Message

From: Tracee Bentley [BentleyT@api.org]
Sent: 9/20/2017 5:15:47 PM
To: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]
Subject: Re: Invitation to Speak

Hi Patrick:
I thought I would follow up to see if you are able to join us at our meeting. We are trying to finalize our agenda so let me know as soon as you can. Thanks again for considering.

Tracee

Sent from my iPhone

On Sep 8, 2017, at 12:23 PM, Davis, Patrick <davis.patrick@epa.gov> wrote:

> Hi Tracee,
>
> Thank you for the invitation. I will check with our leadership and get back to you.
>
> Thanks,
>
> Patrick Davis
> Environmental Protection Agency
> Deputy Associate Administrator, Office of Land and Emergency Management
> 202-564-3103 office
> Ex. 6 cell
>
> Information sent to this email address may be subject to FOIA.
>
> Sent from my iPad
>
> On Sep 8, 2017, at 2:05 PM, Tracee Bentley <BentleyT@api.org> wrote:
>
>> Hi Patrick:
>> I am hoping you will be able to speak at our Annual Meeting in Denver on October 17th on oil and natural gas issues as it relates to the EPA and how we can be helpful for EPA moving forward. If you are available to speak, I can certainly provide more detail. I will have about 50 people present, all of which will be from the oil and gas industry. Please let me know if this is something that interests you and we can go from there. Thanks for considering.
>>
>> Tracee
>>
>> ***Tracee Bentley***
>> **Executive Director**
>> 1660 Lincoln Street, Ste 2320
>> Denver, CO 80264
>> Ex. 6
>> Follow us on Twitter: @COPetroCouncil

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Message

From: Martella, Roger(GE Corporate) [Roger.Martella@ge.com]
Sent: 9/13/2017 9:36:52 PM
To: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]
Subject: Introduction and meeting request

>
> Hi Patrick, I hope you are well. I am attorney with GE and formerly worked at EPA in a few capacities, including as General Counsel. I hope you are enjoying your transition there and look forward to hearing about it.
>
> I'm going to be in D.C. Monday for some meetings and wanted to see if you had any availability to introduce myself and my colleague, John Haggard, who leads GE's remediation team.
>
> Thanks for considering this. Roger

Message

From: Franklin, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9926DB767E80460A918921C8D2F81576-KAFRANKL]
Sent: 3/9/2017 9:30:43 PM
To: Richard Moskowitz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user2443f1e7]
CC: Jennings, Kim [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7eeab2bece9b461e949b23d538b7964a-kjenning]; Gioffre, Patricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31f5c89e985847ecaeec14283e8fc914-PFLEMI02]; Cheatham, Reggie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c04c7b4fbf4d45108592282991c719cb-RCheatha]; Clark, Becki [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a906e07f1cd143b9a3c2ddab813b8140-Clark, Becki]; Averback, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a22b8532c15649898118cf917497a43d-JAVERB02]; Doster, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=322510375a3644b48f424addff4962da-BDOSTER]; Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]; Bosecker, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6bdee5d25014397b8c4605642b40950-Bosecker, Elizabeth]; Gerardin, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0f6fec44824c4fd6bcffce36a0bd6ae5-Mgerardi]; Belke, Jim [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c32df961c274152b3ba2873b03ae555-jbelke]; Indermark, Michele [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cf63a0730b3e4d89aa3b8ce9a5d9eab2-Indermark,]
Subject: EPA and RMP Coalition meeting sign-in sheet 3-9-17
Attachments: EPA & RMP Coalition meeting sign-in sheet 3-9-17.pdf

Richard, attached is the sign-in sheet from today's meeting at EPA- you said you would further distribute to your group.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

Meeting between EPA and members of the RMP Coalition

Regarding the RMP Modernization Rule

March 9, 2017 EPA Conference Room WJC North 6530 Washington, DC

Name	Organization	Email
Patricia Gioffre	EPA/OLEM	gioffre.patricia@epa.gov
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Leland Frost	NAM	lfrost@nam.org
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Name	Organization	Email
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Michele Indermark	EPA OLEM/OEM	indermark.michele@epa.gov
Jon Averback	EPA-OGC-ARLO	Averback.jonathan@epa.gov
Kathy Franklin on phone	EPA-OEM-RID	Franklin.kathy@epa.gov
Beth Bosecker on phone	EPA-OEM-RID	bosecker.elizabeth@epa.gov
Margaret Gerardin	EPA-OEM-RID	gerardin.margaret@epa.gov

Message

From: Mikkelsen, Alan [alan_mikkelsen@ios.doi.gov]
Sent: 6/6/2018 8:38:05 PM
To: _Council [_Council@klamathtribes.com]; Ex. 6; 7658, BOR-WRO Commissioners Conf Room [doi.gov_66393434633532343662616663346666383937656164626238326534346335353630613861623065@resource.calendar.goo
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Subject:Address Change--Please Note

Please note that my email address has changed. While I am hopeful that my old email will be forwarded to me, that is uncertain at this time. If you get a bounce back on the old email address, please try to use this new address. I also have a DC office address and phone number, but to avoid confusion, please use the address below.

