press Statement on WOTUS Rule WDraw_6-27-17.pdf; ECOS and State Attendees_as of 7-12-17.xlsx

Hi Troy,

Thank you again for agreeing to emcee the **ECOS-EPA Leadership Meeting** on Tuesday. Per my message to Ken, you'll see in the briefing memo my recommendation that you defer to Ryan Jackson for the welcoming remarks. I'll also print all this out for you and get it to you by 5:30, but here are the electronic copies of:

1) Your briefing memo
2) ECOS Leadership and Committee Org Chart
3) ECOS' Cooperative Federalism 2.0 paper
4) August 30, 2016 Memo on Oversight of State-Delegated Permitting Programs
5) Memo Attachment: Principles and Best Practices paper
6) May 22, 2017 Memo on Prioritizing the Superfund Program
7) June 19, 2017 ECOS letter on WOTUS
8) June 27, 2017 ECOS Press Statement on Proposed WOTUS Withdrawal
9) List of state participants

I'll also give you on Monday a cheat sheet with folks in the room who you can call on (acting AAs and the like) if something specific comes up during the "State-Federal Cooperation" session.

Please let me know if you have any questions or need anything else and thank you again for your support of the states.

Andrea Barbery
Office of Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-1397

Message

From: Barbery, Andrea [Barbery.Andrea@epa.gov]
Sent: 7/14/2017 8:27:15 PM
To: Wagner, Kenneth [wagner.kenneth@epa.gov]
CC: Richardson, RobinH [Richardson.RobinH@epa.gov]; Cheatham-Strickland, Latonia [Cheatham-Strickland.Latonia@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Briefing memo and materials for ECOS-EPA Leadership Meeting (Tues/18th)
Attachments: Briefing Memo-Wagner_ECOS-EPA Leadership Mtg_7-18-17.docx; ECOS_Cooperative Federalism 2.0_6-12-17.pdf; Memo to ECOS_Oversight_8-30-16.pdf; Principles and Best Practices for Oversight_FINAL_08 22 2016.docx; Prioritizing the Superfund Program Memo 5-22-2017.pdf; ECOS - Pruitt_WOTUS_6-19-17.pdf; ECOS Press Statement on WOTUS Rule WDraw_6-27-17.pdf; ECOS and State Attendees_as of 7-12-17.xlsx; ECOS Committee Org Chart_Jul17.pdf

Hi Ken,

Thank you again for agreeing to emcee the **ECOS-EPA Leadership Meeting** on Tuesday. In chatting with Mike Flynn this morning, it sounds like there is a possibility that Ryan Jackson will be able to attend. If that's the case, I recommend you & Troy defer to him for the welcoming remarks. This is all spelled out in the briefing memo.

Attached, please find the following materials:

1) Briefing memo
2) ECOS Leadership and Committee Org Chart
3) ECOS' Cooperative Federalism 2.0 paper
4) August 30, 2016 Memo on Oversight of State-Delegated Permitting Programs
5) Memo Attachment: Principles and Best Practices paper
6) May 22, 2017 Memo on Prioritizing the Superfund Program
7) June 19, 2017 ECOS letter on WOTUS
8) June 27, 2017 ECOS Press Statement on Proposed WOTUS Withdrawal
9) List of state participants

I'll also give you on Monday a cheat sheet with folks in the room who you can call on (acting AAs and the like) if something specific comes up during the "State-Federal Cooperation" session.

Thank you for your all you do to further the EPA-state connections!

Andrea Barbery
Office of Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-1397

To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]
From: Greaves, Holly
Sent: Tue 7/11/2017 3:01:32 PM
Subject: QFRs - ready for Liz
HAC QFRs with RESPONSES FOR HOLLY_consolidatedv2 (002) 7.10.17.docx

Liz,

Please see attached for the list of QFRs ready for your review. A couple of notes:

- Edits made by political team members are in tracked changes.
- There were a few instances where edits conflicted – I elected generally to go with

Deliberative Process / Ex. 5

- I have not heard from Mandy (OAR), Sarah (OITA), or Lee (OW) as to Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 I did send reminder emails to them this morning and asked for their input by noon. I'll summarize any additional edits they have for you in a clean version of this document.

Thanks,

Holly

To: McMurray, Forrest[mcmurray.forrest@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]
From: Palich, Christian
Sent: Mon 7/10/2017 9:07:25 PM
Subject: FW: Senate meetings tomorrow 7/11
Daines-AL-17-001-0605 EPA response.pdf
DainesPruittSuperfundletter6.27.17.pdf
Montana Standard Superfund Editorial .pdf
July 11th Hill Day.docx

Hi Forrest,

Made one edit to the July 11th Hill Day Document. Please use this attached version instead of previous version.

Thanks!

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S Environmental Protection Agency

O: 202.564.4944

C: Personal Phone / Ex. 6

E: Palich.Christian@epa.gov

From: Palich, Christian
Sent: Monday, July 10, 2017 1:17 PM
To: Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Cc: Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: Senate meetings tomorrow 7/11

Hi Forrest,

Attached are 4 documents for the Administrator for his meetings tomorrow.

Thanks!

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S Environmental Protection Agency

O: 202.564.4944

C: Personal Phone / Ex. 6

E: Palich.Christian@epa.gov

From: Lyons, Troy
Sent: Monday, July 10, 2017 1:11 PM
To: McMurray, Forrest <mcmurray.forrest@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Senate meetings tomorrow 7/11

CP, please send to Forrest

From: McMurray, Forrest
Sent: Monday, July 10, 2017 1:10 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Senate meetings tomorrow 7/11

Troy,

I noticed there were a couple of Senate meetings for the Administrator tomorrow… Do you all have any briefing material you would like for me to include in his binder in regards to those meetings? If there is let me know and I will make sure they get in this binder before he leaves today.

Forrest McMurray

Special Assistant of Scheduling and Advance

U.S. Environmental Protection Agency

Office: 202-564-5088

Cell: Personal Phone / Ex. 6

Message

From: Greaves, Holly [greaves.holly@epa.gov]
Sent: 7/10/2017 5:22:35 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: QFRs
Attachments: HAC QFRs with RESPONSES FOR HOLLY_consolidatedv2.docx; ATT00001.txt

To: Lyons, Troy[lyons.troy@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]
Cc: Kelly, Albert[kelly.albert@epa.gov]
From: Palich, Christian
Sent: Mon 7/10/2017 5:16:59 PM
Subject: RE: Senate meetings tomorrow 7/11
July 11th Hill Day.docx
Daines-AL-17-001-0605 EPA response.pdf
DainesPruittSuperfundletter6.27.17.pdf
Montana Standard Superfund Editorial .pdf

Hi Forrest,

Attached are 4 documents for the Administrator for his meetings tomorrow.

Thanks!

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S Environmental Protection Agency

O: 202.564.4944

C: Personal Phone / Ex. 6

E: Palich.Christian@epa.gov

From: Lyons, Troy
Sent: Monday, July 10, 2017 1:11 PM
To: McMurray, Forrest <mcmurray.forrest@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Senate meetings tomorrow 7/11

CP, please send to Forrest

From: McMurray, Forrest
Sent: Monday, July 10, 2017 1:10 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Senate meetings tomorrow 7/11

Troy,

I noticed there were a couple of Senate meetings for the Administrator tomorrow… Do you all have any briefing material you would like for me to include in his binder in regards to those meetings? If there is let me know and I will make sure they get in this binder before he leaves today.

Forrest McMurray

Special Assistant of Scheduling and Advance

U.S. Environmental Protection Agency

Office: 202-564-5088

Cell: Personal Phone / Ex. 6

To: Lyons, Troy[lyons.troy@epa.gov]
From: Palich, Christian
Sent: Mon 7/10/2017 11:50:01 AM
Subject: RE: Congressional Meetings
DainesPruittSuperfundletter6.27.17.pdf
Daines-AL-17-001-0605 EPA response.pdf
July 11th Hill Day.docx

Ok. My briefs for the two meetings tomorrow are attached. Plus supplemental materials for the Administrator for the Daines meeting.

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S Environmental Protection Agency

O: 202.564.4944

C: Personal Phone / Ex. 6

E: Palich.Christian@epa.gov

From: Lyons, Troy
Sent: Monday, July 10, 2017 7:43 AM
To: Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Congressional Meetings

Let's chat after the 8:00am about topics, etc. I know some of the briefs have been sent to me, but please re-send so I can review.

thanks

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 (cell)

To: Lyons, Troy[lyons.troy@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Greaves, Holly
Sent: Fri 7/7/2017 4:20:41 PM
Subject: Consistency QFR review
HAC QFRs with RESPONSES FOR HOLLY_consolidatedv2.docx

Liz/Troy,

We need to Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

For example, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I am just thinking it will be easier for us to digest these in smaller bites – if we wait until the 11th to look at them all we are going to have to devote significant time that afternoon to get through them all.