Alan Mikkelsen
Senior Adviser to the Secretary
Water and Western Resource Issues

Denver Federal Center
Bldg. 40, Rm. 1238
PO Box 25007 (92-00000)
Denver, CO 80225-0007

Office:
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email: alan_mikkelsen@ios.doi.gov

Message

From: Davis, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FCA02D1EC544FBBBD6FB2E7674E06B2-DAVIS, PATR]
Sent: 9/12/2017 3:22:24 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Geoffrey Moody [GMoody@afpm.org]
CC: Darwin, Veronica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc98aaf2f15a466baede3dab0e27a35e-Darwin, Ver]; Brooks, Becky [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6f369a2ef33e4a87af349210a3915a57-BBrooks]; Hill, Teresa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fa5cb0ccf6b24276a9a0d898d3e04c87-thill02]
Subject: RE: Meeting Time

Hi Geoff,

Mandy, thank you for the introduction. Please coordinate a time to meet with Becky Brooks and Teresa Hill, copied here.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Assistant Administrator, Office of Land and Emergency Management
202-564-3103 office
Ex. 6 cell

Information sent to this email address may be subject to FOIA.

From: Gunasekara, Mandy
Sent: Tuesday, September 12, 2017 11:11 AM
To: Geoffrey Moody <GMoody@afpm.org>
Cc: Darwin, Veronica <darwin.veronica@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Subject: RE: Meeting Time

Geoff,
Great catching up this morning. I've cc'd Veronica Darwin and Patrick Davis who are the point people for anything RMP related. I hope you all can find a time to connect.
Best,
Mandy

From: Geoffrey Moody [mailto:GMoody@afpm.org]
Sent: Tuesday, September 12, 2017 10:33 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Meeting Time

Mandy, great talking to you. As discussed, I'm available next Tuesday at 11:00 to meet on various issues.

Thanks,

Geoff Moody

Vice President
Government Relations

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Fuel & Petrochemical
Manufacturers
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Message

From: Davis, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FCA02D1EC544FBBBD6FB2E7674E06B2-DAVIS, PATR]
Sent: 9/21/2017 9:45:35 AM
To: BentleyT@api.org
Subject: October speaker

Hi Tracee,

At this time I have decline your offer to speak to your group in October. Maybe next time....

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office
Ex. 6 cell

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

Message

From: Davis, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FCA02D1EC544FBBBD6FB2E7674E06B2-DAVIS, PATR]
Sent: 5/8/2018 2:35:16 PM
To: Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]; Conover, Dave [Dave_Conover@kindermorgan.com]
Subject: RE: Region 8 Smart Sectors

Hi Dave,

The Region 8 Smart Sectors program will focus on the mining, agriculture and outdoor recreation/tourism sectors. We will be convening round table discussions with the regulated community in these sectors in the six states which make up Region 8. Would these sectors be of interest to you?

Thanks,

Patrick Davis
Environmental Protection Agency
Senior Advisor to the Regional Administrator for Public Engagement
1595 Wynkoop Street
Denver, CO 80202
Ex. 6 (direct)
Ex. 6 (cell)

From: Letendre, Daisy
Sent: Monday, May 7, 2018 3:09 PM
To: Conover, Dave <Dave_Conover@kindermorgan.com>
Cc: Davis, Patrick <davis.patrick@epa.gov>
Subject: RE: Region 8 Smart Sectors

Hey Dave – thanks for your email! I've cc'd Patrick Davis who is heading up the Region 8 Smart Sectors, he'll be able to tell you more about what their initiative will look like and how Kinder Morgan can be involved. And as always let me know if I can be helpful from HQ.

Best,

Daisy C. Letendre
Letendre.Daisy@epa.gov

From: Conover, Dave [mailto:Dave_Conover@kindermorgan.com]
Sent: Monday, May 7, 2018 4:27 PM
To: Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Region 8 Smart Sectors

Hello Daisy, I am glad we had a chance to visit last October about Smart Sectors. We understand that Region 8 is planning to begin an effort within your program, and we are wondering how best we can get included in it. Our Lakewood and Colorado Springs executives would be keen to participate. Can you give me any advice? Thanks and best wishes, Dave

Dave Conover

Vice President, Corporate Communications & Public Affairs
KINDER MORGAN

1001 Louisiana St.
Houston, TX 77002
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Kinder Morgan, Inc. (NYSE: KMI) is one of the largest energy infrastructure companies in North America. It owns an interest in or operates approximately 85,000 miles of pipelines and 152 terminals. KMI's pipelines transport natural gas, refined petroleum products, crude oil, condensate, CO2 and other products, and its terminals transload and store petroleum products, ethanol and chemicals, and handle steel, petroleum coke, and other products. It is also a leading producer of CO2 that we and others use for enhanced oil recovery projects primarily in the Permian basin. For more information please visit www.kindermorgan.com.