Thanks,

Holly

To: Lyons, Troy[lyons.troy@epa.gov]
Cc: Kelly, Albert[kelly.albert@epa.gov]
From: Palich, Christian
Sent: Fri 7/7/2017 3:08:25 PM
Subject: July 11th Meeting Memos
Daines-AL-17-001-0605 EPA response.pdf
DainesPruittSuperfundletter6.27.17.pdf
July 11th Hill Day.docx

Hi Troy/Kell,

Attached are my meeting memos for the Daines and Fischer meetings with the Administrator on July 11th. Troy, please let me know your thoughts or edits on these and I will be happy to change them up if needed.

Also, attached and we will want the Administrator to see before the Daines meeting are some items superfund related that Daines will want to discuss. Kell it will be helpful to have you in the briefing Tuesday to give more background about these issues and the call we did with Daines team pre budget hearing. I sent the Administrators response letter to them yesterday FYI.

I think this will have him prepared for these meetings but please let me know if you need anything further.

Have a great weekend guys,

Standard opinion: EPA's fantasy math sends clear message on Butte cleanup

Montana Standard

http://mtstandard.com/opinion/standard-opinion-epa-s-fantasy-math-sends-clear-message-on/article_db0036af-60fb-505d-aa68-77703efa94d9.html

The Environmental Protection Agency under President Trump and Administrator Scott Pruitt has found a new way to protect human health and the environment.

The agency is fighting real pollution with alternative facts, phantom resources and fantasy mathematics.

First came Pruitt's ridiculous "commitment" to clean up the Berkeley Pit, proclaimed by Sen. Steve Daines on the eve of Pruitt's confirmation by the Senate.

Next, Administrator Pruitt wrote in a May memorandum that he wanted to "prioritize" Superfund cleanups, making sure they are "restored to their rightful place at the center of the agency's core mission."

If Superfund is so central, it seems counterproductive that the agency's budget cuts more than $300 million from the program. Which represents almost exactly the same percentage of cut – more than 30 percent – that the rest of the agency is facing.

Pruitt, faced with questions about this, has since said it's "not a matter of money," but rather "a matter of leadership and attitude and management."

In last month's memo, Pruitt decreed that "authority previously delegated to … the Regional Administrators to select remedies estimated at $50 million or more … shall be retained by the Administrator."

Those in Butte who watch Superfund matters closely were already trying not to be nervous about the fact that retirement packages are being offered to a startling number of workers, and the fact that no permanent Region 8 Administrator has been named by Pruitt. Then, he suddenly appeared to make that appointment moot for Butte with the decision to grab power over major Superfund remedies.

So we asked EPA just what it means that the Administrator's office would be making decisions on remedies for this, the largest Superfund site complex in the nation.

Predictably, regional officials punted the information request … to headquarters in Washington.

The response, when it finally came back, was a jaw-dropper.

As Natural Resources reporter Susan Dunlap reports in today's edition of The Montana Standard, the EPA let us know that Butte doesn't have to worry about what the Administrator will do here.

The reason? There are no remedies yet to come for Butte that will exceed $50 million.

To appreciate the truly astonishing nature of this pronouncement, let us first consider just one operable unit – Butte Priority Soils.

The ultimate, overall remedy for this unit is still a matter of negotiation. EPA, ARCO, the state and Butte-Silver Bow have been locked in consent-decree talks for years. EPA Montana Superfund Manager Joe Vranka has said the agency has already overseen some $250 million in work within the operable unit. The remedy now operating – a subdrain and a waste-in-place philosophy – calls for the polluted water collected by the subdrain to be "treated in perpetuity."

We're not sure how long "perpetuity" is but it's probably long enough to ring up another $50 million in costs.

And that doesn't take into consideration the fact that a growing, vocal group of Butte residents believes "waste in place" is not the answer for BPSOU – that waste in the Silver Bow Creek watershed including Northside Tailings, the Diggings East and the Blacktail Berm (in addition to the Parrot Tailings still scheduled to be removed unilaterally by the state) needs to be removed, not capped. It does not take into account the research that has been done since the Record of Decision in the unit was signed – research that shows

pollution in the streambed, pollution migrating in groundwater, and pollution near Butte Reduction Works and the slag wall canyon.

$50 million wouldn't touch that, and we all know it.

The fantasy mathematics extends to the "Westside Soils" operable unit (which includes much of the Flat). What it will take to clean up that operable unit has not even been calculated. Adding to the issue is that much of the pollution in Westside Soils is from abandoned mine sites that may not be tied to ARCO – therefore making it doubtful that a legally responsible party can be found and leaving EPA on the hook for the cleanup.

$50 million? Laughable.

Most concerning about this fantasy math is that it sends a clear message from EPA to Butte: We're almost done here, folks, we're going to ignore the cleanup you really deserve, and we just can't wait to hit the road.

With some 1,300 Superfund sites around the country, taking a third of the program's resources away, offering buyouts to more than a thousand workers and lowballing the government's obligations going forward represents a facile dereliction of duty.

Somehow the gabble about leadership and attitude and management makes it all the more repugnant.

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S Environmental Protection Agency

O: 202.564.4944

C: Personal Phone / Ex. 6

E: Palich.Christian@epa.gov

To: Rodrick, Christian[rodrick.christian@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Ringel, Aaron
Sent: Wed 6/28/2017 7:25:39 PM
Subject: FW: Updated WOTUS statements

HAHAHAHA….

From: Bennett, Tate
Sent: Wednesday, June 28, 2017 3:18 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Updated WOTUS statements

Deliberative Process / Ex. 5

From: Bowman, Liz
Sent: Wednesday, June 28, 2017 2:52 PM
To: Konkus, John <konkus.john@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Updated WOTUS statements

Deliberative Process / Ex. 5 ?

From: Konkus, John
Sent: Wednesday, June 28, 2017 1:56 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Updated WOTUS statements

Below and attached are the updated WOTUS statements. Thank you.

States

Governor Kim Reynolds (IA): "Waters of the United States was a significant and severe case of government overreach by the Obama administration. I want to thank Secretary Pruitt for recognizing that WOTUS forced onerous and unnecessary burdens on Iowa's farmers and businesses. I also want to express my appreciation to the Trump administration for its continuing commitment to work with states, not against them."

Governor Eric Holcomb (IN): "I commend U.S. EPA Administrator Pruitt's leadership as he seeks to roll back burdensome regulations that measurably impact Hoosier families, businesses and farms. I also thank Administrator Pruitt for actively seeking state input on the reformulation of this rule so that federal officials better understand the common sense approach needed to protect the environment and Hoosier jobs. Indiana knows best how to preserve our state's waterways, and a one-size-fits-all approach from Washington disrupts the predictable regulatory climate we need for continued innovation and economic growth. Rescinding the 2015 WOTUS rule will allow Indiana's environmental regulators and industry leaders, along with state and local officials, to effectively manage the quality of water we need to support public health, recreation and business for our state."

Governor Sam Brownback (KS): "The Clean Water Rule was another example of bureaucrats in Washington, D.C. trying to run Kansas farms and ranches. Our state is a leader in water innovation, and Kansans have come together through community-led water preservation efforts spurred by our 50-year Water Vision. Our farmers and ranchers know best how to steward their water. We appreciate that President Trump and the EPA will now let our farmers farm and ranchers ranch."

Governor Eric Greitens (MO): "When we took office, we asked our farmers and ranchers what we could do to fight for them. One of the things we heard is that they needed our help to push back against Obama's Waters of the US regulations. Well, we took that message to Washington D.C. and the good news is they've heard us. They've heard that Obama's Waters of the US regulations are hurting family farmers."

Governor Pete Ricketts (NE): “Thank you to President Trump and Administrator Pruitt for delivering on your promise to roll back this job-killing regulation. This policy returns federal oversight of intra-state waterways to pre-2015 standards, respects the rights of private land owners and states, and provides for ample protection of clean water. Removing this threat to our state’s top industries gives Nebraska the freedom to grow more opportunities for the next generation in the areas of agriculture and manufacturing.”

Steve Nelson, Common Sense Nebraska: “Today, countless farmers, ranchers, homebuilders, manufacturers, county governments, golf courses, and small businesses are loudly celebrating the demise of EPA’s proposed WOTUS rule. For over two years, our coalition which represents the very industries who would have had to bear the brunt of this federal land grab, have worked tirelessly to stop this breathtaking assumption of authority by the federal government that flies in the face of Congressional intent, legal precedents, and even science. We want to thank the Trump Administration and EPA Administrator Pruitt specifically for now going back to the drawing board to write a new rule that actually protects water without trampling the rights of businesses and state regulatory agencies.”

Greg Ibach, Director of the Nebraska Department of Agriculture: “I applaud the Trump Administration and Secretary Pruitt’s announcement to walk away from the previous administration’s WOTUS rule and begin the process to develop a new rule. The expansive reach and inability to determine what water or land may fall under jurisdiction under the existing regulation puts Nebraska’s agriculture industry in jeopardy. Our farmers and ranchers have proven to be thoughtful stewards of our land and resources, and jurisdiction of those resources should be the responsibility of the states. I look forward to the development of a new rule, founded in common sense, that will support Nebraska’s ability to protect our water and land resources.”

The Attorneys General of the States of West Virginia, Wisconsin, Alabama, Alaska, Arkansas, Georgia, Indiana, Kansas, Louisiana, Michigan, Missouri, Montana, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming, and the Commonwealth of Kentucky, joint statement: “We fully support the proposed rule signed by EPA Administrator Pruitt today as a significant step in the direction of withdrawing the unlawful WOTUS Rule."

Alabama Attorney General Steve Marshall: “We fully support the proposed rule signed by EPA Administrator Pruitt today as a significant step in the direction of withdrawing the unlawful WOTUS Rule. The WOTUS Rule asserts sweeping federal authority over usually dry channels, roadside ditches, and isolated streams. The Rule also asserts federal authority over land covered by water only once every one hundred years. The Rule’s broad assertion of authority unlawfully impinges on the States’ traditional role as the primary regulators of land and water resources. The WOTUS Rule is unlawful under the Clean Water Act, U.S. Supreme Court precedent, and the U.S. Constitution. Our States won a nationwide stay blocking enforcement of the rule and allowing the new administration time to work on withdrawing the Rule. We look forward to EPA’s final action withdrawing the WOTUS Rule and providing relief for our States and their citizens.”

Arkansas Attorney General Leslie Rutledge: "The full rescindment of this unlawful rule is a big win for Arkansas landowners. WOTUS has been enjoined because of the work of attorneys general, and today's action shows a clear signal that the EPA is returning to its core mission. I look forward to working with the agency as it works to draft a new, lawful rule that protects our waters and does not harm our farmers and ranchers, who continue to be the first conservationists."

Georgia Attorney General Chris Carr: “This is a significant step in addressing the WOTUS Rule’s sweeping assertion of authority, which unlawfully impinges on the State’s traditional role as the primary regulators of land and water resources,” said Attorney General Chris Carr. “We look forward to EPA’s final action to withdraw the 2015 WOTUS Rule, providing relief for Georgia homeowners, farmers and other entities.”

Tennessee Attorney General Herbert Slatery: “We fully support the action taken by EPA Administrator Pruitt. The WOTUS Rule would allow the federal government to claim regulatory authority clearly left to the states. It is unlawful under the Clean Water Act, U.S. Supreme Court precedent, and the U.S. Constitution.”

Wisconsin Attorney General Brad Schimel: “We fully support the proposed rule signed by EPA Administrator Pruitt today as a significant step in the direction of withdrawing the unlawful WOTUS rule. The WOTUS rule asserts sweeping federal authority over usually dry channels, roadside ditches, and isolated streams. The rule also asserts federal authority over land covered by water only once every one hundred

years. We look forward to EPA's final action withdrawing the WOTUS rule and providing relief for our states and their citizens."

Ryan Quarles, Kentucky Agriculture Commissioner: "I applaud EPA Administrator Scott Pruitt's decision to propose a repeal of the destructive Obama-era 'Waters of the United States' rule. By requiring every puddle and pond to be subject to federal regulation, WOTUS represents exactly how executive overreach from Washington can harm Kentucky farmers and all of rural America. Earlier this year, I met with Administrator Pruitt to ask him to repeal this rule, and to uphold the law in the spirit of cooperative federalism between the national and state governments. I am proud to stand with President Trump and Administrator Pruitt as they work to undo the harmful rules and regulations enacted by the previous administration."

Michigan Farm Bureau Associate National Legislative Counsel John Kran: Today's statement from EPA and Army Corps of Engineers is a great step forward for Michigan's farmers. The misguided WOTUS rule would have place unnecessary burden on Michigan's farmers, requiring a whole new level of regulation on nearly all of the state's farmland. We know the importance of clean water, and farmers work relentlessly to protect our natural resources every day, but the WOTUS rules were excessive and totally ignored the concept of navigable water as originally defined in the Clean Water Act. We'll continue to work with the Administration, Congress and through the courts to reverse the WOTUS rule. Michigan farmers know the importance of clean water and work hard to protect the watersheds surrounding them and the Great Lakes we all enjoy as residents of our state."

Minnesota Farm Bureau President Kevin Paap: "Minnesota Farm Bureau was pleased with the EPA's proposal to ditch the 2015 rule defining "Waters of the United States" (WOTUS). It was an over regulation that created confusion and uncertainty for regulators and farmers, ranchers and others who depend on their ability to work the land. We look forward to working with EPA Administrator Pruitt to write a new rule that protects water quality without trampling the rights of businesses and the states."

Texas Farm Bureau President Russell Boening: "We are thankful new leadership has taken the action needed to repeal this flawed rule," TFB President Russell Boening said. "WOTUS created unnecessary fears and concerns for Texas landowners who questioned whether they would be allowed to plow or plant in low-lying areas due to the threat of EPA citation. We hope this repeal will put an end to EPA's regulatory overreach and will instead allow the agency to work as it was intended by our forefathers."

Senators

Chairman of the Senate Environment and Public Works Committee, Senator John Barrasso (WY): "The WOTUS rule would have put backyard ponds, puddles, and prairie pot holes under Washington's control. I applaud the Trump administration for working to remove this indefensible regulation. I will continue to work closely with the administration as it seeks commonsense ways to keep America's water clean and safe."

Senator Deb Fischer (NE): "Today's announcement from the administration signals another important step toward full removal of the harmful WOTUS rule. All Nebraskans would have been affected by the far-reaching consequences of this misguided policy. I will continue to monitor the WOTUS withdrawal process to help ensure we see common-sense rulemaking that puts Nebraskans in charge of the decisions involving our state's water resources."

Senator Steve Daines (MT): "Today marks the beginning of restoring private property rights while protecting our environment. Out of state D.C. bureaucrats shouldn't impose regulations that hurt Montana farmers, ranchers and landowners."

Senator Chuck Grassley (IA): "This is great news for accountability in government. This was a bad regulation drafted under a bad process. The EPA over-reached its authority and ignored and manipulated legitimate concerns raised by the public. Farmers, land owners and builders in Iowa struggled to make sense of the regulation. Having the federal EPA and the Corps of Engineers require permits for routine land use decisions is a waste of resources that are better used enforcing existing regulations against discharging pollutants into the nation's waterways. Agencies ought to enforce the laws as Congress intended, not stretch beyond their authority to inflict unnecessary expense and red tape on law-abiding farmers and employers."

Senator Joni Ernst (IA): "I am pleased that the Trump administration is taking another important step toward eliminating this burdensome WOTUS rule. In Iowa, 97 percent of the land is subject to extensive overregulation by the EPA and unnecessarily hamstrings

our farmers, businesses and manufacturers. All across Iowa, folks are calling for this rule to be scrapped, which is why I have led efforts in the Senate to do just that. This is good news for Iowa and rural communities across the country as we move closer to finally eliminating this overreaching rule."

Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, Senator Pat Roberts (KS): "I'm pleased Administrator Pruitt and the EPA has listened to our concerns and has taken an important first step to rescind the infamous WOTUS rule. For too long, this rule has burdened not only farmers and ranchers, but landowners of all sizes, across the country. With a rewrite of the WOTUS rule, I look forward to seeing a rule that recognizes and respects the environmental strides taken by the American farmer and rancher. I'm grateful to have an EPA that listens to and addresses the concerns of rural America, a vital segment of our economy and true stewards of our natural resources."