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Message

From: Perrin, Rebecca [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=211732FEFF0C4770AEBBE631F7A0E016-PERRIN, REBECCA]
Sent: 8/15/2018 4:24:44 PM
To: Ex. 6 susane@fbac.com; clillywhite@oakdell.com; cmellor@norbest.com; jared@applebeer.com; Ex. 6 ; ken.white@usu.edu; luannadams@utah.gov; farmerluke@petersenfarm.com; marilyn.albertson@usu.edu; Ex. 6 ; Ex. 6 ; Ex. 6 rmc@marriottconst.com; Ex. 6 roger@svlac.com; Ex. 6 ; Ex. 6 rustyb@redmondminerals.com; rlivestock@cut.net; Ex. 6 ; tammy.firth@usu.edu; SperryWJ@ldschurch.org; ddavis@utfood.com; danny.lovingier@ifa-coop.com; Ex. 6 ; uma@umaweb.org; wade.garrett@fbfs.com; pspaine@agpros.com; Kathy.Westcott@nutrien.com; Paul.Poister@nutrien.com; Jennifer_Nelson@Seaboardfoods.com; klotspeich@agpros.com; PLepisto@iwla.org; brackendavis@utah.gov; jayolsen@utah.gov; mure@utah.gov; jwebb@smithfield.com; sericson@utah.gov; Ex. 6 ; Andy Pierucci [apierucci@utah.gov]; Kim Shelley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5928f2d3]; Don Hall [dghall@utah.gov]; Jeanne Riley [jriley@utah.gov]; michael.larsen@ut.usda.gov; rhonda.miller@usu.edu
CC: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]
Subject: RE: Report from the July 31 EPA Ag Smart Sectors Roundtable
Attachments: Report from July 31 agriculture smart sectors meeting in Salt Lake City, UT.DOCX

Hello,

Attached please find an edited version of the Report from the July 31, 2018 agriculture smart sectors meeting. Please contact with questions.

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

From: Perrin, Rebecca
Sent: Monday, August 6, 2018 2:20 PM
To: Davis, Patrick <davis.patrick@epa.gov>; Ex. 6 ; susane@fbac.com; clillywhite@oakdell.com; cmellor@norbest.com; jared@applebeer.com; sweetlandhoney@hotmail.com; ken.white@usu.edu; luannadams@utah.gov; farmerluke@petersenfarm.com; marilyn.albertson@usu.edu; Ex. 6 Ex. 6 ; Ex. 6 ; rmc@marriottconst.com; Ex. 6 roger@svlac.com; Ex. 6 ; Ex. 6 rustyb@redmondminerals.com; rlivestock@cut.net; Ex. 6 tammy.firth@usu.edu; SperryWJ@ldschurch.org; ddavis@utfood.com; danny.lovingier@ifa-coop.com; Ex. 6 uma@umaweb.org; Jennifer Ferrando <jennifer.ferrando@pgenv.com>; wade.garrett@fbfs.com; sterling.brown@fbfs.com; pspaine@agpros.com; Kathy.Westcott@nutrien.com; Paul.Poister@nutrien.com; Jennifer_Nelson@Seaboardfoods.com; klotspeich@agpros.com; PLepisto@iwla.org; brackendavis@utah.gov; jayolsen@utah.gov; mure@utah.gov; jwebb@smithfield.com; sericson@utah.gov; Ex. 6 ; Andy Pierucci <apierucci@utah.gov>; Kim Shelley <kshelley@utah.gov>; Don Hall <dghall@utah.gov>; Jeanne Riley <jriley@utah.gov>; michael.larsen@ut.usda.gov; rhonda.miller@usu.edu
Cc: Davis, Patrick <davis.patrick@epa.gov>
Subject: Report from the July 31 EPA Ag Smart Sectors Roundtable

Hello everyone,

Thank you for those of you who were able to participate in the July 31st EPA Ag Smart Sectors Roundtable in Salt Lake City. Please find a report reflecting our discussion. Those who were invited but not able to attend are also included on this email. Please don't hesitate to contact Patrick Davis (contact info below) or myself with questions.

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Thanks!

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US EPA and Utah Departments of Agriculture and Food

Agriculture Smart Sectors Meeting

Salt Lake City, UT

Tuesday, July 31, 2018

Meeting Summary

Welcome and Introductions

Environmental Protection Agency (EPA) Senior Advisor to the Regional Administrator Patrick Davis and Region 8 Ag Advisor Rebecca Perrin welcomed attendees and invited the attendees to introduce themselves and offer their ideas for EPA reforms.

Stakeholder Input

Participants introduced themselves and provided the following comments organized by environmental statute:

Clean Water Act:

- Nutrient Management Plans – The intent of NMP's is good but it is difficult to understand and implement. The plans can run 100 pages and producers won't use it. The key information needs to be simplified to 2-3 pages in large print.
- Utah has only recently certified 3 planners (NRCS) in the state. NMP's are required to be reviewed annually but most plans in UT have not been renewed for 10-15 years. The challenge is the requirement for a NRCS certified planner to review/renew the plans.
- CRAP app helps with nutrient application record keeping but use depends on the age of the producers and their level of tech experience.
- Participants asked for EPA's help in learning how other states are handling nutrient management plans.
- NRCS and EPA worked on NMP software in 2003 (?) but since then case law has changed and the software is not up-to-date.
- EPA could change Best Management Plan (BMP) guidance to have states write the guidance v. EPA writing it. An example of confusion created by national guidance is the requirement of daily fresh water line inspections.
- EPA could put permit requirements ONLY in the Federal CAFO rule. There is too much detail required in the existing regulations. Limit "supporting" information in NMP's and delineate "required" information.
- How is EPA addressing nutrient pollution from small urban farms? Example: large CAFO's monitor water quality v. small operations and hobby farms in urban settings.

The challenge is that there are no EPA requirements for medium and small sized operations..

- NPS funding (319 grant program) – Participants asked for additional 319 funding for UT. Ex: As dairies consolidate and take on larger herds upgrading the facilities becomes unsustainable. UT receives $1 million in 319 funding and this doesn't cover upgrading these facilities.
- Changing regulations creates uncertainty for CAFO's. It is difficult and expensive to upgrade/relocate CAFO infrastructure (near water v. away from water) to meet changing regulations.
- HABS – Participants asked for EPA's help in determining the impact of cyanotoxins in irrigation water on plants. This may be a RARE project opportunity.

Clean Air Act:

- Participants are concerned that agriculture is being brought into the air quality regulatory schema. Ex: with western wildfires magnitude escalating and agriculture grazing/managing burning land what will animal agriculture be required to do?
- EPA needs to be at the table with ag and Federal Land Managers to discuss dust pollution. UT is very dry and the concern is regional haze over national parks.
- What is the air quality status in Cache Valley, UT? This is the largest concentration of dairy farms in UT.
- Smithfield foods has a goal of reducing their carbon footprint 25% by 2025. This becomes a challenge when their digester gas pipelines cross federal lands. Ex: Smithfield will soon be submitting a NEPA application for an anaerobic digester biogas pipeline (Pinnacle Biogas) connecting to existing gas pipelines crossing Federal lands. They wanted to put this project Region 8 NEPA radar screen.
- NAEMS (National Air Emissions Monitoring Study) – What is the status of this study? Participants were concerned that sample sites in the study were not in the arid west.

FIFRA:

- Participants said the average reading level of applicators in UT is 8th grade. For the ornamental industry the average reading level is 5th grade. Understandable training modules are needed to educate applicators.
- When labels are written by technical writers they should consider the audience and write to a 5-8th grade reading level.
- Participants asked for guidance about cannabis pesticide applications from the EPA. States need support from EPA to discuss these cannabis issues.
- WPS – Regulations are complex and small producers don't have time to learn. This needs to be simplified. Ex: WPS needs a flow-chart or quick guide to know when WPS applies. This is difficult to explain to growers.

- Pesticide labels are confusing to regular people. Photos are very helpful. Some information seems duplicative and growers can't determine what applies to their situation easily.

Compliance/Enforcement:

- How does EPA define an EJ "overburdened" community? Ex: The Smith's grocery store in Layton, UT "neglects" a field adjacent to the store. They cut the weeds once a year. However, this cutting of the weeds floods neighboring homes and businesses with mice. Participants wanted to know if this community would be considered "overburdened"? They asked if EPA can help address this situation?

Miscellaneous/Communications/Another Federal agency:

- The EPA website is difficult to navigate for agriculture.
- Allowing livestock allotments boundaries to be changed to graze more federal land would reduce "fire load" and provide more income for rural communities. Currently livestock numbers or time on federal land is reduced if forage on an allotment is not adequate for current numbers of livestock and other areas of federal land burns because grazing is not allowed. If there was an easy process to move animals around to harvest existing excess forage, this could be a win for the public and producers.
- Participants appreciate the increased 2-way dialog between states and the EPA.