House Members

Speaker of the U.S. House, Paul Ryan: "The West has finally won in the battle over the Obama administration's WOTUS rule. This regulation would have been a disaster for the West and rural communities across the country, giving Washington near-total control over water resources. The livelihoods of American farmers, ranchers, and entrepreneurs were at stake. I applaud the Trump administration for siding with American jobs and rescinding this harmful rule.

Chairman of the House Science Committee, Rep. Lamar Smith (TX): "Clean water is a necessity for all Americans. Today's decision by EPA and the Army Corps of Engineers to go back to the basics and build a better policy with input from local stakeholders puts the power back in the hands of the people. The Obama administration imposed heavy-handed federal regulations on virtually every private and public lake, pond and stream across the country. A full repeal of this rule will further protect private landowners and farmers from federal regulatory overreach. I look forward to a policy that actually helps protect clean water without unnecessary regulation."

Chairman of the House Natural Resources Committee Rob Bishop (UT): "This rule aggrandized federal bureaucrats at the expense of farmers' water and private property rights. EPA's decision to stay and now rescind WOTUS is another welcome act from the

Trump Administration to return power back to the states and untangle harmful Washington excesses."

U.S. Rep. Mike Bost (IL): "Turning back WOTUS is a clear win for Southern Illinois' hardworking farmers, ranchers, construction workers, and manufacturers. The Obama Administration's WOTUS rule was a federal power grab of epic proportions, expanding EPA control to puddles, ditches and farmland ponds across America. That's why I have fought so hard to eliminate this misguided rule. We must be good stewards of the environment, but we can do so without imposing crushing D.C. regulations that will put Southern Illinois' economy at risk and impact millions of rural Americans."

U.S. Rep. Paul Gosar (AZ): "Today's announcement is excellent news for communities throughout the country. The Obama Administration threatened the very livelihoods of farmers, ranchers, small businesses and water users when unilaterally enacting the job-killing WOTUS Rule by executive fiat. The Trump Administration has already made great strides in rolling back this unconstitutional mandate and I am thrilled to see EPA Administrator Pruitt continue that good work with today's proposed rule. Western Caucus members look forward to working closely with the administration to put a nail in the coffin of Gina McCarthy's water grab."

U.S. Rep. Scott Tipton (CO): "This announcement from Administrator Pruitt is welcome news. State law and priority-based systems have ensured clean, safe, and reliable water supplies for over a century in Colorado and the West. The WOTUS rule would have usurped long-held state water law and threatened access to private water rights. Western water users will now have much needed certainty while the EPA re-writes the definition of 'Waters of the United States."

U.S. Rep. Dan Newhouse (WA): "I applaud the action taken by the EPA and U.S. Army Corps of Engineers to follow up on President Trump's order to review the intrusive and overreaching Waters of the United States rule. I look forward to working with my colleagues and EPA Administrator Pruitt to replace the ill-conceived WOTUS rule with a commonsense proposal that protects clean water, as well as the water and property rights of farmers, ranchers, small businesses, and water users across the country."

U.S. Rep. Steve Pearce (NM): "This is great news for stronger job growth throughout New Mexico. Under the WOTUS Rule, Washington bureaucrats were given complete

authority to regulate small streams along with natural and manmade ditches on lands owned by farmers, ranchers, and small businesses. This unlawful expansion of power proposed by the Obama Administration would drive up costs for landowners and cost thousands of jobs. I'm pleased to see the EPA and the Army Corps of Engineers recommit to strengthening rural economies."

U.S. Rep. Bruce Westerman (AR): "I am happy that the administration has listened to the concerns of those most impacted by this egregious, unconstitutional overreach by the Environmental Protection Agency. The decision to withdraw the previous administration's WOTUS rule is a win for private property rights and will have a positive impact on farmers, ranchers, and other job creators."

U.S. Rep. Cathy McMorris Rodgers (WA): "WOTUS is one of the most burdensome EPA rules of the Obama Administration. You think about the impact it's had on rural communities, on our cattlemen and farmers— it's making it more and more difficult for hardworking Americans to be successful. It's something I've heard about frequently in Eastern Washington. Thank you to President Trump and his administration for taking action to ensure this rule no longer targets our rural communities."

U.S. Rep. Tom Emmer (MN): "I am pleased with today's actions by the Trump Administration to repeal the harmful and overly burdensome WOTUS rule. While there is still work to be done to redefine WOTUS, this step gives our nation's farmers, manufacturers and home builders greater certainty and gets the federal government out of their way. This is a welcome move that will benefit our economy today and for years to come."

U.S. Rep. Doug Lamborn (CO): "The previous administration used the vague language in the WOTUS Rule to harm local communities—including ranchers, farmers, small business owners. I am grateful that this new ruling will establish regulatory certainty and restore order to state and tribal water laws that should have jurisdiction over these bodies of water. I look forward to a revision of this rule that will empower local landowners instead of giving power solely to the federal government."

U.S. Rep. Mike Johnson (LA): "The so called 'WOTUS Rule' was a gross overreach by the Obama Administration and put mud puddles and backyard ditches under government control. Farmers and every day Americans all across the country have

been subjected to new, burdensome regulations that kill jobs and further hinder the economy. Removing this rule will restore common sense to water regulation and return power back to the states and to the people."

***U.S. Rep. Rick Allen (GA): "**The WOTUS rule was flawed from the beginning, and I applaud EPA Administrator Scott Pruitt's action to rescind this regulation. WOTUS was yet another attempt by the previous administration to undermine the rights of states, local governments and landowners by allowing the federal government to regulate backyard streams and puddles. Our farmers work each and every day to care for our land and preserve it for generations to come. I am happy to see the Trump Administration empowering America's farmers and taking another step towards removing the overreaching hand of government from their everyday lives. In February, I introduced H.R. 1105, legislation to repeal the WOTUS rule and now that the EPA has rescinded the rule, Congress must codify this language to ensure WOTUS can never become a reality under any future administrations."

***U.S. Rep. Doug LaMalfa (CA):** "The job-killing WOTUS Rule was one of the most egregious regulations implemented by the Obama Administration and former EPA Administrator Gina McCarthy. The repeal of this mandate is nothing short of a victory for private property rights across the country. Many in California's first district have expressed their frustrations with this rule, such as California farmer John Duarte, who faces millions of dollars in fines under this rule – simply for plowing his fields. We have more work to be done, but I am thankful President Trump and EPA Administrator Scott Pruitt have shown a commitment to fighting this type of over-burdensome regulation that was indicative of the previous administration's power grabs."

U.S. Rep. Raul Labrador (ID): I applaud the Trump administration for continuing to roll back excessive regulations that are harming Idaho's businesses and communities. I strongly opposed the previous administration's 'WOTUS' rule and I worked with my colleagues on a legislative fix. Regulatory reform is critical to Idaho's economy, and I appreciate the administration for continuing to show leadership on these types of issues."

U.S. Rep. Martha McSally (AZ): "WOTUS is a sweeping regulation written by unelected bureaucrats that would give the EPA jurisdiction over any type of body of water on private land—lakes, ponds, creeks, and even desert washes. I have heard from countless small businesses, farmers, and ranchers that this rule prevents them from doing their job, which is why I led dozens of my colleagues in Congress in writing

to the Administration in February urging the President to reverse this rule for the sake of Southern Arizona and communities throughout the United States. I am pleased with the EPA's decision to repeal the harmful WOTUS rule—and I know that Americans across the country are relieved by this news."

U.S. Rep. Lee Abraham (LA): "I represent one of the largest row crop districts in the nation, and nearly every farmer I talk to wants this rule repealed. As an active farmer myself, I understand and share their frustrations with WOTUS. Today's news is a welcomed relief for farmers around this country, and I thank President Trump and Administrator Pruitt for the actions they've taken so far to repeal this terrible rule."

U.S. Rep. Roger Marshall (KS): "I commend and thank the Trump Administration for their decisive and effective actions to repeal the misguided Waters of the United States rule. Kansas farmers, ranchers, businesses and even municipalities know all too well, WOTUS dramatically expanded the reach of the federal government with minimal improvements in water quality. Today's announcement serves as a tremendous relief to Kansans and provides the regulatory certainty we need to grow. This is yet another exciting step in fulfilling this Administration and Congress' promise to return government to its proper role."