Next Steps

EPA staff will follow up on the various ideas suggested during the meeting and respond to individual concerns in a timely manner.

Message

From: Perrin, Rebecca [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=211732FEFF0C4770AEBBE631F7A0E016-PERRIN, REBECCA]

Sent: 8/6/2018 8:30:33 PM

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CC: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]

Subject: CO Smart Sectors notes

Attachments: Report from July 24 agriculture smart sectors meeting in Greeley, CO.DOCX

Hello everyone,

Thank you for those of you who were able to participate in the July 24th EPA Ag Smart Sectors Roundtable in Greeley. Please find a report reflecting our discussion. Those who were invited but not able to attend are also included on this email. Please don't hesitate to contact Patrick Davis (contact info below) or myself with questions.

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Thanks!

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US EPA and Colorado Departments of Agriculture

Agriculture Smart Sectors Meeting

Greeley, CO

Tuesday, July 24, 2018

Meeting Summary

Welcome and Introductions

Environmental Protection Agency (EPA) Regional Administrator Doug Benevento welcomed attendees and invited the attendees to introduce themselves and offer their ideas for EPA reforms.

Stakeholder Input

Participants introduced themselves and provided the following comments organized by environmental statute:

Clean Water Act:

- WOTUS – One participant voiced his support for WOTUS as written. He did not think that it was difficult to interpret or implement. Another participant voiced her difficulty implementing WOTUS as written with the intermittent stream definition of most concern.
- WOTUS – Participants expressed concern that ag is not exempt in WOTUS. Participants asked for clarity on this exemption.
- SDWA – CAFO's are required to meet the same SDWA water quality and facility design standards as municipal water systems (25 or more users) but CAFO have difficulty affording the cost to build their approved systems. Participants suggested that EPA should either give businesses (CAFO's) access to the same SDWA grants as municipal water systems or tailor/scale the facility design requirements to CAFO's.
- SDWA – Participants who do business in multiple states expressed difficulty and increased cost in complying with "slightly" different SDWA rules state-by-state.
- NPDES PGP (Pesticide General Permit) – No aerial applicators will take mosquito or Tamarisk abatement jobs in Colorado because of high insurance premiums and the threat of EPA fines. NPDES PGP is duplicative of FIFRA.
- Participants questioned if EPA has considered reviewing NPDES PGP along with WOTUS review. Regional Administrator Benevento suggested that EPA, CDA and CDPHE work together on this question.

- Water storage projects are important to Colorado. Could the permitting process be streamlined? Could permit processes from multiple agencies be processed concurrently to reduce approval time?
- EPA should tailor SDWA requirements for small rural communities which have difficulty affording and meeting SDWA requirements. Municipal water systems in these communities are often staffed with volunteers and the communities have no retail tax base to fund the water system upgrades.
- Participants asked that Clean Water Act non-point source pollution program remain a voluntary program for agriculture. Farmers need flexibility to make decisions.
- Thanked EPA for their support of funding BMP work and stated their help working with the agricultural community during lean times is appreciated.

Clean Air Act:

- EPA and Colorado are working together on the Rocky Mountain National Park report. This is a good example of positive cooperation.
- RFS – Participants are alarmed by the waivers granted to small refineries. It is very important to the ag community and to the country to reduce reliance on foreign sources of energy. US produced ethanol accomplishes this. Participants asked for EPA's diligence to create certainty for the ethanol industry.
- Participants expressed difficulty complying with natural occurrence air emission releases. Wildfires happen in the West but EPA makes agriculture make up the air emission difference with their operations. This is not fair. This issue is occurring in another Region. Regional Administrator Benevento said that EPA is working to streamline the "exceptional events" compliance process using LEAN.

FIFRA:

- Colorado Agriculture Commissioner Don Brown illustrated the need for changes to the Application Exclusion Zone (AEZ).
- Application Exclusion Zone (100 feet) – EPA forgot to consider aerial application when setting the 100-foot limit. The rules seem to be written for ground applications. It is difficult to gauge 100 feet from an airplane. An additional challenge in Northern Colorado is the proximity of crops to roads. Crops in Northern Colorado are planted close to the road and roads are heavily traveled by oil trucks and farm workers, thus limiting the time crops can be sprayed from a plane. The AEZ regulation duplicates FIFRA, which does not allow drift of products.
- Participants appreciated EPA's work on California Proposition 65 and Glyphosate.
- Participants expressed a desire for EPA to help pesticide aerial applicators "decode" differing state licensing requirements. This is a national discussion within the aerial applicator community. Rebecca Perrin will follow up with Jessica Freeman.
- Participants want EPA to make pesticide registry decisions based on science and not politics to create certainty in the pesticide industry. Fewer companies are offering tools

.to fight pests thus it is important for EPA staff to have a close relationship with agriculture to help make informed risk management decisions.

- Pollinators – When pesticides are misused EPA needs to allow states to act against the party which violated label use guidelines v. creating a new Federal regulation.
- Pollinators and planes – Aerial applicators told of challenges with hobbyist bee keepers moving and hiding hives in application zones to be purposely killed by pesticide applicators to make the agricultural industry look bad.
- Pesticide applicator exam – After 2023 EPA is requiring the exam be administered by a proctor. This will take farmers off work for a day, costing time and money. Additionally, EPA is proposing new licensing categories on top of existing licenses. Participants asked EPA to develop the national exams and guides because states don't have the resources to develop these materials.
- Participants asked that the EPA "grandfather/exempt" existing applicators doing this work already from complying with the new licensing categories.
- Participants cautioned EPA about changing pesticide regulations because every change requires states to open and amend state pesticide acts. The fear is losing the Colorado Pesticide Applicator Act.
- Pesticide Registration Improvement Renewal Act (PRIA) money - Participants asked for more money for the State Pesticide Safety Education Programs.
- Participants asked to "revive" the Certification and Training Assessment Group (CTAG).
- Colorado does not have a Dicamba problem because of the climate. Onerous certification regulations are driving away applicators.
- Participants appreciate that pesticide labels are easier to read.
- Would like to have further discussions with EPA regarding "the re-registration process for pesticides and for the issuance of special local needs labels. Most vegetables are very small in acreage in Colorado and their contribution to the Risk cup is small because we normally only have a single crop per season. Often time we look to work done in other states."

<u>Compliance/Enforcement:</u>

- EPA has a reputation for fining first. Compliance assistance will reverse this reputation. Colorado's environmental ag program convenes annual meetings with producers to discuss compliance challenges, so regulated community can learn. EPA could follow this model.
- EPA inspectors have a reputation for not giving a straight answer to ag producers. Participants said if 5 different EPA inspectors looked at a facility, the producer will get 5 different answers. EPA inspectors need to be trained to be consistent and decisive to provide certainty to the ag regulated community.
- EPA regulations and guidance don't always match, making it difficult for ag to know which one to follow.

Miscellaneous/Communications/Another Federal agency:

- What is EPA doing to help educate the public about the good environmental protection work agriculture is doing?
- The state of Colorado has a department providing compliance assistance to small and medium businesses. Maybe EPA needs to do the same.
- EPA can improve its relationship with the ag community by having regional ag advisors in every region. Another good example is the Animal Agriculture Discussion Group. EPA works with national animal ag associations to work through compliance challenges. Training videos have been produced because of this cooperation. The Animal Ag Discussion group at EPA HQ is helpful to improving dialogue.
- Participants told of experiencing personal bias from EPA animal facility inspectors (not region 8). "When EPA inspectors don't believe in meat production do the producers get hit with extra requirements or fines?"
- Participants appreciate the EPA talking with the agriculture community.
- The most common complaint participants hear about the EPA is too much regulation.
- Regulations should be made easy to understand. Not useful if only lawyers can understand.

Next Steps

EPA staff will follow up on the various ideas suggested during the meeting and respond to individual concerns in a timely manner.

Message

From: Perrin, Rebecca [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=211732FEFF0C4770AEBBE631F7A0E016-PERRIN, REBECCA]
Sent: 8/6/2018 8:19:55 PM
To: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]; Ex. 6; susane@fbac.com; clillywhite@oakdell.com; cmellor@norbest.com; jared@applebeer.com; Ex. 6; ken.white@usu.edu; luannadams@utah.gov; farmerluke@petersenfarm.com; marilyn.albertson@usu.edu; Ex. 6; Ex. 6; Ex. 6; rmc@marriottconst.com; Ex. 6; roger@svlac.com; Ex. 6; Ex. 6; rustyb@redmondminerals.com; rlivestock@cut.net; Ex. 6; tammy.firth@usu.edu; SperryWJ@ldschurch.org; ddavis@utfood.com; danny.lovingier@ifa-coop.com; Ex. 6; uma@umaweb.org; Jennifer Ferrando [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user2da9b45b]; wade.garrett@fbfs.com; sterling.brown@fbfs.com; pspaine@agpros.com; Kathy.Westcott@nutrien.com; Paul.Poister@nutrien.com; Jennifer_Nelson@Seaboardfoods.com; klotspeich@agpros.com; PLepisto@iwla.org; brackendavis@utah.gov; jayolsen@utah.gov; mure@utah.gov; jwebb@smithfield.com; sericson@utah.gov; Ex. 6; Andy Pierucci [apierucci@utah.gov]; Kim Shelley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5928f2d3]; Don Hall [dghall@utah.gov]; Jeanne Riley [jriley@utah.gov]; michael.larsen@ut.usda.gov; rhonda.miller@usu.edu
CC: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]
Subject: Report from the July 31 EPA Ag Smart Sectors Roundtable
Attachments: Report from July 31 agriculture smart sectors meeting in Salt Lake City, UT.DOCX