U.S Rep. Louie Gohmert (TX): Washington bureaucrats in cubicles should not be deciding the fate of our waterways, nor should they be allowed to completely and arbitrarily control the economic fate of landowners even to the point of ending their ability to make a living. Unelected bureaucrats have, for years, been enviously dreaming of the day they could control American landowners' property by the backdoor methods of completely controlling everything involving water on or near the land. Repealing the Obama Administration's WOTUS Rule is essential in getting the federal government out of everyday farming operations. It is neither right nor fair to subject producers and landowners to jurisdictional protocols and extraordinary levels of compliance charges. Today the EPA took a giant step forward in safeguarding the water rights of hard-working Americans and ending the federal power grab the Obama Administration engineered. It is a victory for those who love liberty and something called private property."

U.S. Rep. Andy Biggs (AZ): I applaud Administrator Pruitt for his proposal to repeal the Waters of the United States (WOTUS) Rule, which was one of the most onerous rules from the Obama administration. WOTUS was opposed by over 200 organizations and local communities and would have had devastating effects on western states, including

Arizona. This action provides another example that the Trump administration favors freedom and prosperity for our economy over regulatory outreach, and we join the administration in their efforts."

U.S. Rep. Doug Collins (GA): "Northeast Georgia farmers, ranchers, and small businesses are natural conservationists who have been overburdened by the illogical Waters of the United States regulation. I applaud the Army Corps of Engineers and Environmental Protection Agency for their move to repeal the WOTUS rule in favor of statutes that actually serve our communities and steward their natural resources wisely."

U.S. Rep. Markwayne Mullin (OK): "Since the previous administration put the WOTUS Rule in place, I have been fighting tooth and nail to overturn it. The harmful effects it has on our farmers, ranchers, and small businesses are felt nationwide. Moreover, the WOTUS Rule allowed Washington bureaucrats to regulate the streams and creeks in the backyards of Oklahomans, when in reality these bureaucrats don't know the first thing about a backyard like mine." "The rule proposed today by the EPA and Army Corps of Engineers delivers the long overdue relief from this unlawful water grab that our farmers and ranchers desperately need. I'm grateful to EPA Administrator Scott Pruitt for acting swiftly to repeal this misguided rule."

U.S Rep. Kristi Noem (SD): "Under the Obama-era WOTUS rule, treating your lawn for mosquitos, putting up a fence in your backyard or spraying your crops could become federally regulated activities that carry substantial fines if violations occur – knowingly or unknowingly. The Trump administration is right to propose a repeal."

U.S Rep. Liz Cheney (WY): "The Clean Water Rule was a power grab by the Obama Administration that attempted to expand federal control and regulations well beyond the initial scope of Waters of the U.S. The rule threatened the loss of precious resources for hardworking ranchers and farmers in Wyoming, and if left unchecked, would have devastated our rural economy. I am pleased to see EPA Administrator Pruitt and the Army Corps of Engineers taking these steps to return power to the states and provide them with regulatory certainty. I also remain committed to working in Congress towards a full repeal of burdensome regulations imposed by the previous administration."

House Agriculture Committee Chairman K. Michael Conaway (TX-11): "WOTUS has never been about clean water, it was about feeding the Obama EPA's insatiable

appetite for power. Well that ends now. Today's EPA announcement is an important first step to getting the federal government out of America's backyards, fields and ditches and restoring certainty and integrity to our regulatory process. But our work isn't done. As the case of California farmer John Duarte clearly highlights, the Corps and DOJ also need to re-evaluate and revise their enforcement of the Clean Water Act and WOTUS to ensure we protect our farmers and ranchers from onerous fines and penalties that threaten their way of life. I have confidence this administration will get the policy right and allow farmers and ranchers to be the capable stewards of the land they've always been."

U.S. Rep. Bob Gibbs (OH): "I applaud Administrator Pruitt's announcement to withdraw the Obama-era Waters of the United States rule, which expanded federal authority at the expense of the states and eroded private property rights. The EPA should not treat farmers, ranchers, homebuilders, local governments, or state environmental agencies as adversaries but rather collaborators in drafting a new WOTUS rule. American farmers who feed the world are among those most concerned with protecting our environment. The next WOTUS rule should take their opinions and concerns into account and I look forward to working with Administrator Pruitt to craft a reasonable rule that protects the environment and private property rights at the same time."

Industry

U.S. Chamber of Commerce Senior Vice President for Environment, Technology, and Regulatory Affairs Bill Kovacs: "We commend EPA for taking an analytical approach to repealing and fixing the misguided WOTUS rule. Now, all stakeholders will have an opportunity to provide public comment, and the agency will have the proper time to analyze the input and unwind a confusing rule that impacted America's businesses, farmers, and land owners. The final WOTUS rule issued by the last administration was unworkable, a fact acknowledged by courts around the country, and amounted to a massive grab of regulatory authority by an EPA that was overreaching. We look forward to working with Administrator Pruitt and his team to craft a rule that protects public health and the environment, while giving clarity and certainty to our nation's farmers and job creators."

National Farmers Union (NFU) President Roger Johnson: "Family farmers and ranchers are the stewards of our land, and they understand the importance of clean water today and for future generations. Farmers also need regulatory certainty. NFU was engaged in the WOTUS rulemaking process to ensure family farmers ended up

with an appropriate and definitive final rule, yet opposed the final WOTUS rule because it was ultimately an expansion of the Clean Water Act's jurisdiction. Any new rule should ensure the agriculture community can conduct its business free from fear of undue regulatory interference and without sacrificing the agencies' ability to protect the United States' water resources."

Texas farmer Wesley Spurlock, president of the National Corn Growers Association: "The goal of the Clean Water Act is to restore and maintain the integrity of the nation's waters. The 2015 rule moved us further away from that goal. Repealing it is an important first step toward providing farmers the certainty and clarity we have long desired. We are thankful this Administration is working to draw clear lines in terms of what is and what is not jurisdictional under the Clean Water Act. In doing so, they will enable farmers to implement best management practices such as grass waterways and buffer strips without the burden of bureaucratic red tape or fear of legal action. These types of land improvements have enormous water quality benefits, such as reducing sediment and nutrient runoff—a win for farmers and the environment. Government should be making these actions easier, not more difficult. We salute the EPA and Army Corps of Engineers for their efforts. We stand committed to working with these agencies as they develop a new rule that defines jurisdictional boundaries in clear terms that are inclusive of the realities of farming."

National Rural Electric Cooperative Association (NRECA) CEO Jim Matheson: "We appreciate EPA Administrator Pruitt recognizing the need to revisit this overbearing regulation and avoid needless increased costs for millions of electric co-op consumers. As written, the rule would dramatically expand federal oversight of features that only hold water after a rain. This would have increased costs and impaired the ability of co-ops to build and maintain power lines. We encourage EPA and the Army Corps of Engineers to propose a new common-sense rule that recognizes the role of the states, protects the environment, and allows co-ops to continue providing affordable and reliable power."

Zippy Duvall, president, American Farm Bureau Federation: "Farmers and ranchers across this country are cheering EPA's proposal today to ditch its flawed Waters of the U.S. rule. We know the importance of clean water, and farmers and ranchers work hard to protect our natural resources every day. But this rule was never really about clean water. It was a federal land grab designed to put a straightjacket on farming and private businesses across this nation. That's why our federal courts blocked it from going into effect for the past two years. Today's announcement shows EPA Administrator Pruitt recognizes the WOTUS rule for what it is—an illegal and dangerous mistake that needs to be corrected. Farm Bureau looks forward to supporting Administrator Pruitt's

proposal. EPA should ditch this rule once and for all, go back to the drawing board, and write a new rule that protects water quality without trampling the rights of businesses and the states."

National Mining Association (NMA) President and CEO Hal Quinn: "This sets in motion a welcome correction to a deeply problematic regulation that ignored the careful balance that Congress struck between federal and state water regulation and Constitutional limits on federal authority. Under the guise of clarifying federal Clean Water Act jurisdiction, the WOTUS rule impermissibly expanded federal jurisdiction to virtually any standing body of water -- from roadside drainage ditches to local green energy projects. We look forward to working with the administration as it replaces the WOTUS rule with environmentally responsible policies that provide regulatory clarity for businesses and proper recognition of state authority to manage water quality as Congress intended."

Edison Electric Institute (EEI) President Tom Kuhn: "EEI's member companies are committed to a healthy environment and to a clean and affordable energy future. By rescinding the problematic Waters of the United States (WOTUS) rule, EPA Administrator Pruitt and the Army Corps of Engineers have taken an important step to reconsider a rule that, if left unchanged, would have triggered substantial new regulatory requirements for critical electric company operations, creating substantial compliance costs. As EEI and allied stakeholders consistently have noted through comments and through our participation in litigation challenging the current WOTUS rule, our industry supports a new rulemaking that more clearly and narrowly defines which waterbodies are subject to federal jurisdiction, and enhances opportunities to streamline energy infrastructure permitting. We also thank EPA and the Army Corps of Engineers for seeking more input from the states on the rulemaking, and look forward to working with their staffs as they review and revise the regulations."

National Association of State Departments of Agriculture (NASDA) President and Louisiana Commissioner of Agriculture Michael G. Strain: "The EPA has sided with state and local governments, farmers, landowners, and small businesses in their decision to rescind this burdensome regulation. The 2015 rule lacked clarity, and was fraught with procedural concerns and violations of congressional intent, making it necessary to start over with a new rule that protects clean water and respects state regulatory authority. State laws and programs partner with EPA, farmers and ranchers, and local entities to protect clean water every day. We look forward to working cooperatively with the EPA in developing – and eventually implementing – a new rule."

Environmental Council of the States (ECOS) President John Linc Stine, Commissioner of the Minnesota Pollution Control Agency: "Today's proposed rule is a key step in creating an opportunity to develop a regulatory approach to defining waters of the United States in a fully collaborative fashion. We look forward to a productive, results-oriented conversation among states, EPA, the Army Corps of Engineers, and all stakeholders to provide greater regulatory certainty and clarity, and to ensure that waters are protected by an appropriate allocation of state and federal laws, regulations, programs, and resources."

National Stripper Well Association Chairwoman Darlene Wallace: "Today's actions by President Trump in repealing the deeply misguided Waters of the United States rule implemented by the last administration gives NSWA membership cause to celebrate the President keeping his promises and working to protect small businesses and oil and gas producers. The terrible impacts facing small oil and gas producers as a result of the over expansive and unnecessary regulation proposed by the previous administration are wiped away putting another promise kept and another sign that relief for American businesses is on the way. NSWA also wants to thank Administrator Pruitt and all the staff at EPA for their hard work in delivering this relief for the American workers."

American Exploration & Mining Association Executive Director Laura Skaer: "Our members are greatly encouraged to see the Trump administration undo this unnecessary rule and return states' authority over water regulation and regulatory certainty that is crucial to a prosperous American mining industry. Mining is ready to get back to work and grow communities. Ending this deeply flawed rule allows us to do just that."

National Cattlemen's Beef Association President Craig Uden: "This is another great step in the right direction, and the Administration deserves a great deal of credit for injecting some much-needed common sense into our nation's environmental policies. It's important to remember, though, that this rule isn't dead yet. The rulemaking process continues, and NCBA will submit and solicit additional comments on behalf of America's cattle producers so that they finally get the sanity and clarity they need on land use policy."

Public Lands Council President Dave Eliason: "We applaud President Trump and Administrator Pruitt for their leadership in repealing the 2015 WOTUS rule. Ranchers in the West are already subject to an elevated level of regulatory overreach, and the WOTUS rule as written would have only made the problem worse. It is reassuring to see

the steps that this administration is taking to relieve some of that regulatory burden and provide certainty for our producers."

National Pork Producers Council President Ken Maschhoff: "This is great news for America's pork producers. The WOTUS rule was a dramatic government overreach and an unprecedented expansion of federal authority over private lands It was the product of a flawed regulatory process that lacked transparency and likely would have been used by trial lawyers and environmental activists to attack farmers. We're extremely grateful to President Trump and EPA Administrator [Scott] Pruitt for recognizing the dire consequences this ill-advised Obama-era regulation would have had on pork producers and all of American agriculture."

American Petroleum Institute Upstream and Industry Operations Group Director Erik Milito: "Today's action by the administration will help spur U.S. job creation by providing the regulatory certainty needed to encourage investment and advance America's energy leadership. This rule would have imposed burdensome and costly regulations, and stifled energy production with little to no environmental benefit. API member companies are committed to protecting the environment, but this rule represented a broad and unwarranted expansion of the federal government, especially when the Clean Water Act already prohibits discharges of pollutants that ultimately flow into navigable waters. We applaud the administration's actions to rescind this harmful rule and to recognize that our industry is part of the solution in helping create American jobs, boost the economy, and protect the environment. We look forward to working with the administration on forward-looking policies that eliminate regulatory uncertainty for businesses."

John Konkus

Deputy Associate Administrator

Office of Public Affairs

Environmental Protection Agency

Cell: **Personal Phone / Ex. 6**

Message

From: Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]
Sent: 6/28/2017 4:52:29 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Iowa WOTUS Comments
Attachments: Iowa WOTUS Comments.pdf

For later.

Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 6/27/2017 7:25:27 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
Subject: Re: Western Caucus Members Support Proposed Rule Rolling Back WOTUS

So so awesome.

John Konkus
Deputy Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Cell: Ex. 6

On Jun 27, 2017, at 3:23 PM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Roberson, Kelly" <Kelly.Roberson@mail.house.gov>
Date: June 27, 2017 at 3:16:34 PM EDT
To: "'ringel.aaron@epa.gov'" <ringel.aaron@epa.gov>
Subject: Western Caucus Members Support Proposed Rule Rolling Back WOTUS

Hi Aaron –

Wanted to make sure this hit your inbox – we had some really solid participation in today's release from our members and were able to include 19 quotes from them! Pretty sure this is our biggest release to date!

Thanks for all your great work on this. I know my boss and other members of the Caucus are thrilled. Thanks also for sending over some background – that was really helpful.

Best,
Kelly

Kelly Roberson
Policy Analyst | Communications Director
Congressional Western Caucus
2057 Rayburn HOB | Washington, DC 20515
202-225-2315 main
<image001.png><image002.png><image003.png>

From: Representative Paul Gosar
Sent: Tuesday, June 27, 2017 3:07 PM
To: Roberson, Kelly <Kelly.Roberson@mail.house.gov>
Subject: Western Caucus Members Support Proposed Rule Rolling Back WOTUS

CONGRESSIONAL WESTERN CAUCUS

For Immediate Release **Date:** June 27, 2017
Contact: Kelly Roberson Kelly.Roberson@mail.house.gov

Western Caucus Members Support Proposed Rule Rolling Back WOTUS

WASHINGTON, D.C. – Today, Congressional Western Caucus **Chairman Paul A. Gosar D.D.S. (AZ-04), Executive Vice Chairman Scott Tipton (CO-03), Chief Rules Officer Dan Newhouse (WA-04), Chairman Emeritus Steve Pearce (NM-02), Chief Forestry Officer Bruce Westerman (AR-04), GOP Conference Chairwoman Cathy McMorris Rodgers (WA-05)** and Western Caucus members **Rep. Tom Emmer (MN-06), Rep. Doug Lamborn (CO-05), Rep. Mike Johnson (LA-04), Rep. Raúl Labrador (ID-01), Rep. Marthy McSally (AZ-02), Rep. Ralph Abraham (LA-05), Rep. Roger Marshall (KS-01), Rep. Louie Gohmert (TX-01, Rep. Andy Biggs (AZ-05), Rep. Doug Collins (GA-09), Rep. Markwayne Mullin (OK-02), Rep. Kristi Noem (SD-At Large)** and **Rep. Liz Cheney (WY-At Large)** released the following statements in response to the Trump Administration's release of a proposed rule that will kill the Obama Administration's "Waters of the United States" (WOTUS) Rule by effectively re-codifying the Clean Water Act as it existed prior to 2015:

"Today's announcement is excellent news for communities throughout the country," said **Chairman Gosar**. "The Obama Administration threatened the very livelihoods of farmers, ranchers, small businesses and water users when unilaterally enacting the job-killing WOTUS Rule by executive fiat. The Trump Administration has already made great strides in rolling back this unconstitutional mandate and I am thrilled to see EPA Administrator Pruitt continue that good work with today's proposed rule. Western Caucus members look forward to working closely with the administration to put a nail in the coffin of Gina McCarthy's water grab. "

"This announcement from Administrator Pruitt is welcome news. State law and priority-based systems have ensured clean, safe, and reliable water supplies for over a century in Colorado and the West. The WOTUS rule would have usurped long-held state water law and threatened access

to private water rights. Western water users will now have much needed certainty while the EPA re-writes the definition of 'Waters of the United States,'" said **Congressman Tipton**

Congressman Newhouse stated, "I applaud the action taken by the EPA and U.S. Army Corps of Engineers to follow up on President Trump's order to review the intrusive and overreaching Waters of the United States rule. I look forward to working with my colleagues and EPA Administrator Pruitt to replace the ill-conceived WOTUS rule with a commonsense proposal that protects clean water, as well as the water and property rights of farmers, ranchers, small businesses, and water users across the country."