Hello everyone,

Thank you for those of you who were able to participate in the July 31st EPA Ag Smart Sectors Roundtable in Salt Lake City. Please find a report reflecting our discussion. Those who were invited but not able to attend are also included on this email. Please don't hesitate to contact Patrick Davis (contact info below) or myself with questions.

Patrick Davis
U.S. Environmental Protection Agency
Senior Advisor to the Regional Administrator for Public Engagement
1595 Wynkoop Street Denver, CO 80202
303-312-6855 (direct)
Ex. 6 (cell)

Thanks!

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

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US EPA and Utah Departments of Agriculture and Food

Agriculture Smart Sectors Meeting

Salt Lake City, UT

Tuesday, July 31, 2018

Meeting Summary

Welcome and Introductions

Environmental Protection Agency (EPA) Senior Advisor to the Regional Administrator Patrick Davis and Region 8 Ag Advisor Rebecca Perrin welcomed attendees and invited the attendees to introduce themselves and offer their ideas for EPA reforms.

Stakeholder Input

Participants introduced themselves and provided the following comments organized by environmental statute:

Clean Water Act:

- Nutrient Management Plans – The intent of NMP's is good but it is difficult to understand and implement. The plans can run 100 pages and producers won't use it. The key information needs to be simplified to 2-3 pages in large print.
- Utah has only recently certified 3 planners (NRCS) in the state. NMP's are required to be reviewed annually but most plans in UT have not been renewed for 10-15 years. The challenge is the requirement for a NRCS certified planner to review/renew the plans.
- CRAP app helps with nutrient application record keeping but use depends on the age of the producers and their level of tech experience.
- Participants asked for EPA's help in learning how other states are handling nutrient management plans.
- NRCS and EPA worked on NMP software in 2003 (?) but since then case law has changed and the software is not up-to-date.
- EPA could change Best Management Plan (BMP) guidance to have states write the guidance v. EPA writing it. An example of confusion created by national guidance is the requirement of daily fresh water line inspections.
- EPA could put permit requirements ONLY in the Federal CAFO rule. There is too much detail required in the existing regulations. Limit "supporting" information in NMP's and delineate "required" information.
- How is EPA addressing nutrient pollution from small urban farms? Example: large CAFO's monitor water quality v. small operations and hobby farms in urban settings.

The challenge is that there are no EPA requirements for medium and small sized operations..

- NPS funding (319 grant program) – Participants asked for additional 319 funding for UT. Ex: As dairies consolidate and take on larger herds upgrading the facilities becomes unsustainable. UT receives $1 million in 319 funding and this doesn't cover upgrading these facilities.
- Changing regulations creates uncertainty for CAFO's. It is difficult and expensive to upgrade/relocate CAFO infrastructure (near water v. away from water) to meet changing regulations.
- HABS – Participants asked for EPA's help in determining the impact of cyanotoxins in irrigation water on plants. This may be a RARE project opportunity.

Clean Air Act:

- Participants are concerned that agriculture is being brought into the air quality regulatory schema. Ex: with western wildfires magnitude escalating and agriculture grazing/managing burning land what will animal agriculture be required to do?
- EPA needs to be at the table with ag and Federal Land Managers to discuss dust pollution. UT is very dry and the concern is regional haze over national parks.
- What is the air quality status in Cache Valley, UT? This is the largest concentration of dairy farms in UT.
- Smithfield foods has a goal of reducing their carbon footprint 25% by 2025. This becomes a challenge when their digester gas pipelines cross federal lands. Ex: Smithfield will soon be submitting a NEPA application for an anaerobic digester biogas pipeline (Pinnacle Biogas) connecting to existing gas pipelines crossing Federal lands. They wanted to put this project Region 8 NEPA radar screen.
- NAEMS (National Air Emissions Monitoring Study) – What is the status of this study? Participants were concerned that sample sites in the study were not in the arid west.

FIFRA:

- Participants said the average reading level of applicators in UT is 8th grade. For the ornamental industry the average reading level is 5th grade. Understandable training modules are needed to educate applicators.
- When labels are written by technical writers they should consider the audience and write to a 5-8th grade reading level.
- Participants asked for guidance about cannabis pesticide applications from the EPA. States need support from EPA to discuss these cannabis issues.
- WPS – Regulations are complex and small producers don't have time to learn. This needs to be simplified. Ex: WPS needs a flow-chart or quick guide to know when WPS applies. This is difficult to explain to growers.