Congressman Pearce remarked, "This is great news for stronger job growth throughout New Mexico. Under the WOTUS Rule, Washington bureaucrats were given complete authority to regulate small streams along with natural and manmade ditches on lands owned by farmers, ranchers, and small businesses. This unlawful expansion of power proposed by the Obama Administration would drive up costs for landowners and cost thousands of jobs. I'm pleased to see the EPA and the Army Corps of Engineers recommit to strengthening rural economies."

Congressman Westerman said, "I am happy that the administration has listened to the concerns of those most impacted by this egregious, unconstitutional overreach by the Environmental Protection Agency. The decision to withdraw the previous administration's WOTUS rule is a win for private property rights and will have a positive impact on farmers, ranchers, and other job creators."

"WOTUS is one of the most burdensome EPA rules of the Obama Administration. You think about the impact it's had on rural communities, on our cattlemen and farmers— it's making it more and more difficult for hardworking Americans to be successful," said **Congresswoman McMorris Rodgers**. "It's something I've heard about frequently in Eastern Washington. Thank you to President Trump and his administration for taking action to ensure this rule no longer targets our rural communities."

"I am pleased with today's actions by the Trump Administration to repeal the harmful and overly burdensome WOTUS rule," said **Congressman Emmer**. "While there is still work to be done to redefine WOTUS, this step gives our nation's farmers, manufacturers and home builders greater certainty and gets the federal government out of their way. This is a welcome move that will benefit our economy today and for years to come."

Congressman Lamborn said, "The previous administration used the vague language in the WOTUS Rule to harm local communities—including ranchers, farmers, small business owners. I am grateful that this new ruling will establish regulatory certainty and restore order to state and tribal water laws that should have jurisdiction over these bodies of water. I look forward to a revision of this rule that will empower local landowners instead of giving power solely to the federal government."

Congressman Johnson remarked, "The so called 'WOTUS Rule' was a gross overreach by the Obama Administration and put mud puddles and backyard ditches under government control. Farmers and every day Americans all across the country have been subjected to new, burdensome regulations that kill jobs and further hinder the economy. Removing this rule will restore common sense to water regulation and return power back to the states and to the people."

Congressman Labrador stated, "I applaud the Trump administration for continuing to roll back excessive regulations that are harming Idaho's businesses and communities. I strongly opposed the previous administration's 'WOTUS' rule and I worked with my colleagues on a legislative

fix. Regulatory reform is critical to Idaho's economy, and I appreciate the administration for continuing to show leadership on these types of issues."

"WOTUS is a sweeping regulation written by unelected bureaucrats that would give the EPA jurisdiction over any type of body of water on private land—lakes, ponds, creeks, and even desert washes," remarked **Congresswoman McSally**. "I have heard from countless small businesses, farmers, and ranchers that this rule prevents them from doing their job, which is why I led dozens of my colleagues in Congress in writing to the Administration in February urging the President to reverse this rule for the sake of Southern Arizona and communities throughout the United States. I am pleased with the EPA's decision to repeal the harmful WOTUS rule—and I know that Americans across the country are relieved by this news."

"I represent one of the largest row crop districts in the nation, and nearly every farmer I talk to wants this rule repealed," stated **Congressman Abraham**. "As an active farmer myself, I understand and share their frustrations with WOTUS. Today's news is a welcomed relief for farmers around this country, and I thank President Trump and Administrator Pruitt for the actions they've taken so far to repeal this terrible rule."

"I commend and thank the Trump Administration for their decisive and effective actions to repeal the misguided Waters of the United States rule," said **Congressman Marshall**. "As Kansas farmers, ranchers, businesses and even municipalities know all too well, WOTUS dramatically expanded the reach of the federal government with minimal improvements in water quality. Today's announcement serves as a tremendous relief to Kansans and provides the regulatory certainty we need to grow. This is yet another exciting step in fulfilling this Administration and Congress' promise to return government to its proper role."

Congressman Gohmert said, "Washington bureaucrats in cubicles should not be deciding the fate of our waterways, nor should they be allowed to completely and arbitrarily control the economic fate of landowners even to the point of ending their ability to make a living. Unelected bureaucrats have, for years, been enviously dreaming of the day they could control American landowners' property by the backdoor methods of completely controlling everything involving water on or near the land. Repealing the Obama Administration's WOTUS Rule is essential in getting the federal government out of everyday farming operations. It is neither right nor fair to subject producers and landowners to jurisdictional protocols and extraordinary levels of compliance charges. Today the EPA took a giant step forward in safeguarding the water rights of hard-working Americans and ending the federal power grab the Obama Administration engineered. It is a victory for those who love liberty and something called private property."

Congressman Biggs stated, "I applaud Administrator Pruitt for his proposal to repeal the Waters of the United States (WOTUS) Rule, which was one of the most onerous rules from the Obama administration. WOTUS was opposed by over 200 organizations and local communities and would have had devastating effects on western states, including Arizona. This action provides another example that the Trump administration favors freedom and prosperity for our economy over regulatory outreach, and we join the administration in their efforts."

"Northeast Georgia farmers, ranchers, and small businesses are natural conservationists who have been overburdened by the illogical Waters of the United States regulation," said **Congressman Doug Collins**. "I applaud the Army Corps of Engineers and Environmental Protection Agency for their move to repeal the WOTUS rule in favor of statutes that actually serve our communities and steward their natural resources wisely."

"Since the previous administration put the WOTUS Rule in place, I have been fighting tooth and nail to overturn it," **Congressman Mullin** said. "The harmful effects it has on our farmers, ranchers, and small businesses are felt nationwide. Moreover, the WOTUS Rule allowed Washington bureaucrats to regulate the streams and creeks in the backyards of Oklahomans, when in reality these bureaucrats don't know the first thing about a backyard like mine." "The rule proposed today by the EPA and Army Corps of Engineers delivers the long overdue relief from this unlawful water grab that our farmers and ranchers desperately need. I'm grateful to EPA Administrator Scott Pruitt for acting swiftly to repeal this misguided rule."

"Under the Obama-era WOTUS rule, treating your lawn for mosquitos, putting up a fence in your backyard or spraying your crops could become federally regulated activities that carry substantial fines if violations occur – knowingly or unknowingly. The Trump administration is right to propose a repeal," said **Congresswoman Noem**.

Congresswoman Cheney remarked, "The Clean Water Rule was a power grab by the Obama Administration that attempted to expand federal control and regulations well beyond the initial scope of Waters of the U.S. The rule threatened the loss of precious resources for hardworking ranchers and farmers in Wyoming, and if left unchecked, would have devastated our rural economy. I am pleased to see EPA Administrator Pruitt and the Army Corps of Engineers taking these steps to return power to the states and provide them with regulatory certainty. I also remain committed to working in Congress towards a full repeal of burdensome regulations imposed by the previous administration."

Background:

(Courtesy of the EPA)

Today, the Environmental Protection Agency, the Department of Army, and the Army Corps of Engineers (the agencies) released a proposed rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. For the pre-publication Federal Register Notice and additional information click HERE.

This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice.

This proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.

The proposed rule would recodify the identical regulatory text that was in place prior to the 2015 Clean Water Rule and that is currently in place as a result of the U.S. Court of Appeals for the Sixth Circuit's stay of the 2015 rule. Therefore, this action, when final, will not change current practice with respect to how the definition applies.

The agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of "waters of the United States" in accordance with the President Trump's Executive Order.

(Courtesy of the Congressional Western Caucus)

On February 28, 2017, President Trump signed Executive Order 13778 requiring the Administrator of the Environmental Protection Agency (EPA) and the Assistant Secretary of the Army for Civil Works to review the Obama Administration's Waters of the United States (WOTUS) Rule and rescind any aspect of WOTUS inconsistent with federal law in order to ensure economic growth, restore the Rule of Law and minimize regulatory uncertainty. The text of Executive Order 13778 can be found HERE. A press release from the Congressional Western Caucus praising this action can be found HERE.

On March 25, 2014, the EPA and the Corps released a proposed rule that would assert Clean Water Act jurisdiction over nearly all areas with even the slightest of connections to water resources, including man-made conveyances.

WOTUS was slated to go into effect August 28, 2015. Fortunately, the Sixth Circuit issued a nationwide stay and temporarily blocked implementation of this rule.

The Obama Administration's WOTUS Rule would cause significant harm to rural Americans throughout the country, including farmers, ranchers, small businesses, water users and other property owners. This flawed mandate directly contradicts prior U.S. Supreme Court decisions, which imposed limits on the extent of federal Clean Water Act authority. More than 200 organizations and local municipalities have publicly declared their opposition to the proposed WOTUS rule as a result.

The Heartland Institute has stated, "In reality, the language of the EPA rule is so vague this 'clarification' could grant Washington, D.C. jurisdiction over any body of water anywhere. It was to apply to any water or wetland deemed to have a 'significant nexus' to any navigable waterway, with the significant nexus, as described by a Wall Street Journal editorial, so widely interpreted as to include 'any creek, pond or prairie pothole' and 'any land within a 100-year floodplain and 1,500 feet of the high water mark or, alternatively, within the 100-year floodplain and 4,000 feet of waters within their claimed jurisdiction.' Essentially, the WOTUS rule would put EPA in charge of every piece of land occasionally containing any amount of concentrated water, practically down to the puddle level.'"

On May 12, 2015, the House passed H.R. 1732, the Regulatory Integrity Protection Act, by a vote of 261-155. This critical legislation required the EPA and Corps of Engineers to formally withdraw the agencies' proposed rule that would redefine WOTUS and any subsequent final rule. Chairman Gosar and multiple members of the Western Caucus joined the Chairman of the House Transportation and Infrastructure Committee Bill Shuster in introducing this bill. Click HERE to read more.

In July 2015, Chairman Gosar submitted revelatory evidence into the Congressional Record from senior Army Corps of Engineer employees that expressed serious legal and scientific deficiencies with the Obama Administration's WOTUS rule.

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WEBSITE | UNSUBSCRIBE

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 6/27/2017 7:23:49 PM
To: Konkus, John [konkus.john@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
Subject: Fwd: Western Caucus Members Support Proposed Rule Rolling Back WOTUS

Sent from my iPhone

Begin forwarded message:

From: "Roberson, Kelly" <Kelly.Roberson@mail.house.gov>
Date: June 27, 2017 at 3:16:34 PM EDT
To: "'ringel.aaron@epa.gov'" <ringel.aaron@epa.gov>
Subject: Western Caucus Members Support Proposed Rule Rolling Back WOTUS

Hi Aaron –

Wanted to make sure this hit your inbox – we had some really solid participation in today's release from our members and were able to include 19 quotes from them! Pretty sure this is our biggest release to date!

Thanks for all your great work on this. I know my boss and other members of the Caucus are thrilled. Thanks also for sending over some background – that was really helpful.

Best,
Kelly

Kelly Roberson
Policy Analyst | Communications Director
Congressional Western Caucus
2057 Rayburn HOB | Washington, DC 20515
202-225-2315 main

From: Representative Paul Gosar
Sent: Tuesday, June 27, 2017 3:07 PM
To: Roberson, Kelly <Kelly.Roberson@mail.house.gov>
Subject: Western Caucus Members Support Proposed Rule Rolling Back WOTUS

CONGRESSIONAL WESTERN CAUCUS

For Immediate Release
Contact: Kelly Roberson

Date: June 27, 2017
Kelly.Roberson@mail.house.gov

Western Caucus Members Support Proposed Rule Rolling Back WOTUS

WASHINGTON, D.C. – Today, Congressional Western Caucus **Chairman Paul A. Gosar D.D.S. (AZ-04), Executive Vice Chairman Scott Tipton (CO-03), Chief Rules Officer Dan Newhouse (WA-04), Chairman Emeritus Steve Pearce (NM-02), Chief Forestry Officer Bruce Westerman (AR-04), GOP Conference Chairwoman Cathy McMorris Rodgers (WA-05)** and Western Caucus members **Rep. Tom Emmer (MN-06), Rep. Doug Lamborn (CO-05), Rep. Mike Johnson (LA-04), Rep. Raúl Labrador (ID-01), Rep. Marthy McSally (AZ-02), Rep. Ralph Abraham (LA-05), Rep. Roger Marshall (KS-01), Rep. Louie Gohmert (TX-01, Rep. Andy Biggs (AZ-05), Rep. Doug Collins (GA-09), Rep. Markwayne Mullin (OK-02), Rep. Kristi Noem (SD-At Large)** and **Rep. Liz Cheney (WY-At Large)** released the following statements in response to the Trump Administration's release of a proposed rule that will kill the Obama Administration's "Waters of the United States" (WOTUS) Rule by effectively re-codifying the Clean Water Act as it existed prior to 2015:

"Today's announcement is excellent news for communities throughout the country," said **Chairman Gosar**. "The Obama Administration threatened the very livelihoods of farmers, ranchers, small businesses and water users when unilaterally enacting the job-killing WOTUS Rule by executive fiat. The Trump Administration has already made great strides in rolling back this unconstitutional mandate and I am thrilled to see EPA Administrator Pruitt continue that good work with today's proposed rule. Western Caucus members look forward to working closely with the administration to put a nail in the coffin of Gina McCarthy's water grab. "

"This announcement from Administrator Pruitt is welcome news. State law and priority-based systems have ensured clean, safe, and reliable water supplies for over a century in Colorado and the West. The WOTUS rule would have usurped long-held state water law and threatened access to private water rights. Western water users will now have much needed certainty while the EPA re-writes the definition of 'Waters of the United States,'" said **Congressman Tipton**

Congressman Newhouse stated, "I applaud the action taken by the EPA and U.S. Army Corps of Engineers to follow up on President Trump's order to review the intrusive and overreaching Waters of the United States rule. I look forward to working with my colleagues and EPA Administrator Pruitt to replace the ill-conceived WOTUS rule with a commonsense proposal that

protects clean water, as well as the water and property rights of farmers, ranchers, small businesses, and water users across the country."

Congressman Pearce remarked, "This is great news for stronger job growth throughout New Mexico. Under the WOTUS Rule, Washington bureaucrats were given complete authority to regulate small streams along with natural and manmade ditches on lands owned by farmers, ranchers, and small businesses. This unlawful expansion of power proposed by the Obama Administration would drive up costs for landowners and cost thousands of jobs. I'm pleased to see the EPA and the Army Corps of Engineers recommit to strengthening rural economies."

Congressman Westerman said, "I am happy that the administration has listened to the concerns of those most impacted by this egregious, unconstitutional overreach by the Environmental Protection Agency. The decision to withdraw the previous administration's WOTUS rule is a win for private property rights and will have a positive impact on farmers, ranchers, and other job creators."

"WOTUS is one of the most burdensome EPA rules of the Obama Administration. You think about the impact it's had on rural communities, on our cattlemen and farmers— it's making it more and more difficult for hardworking Americans to be successful," said **Congresswoman McMorris Rodgers**. "It's something I've heard about frequently in Eastern Washington. Thank you to President Trump and his administration for taking action to ensure this rule no longer targets our rural communities."

"I am pleased with today's actions by the Trump Administration to repeal the harmful and overly burdensome WOTUS rule," said **Congressman Emmer**. "While there is still work to be done to redefine WOTUS, this step gives our nation's farmers, manufacturers and home builders greater certainty and gets the federal government out of their way. This is a welcome move that will benefit our economy today and for years to come."

Congressman Lamborn said, "The previous administration used the vague language in the WOTUS Rule to harm local communities—including ranchers, farmers, small business owners. I am grateful that this new ruling will establish regulatory certainty and restore order to state and tribal water laws that should have jurisdiction over these bodies of water. I look forward to a revision of this rule that will empower local landowners instead of giving power solely to the federal government."

Congressman Johnson remarked, "The so called 'WOTUS Rule' was a gross overreach by the Obama Administration and put mud puddles and backyard ditches under government control. Farmers and every day Americans all across the country have been subjected to new, burdensome regulations that kill jobs and further hinder the economy. Removing this rule will restore common sense to water regulation and return power back to the states and to the people."

Congressman Labrador stated, "I applaud the Trump administration for continuing to roll back excessive regulations that are harming Idaho's businesses and communities. I strongly opposed the previous administration's 'WOTUS' rule and I worked with my colleagues on a legislative fix. Regulatory reform is critical to Idaho's economy, and I appreciate the administration for continuing to show leadership on these types of issues."

"WOTUS is a sweeping regulation written by unelected bureaucrats that would give the EPA jurisdiction over any type of body of water on private land—lakes, ponds, creeks, and even desert washes," remarked **Congresswoman McSally**. "I have heard from countless small businesses, farmers, and ranchers that this rule prevents them from doing their job, which is why I led dozens