- Pesticide labels are confusing to regular people. Photos are very helpful. Some information seems duplicative and growers can't determine what applies to their situation easily.

Compliance/Enforcement:

- How does EPA define an EJ "overburdened" community? Ex: The Smith's grocery store in Leighton, UT "neglects" a field adjacent to the store. They cut the weeds once a year. However, this cutting of the weeds floods neighboring homes and businesses with mice. Participants wanted to know if this community would be considered "overburdened"? They asked if EPA can help address this situation?

Miscellaneous/Communications/Another Federal agency:

- The EPA website is difficult to navigate for agriculture.
- Allowing livestock to graze more federal land would reduce "fire load".
- Participants appreciate the increased 2-way dialog between states and the EPA.

Next Steps

EPA staff will follow up on the various ideas suggested during the meeting and respond to individual concerns in a timely manner.

Message

From: Conover, Dave [Dave_Conover@kindermorgan.com]
Sent: 5/8/2018 2:37:41 PM
To: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]; Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]
CC: Butero, Carol [Carol_Butero@kindermorgan.com]
Subject: RE: Region 8 Smart Sectors

Thanks Patrick. I think we would not add value to that focus, but if you take up oil & gas or energy, we would be pleased to participate. Best wishes, Dave

---

From: Davis, Patrick [mailto:davis.patrick@epa.gov]
Sent: Tuesday, May 08, 2018 9:35 AM
To: Letendre, Daisy; Conover, Dave
Subject: RE: Region 8 Smart Sectors

[This email message was received from the Internet and came from outside of Kinder Morgan]

Hi Dave,

The Region 8 Smart Sectors program will focus on the mining, agriculture and outdoor recreation/tourism sectors. We will be convening round table discussions with the regulated community in these sectors in the six states which make up Region 8. Would these sectors be of interest to you?

Thanks,

Patrick Davis
Environmental Protection Agency
Senior Advisor to the Regional Administrator for Public Engagement
1595 Wynkoop Street
Denver, CO 80202
303-312-6855 (direct)
Ex. 6 (cell)

From: Letendre, Daisy
Sent: Monday, May 7, 2018 3:09 PM
To: Conover, Dave <Dave_Conover@kindermorgan.com>
Cc: Davis, Patrick <davis.patrick@epa.gov>
Subject: RE: Region 8 Smart Sectors

Hey Dave – thanks for your email! I've cc'd Patrick Davis who is heading up the Region 8 Smart Sectors, he'll be able to tell you more about what their initiative will look like and how Kinder Morgan can be involved. And as always let me know if I can be helpful from HQ.

Best,

Daisy C. Letendre
Letendre.Daisy@epa.gov

From: Conover, Dave [mailto:Dave_Conover@kindermorgan.com]
Sent: Monday, May 7, 2018 4:27 PM
To: Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Region 8 Smart Sectors

Hello Daisy, I am glad we had a chance to visit last October about Smart Sectors. We understand that Region 8 is planning to begin an effort within your program, and we are wondering how best we can get included in it. Our Lakewood and Colorado Springs executives would be keen to participate. Can you give me any advice? Thanks and best wishes, Dave

Dave Conover
Vice President, Corporate Communications & Public Affairs
KINDER MORGAN

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Message

From: Conover, Dave [Dave_Conover@kindermorgan.com]
Sent: 5/7/2018 9:15:56 PM
To: Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]
CC: Davis, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7fca02d1ec544fbbbd6fb2e7674e06b2-Davis, Patr]
Subject: RE: Region 8 Smart Sectors

Thank you!

From: Letendre, Daisy [mailto:letendre.daisy@epa.gov]
Sent: Monday, May 07, 2018 4:09 PM
To: Conover, Dave
Cc: Davis, Patrick
Subject: RE: Region 8 Smart Sectors

[This email message was received from the Internet and came from outside of Kinder Morgan]

Hey Dave – thanks for your email! I've cc'd Patrick Davis who is heading up the Region 8 Smart Sectors, he'll be able to tell you more about what their initiative will look like and how Kinder Morgan can be involved. And as always let me know if I can be helpful from HQ.

Best,

Daisy C. Letendre
Letendre.Daisy@epa.gov

From: Conover, Dave [mailto:Dave_Conover@kindermorgan.com]
Sent: Monday, May 7, 2018 4:27 PM
To: Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Region 8 Smart Sectors

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Dave Conover
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petroleum products, ethanol and chemicals, and handle steel, petroleum coke, and other products. It is also a leading producer of CO2 that we and others use for enhanced oil recovery projects primarily in the Permian basin. For more information please visit www.kindermorgan.com.

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