
From: Kathleen Sgamma <ksgamma@westernenergyalliance.org>
To: Kreutzer, David
Sent: 2/1/2017 2:57:31 PM
Subject: Question on ICR

Hello David,

I know you're underwater right now, but do you have time to talk about the ICR that is ongoing for O&G companies. There's confusion about the deadlines for submitting data. Thank you.

Kathleen Sgamma
President
Western Energy Alliance
1775 Sherman St., Suite 2700
Denver, CO 80203
(303) 501-1059 direct
(303) 623-0987 main
ksgamma@westernenergyalliance.org
westernenergyalliance.org
[@KathleenSgamma](#)

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From: Kathleen Sgamma <ksgamma@westernenergyalliance.org>
To: Kreutzer, David
Sent: 2/2/2017 10:26:57 AM
Subject: RE: Question on ICR

Thank you so much. My afternoon blew up, but I tried calling you this morning but your voicemail's not set up. Please call when you get a chance.

From: Kreutzer, David [mailto:kreutzer.david@epa.gov]
Sent: Wednesday, February 01, 2017 1:23 PM
To: Kathleen Sgamma
Subject: RE: Question on ICR

Sure. I have meetings until about 5:30. I'll try calling then. If you don't hear from me by 6 EST, feel free to call me at 202.564.3113 or 202.384.8061 (cell).

From: Kathleen Sgamma [mailto:ksgamma@westernenergyalliance.org]
Sent: Wednesday, February 1, 2017 2:58 PM
To: Kreutzer, David <kreutzer.david@epa.gov>
Subject: Question on ICR

Hello David,

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From: Kathleen Sgamma <ksgamma@westernenergyalliance.org>
To: Kreutzer, David
CC: Ryan Streams
Sent: 2/6/2017 2:52:58 PM
Subject: ICR
Attachments: EPA ICR Supporting Statement 09-22-2016.pdf

David,

As promised, here is the basic information on the ICR and our comments to the 1st and 2nd draft. Ryan can provide much more detail than I, but the supporting statement attached has a fairly brief explanation in the first two pages. Thank you for looking into it. Please call me or Ryan with any questions once you've had a chance to look at it.

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From: Kathleen Sgamma <ksgamma@westernenergyalliance.org>
To: Kreutzer, David
Sent: 2/10/2017 2:09:04 PM
Subject: Information on the ICR

Hello David,

Thank you for your call today. In case the information is helpful, here's some background from our attorney.

The ICR's were issued in two parts under EPA's section 114 information gathering request authority. The first part (Part 1) applies to every single operator in the country. Part II was a more targeted information request for certain operators, but asks for much more detailed and onerous information. Both parts impose significant burdens on operators in terms of collecting and submitting data. They also both raise significant CBI issues. The ultimate purpose of the ICR under the Obama EPA was to gather necessary information in advance of promulgating section 111(d) air quality standards for *existing* as opposed to *new* oil and gas sources.

EPA's section 114 authority is very broad, and is most often used for single facilities or a single company as a predicate for an enforcement action. So in that sense, this industry-wide information request is a bit unusual, although not without precedent (EPA did these for refineries). Fortunately, there are no statutory deadlines under section 114 for responding and extensions are routinely granted by EPA upon request. In fact, here limited extensions have been granted for many operators required to respond to Part I. In this respect, section 114 is somewhat informal compared with other provisions of the Clean Air Act.

There are several key rationales for either eliminating the ICR or at least extending the response date nationwide for every operator right now. First, it seems unlikely that the new EPA will approach this "existing" source regulation in the same way. If there is any chance that this EPA will not promulgate an existing source regulation under section 111(d), then it does not make sense for every operator in the country to go through this burdensome information request. At a minimum, I would think the new EPA would want to carefully discuss this issue given the significance of an existing source rule that would literally apply to every facility in the country (putting many marginal wells and smaller operators out of business). Second, an existing source regulation under 111(d) may only go forward once there has been a new source performance standard promulgated under section 111(b). EPA has issued two NSPS for oil and gas – Quad O and Quad Oa. However, both rules are being challenged in the courts. Should they be struck down or otherwise pulled back by EPA, it would have no statutory authority to even promulgate an existing source regulation under 111(d). Thus, it seems the ICR process should be put on hold for that reason as well.

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From: Kreutzer, David </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=52652127F1174690A5223B2A6DF21968-KREUTZER, D>
To: Schnare, David
Sent: 2/10/2017 2:12:41 PM
Subject: FW: Information on the ICR

Please call. I just talked with Sarah Dunham. Looks like this will be easier than we thought.

From: Kathleen Sgamma [mailto:ksgamma@westernenergyalliance.org]
Sent: Friday, February 10, 2017 2:09 PM
To: Kreutzer, David <kreutzer.david@epa.gov>
Subject: Information on the ICR

Hello David,

Thank you for your call today. In case the information is helpful, here's some background from our attorney.

The ICR's were issued in two parts under EPA's section 114 information gathering request authority. The first part (Part 1) applies to every single operator in the country. Part II was a more targeted information request for certain operators, but asks for much more detailed and onerous information. Both parts impose significant burdens on operators in terms of collecting and submitting data. They also both raise significant CBI issues. The ultimate purpose of the ICR under the Obama EPA was to gather necessary information in advance of promulgating section 111(d) air quality standards for *existing* as opposed to *new* oil and gas sources.

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(303) 623-0987 main
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From: Kreutzer, David </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=52652127F1174690A5223B2A6DF21968-KREUTZER, D>
To: Dunham, Sarah
Sent: 2/10/2017 2:24:15 PM
Subject: ICR

Sarah,

Re: Quashing the ICR

Could you draft whatever request you would need from Catharine and send it to her, Schnare, and me?

Thanks,

David

David W. Kreutzer, Ph.D.
202.564.3113

IMPORTANT: Please note that any correspondence with this account may become a federal record and be subject to Freedom of Information Act (FOIA) requests.

From: Jackson, Ryan </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY>
To: Schnare, David
Sent: 2/27/2017 10:29:02 PM
Subject:

I've been meaning to ask this all day and we have time tomorrow morning some, but what can be done on the ICR presently?

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

From: Dunham, Sarah </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM>
To: Grantham, Nancy
CC: Schnare, David; Konkus, John; Jackson, Ryan
Sent: 2/28/2017 7:35:03 AM
Subject: Re: CAA 114 Methane information request

Yes, we'll work with Nancy.

On Feb 28, 2017, at 7:32 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Thanks ... sarah and I will connect thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Schnare, David
Sent: Tuesday, February 28, 2017 7:27 AM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Konkus, John <konkus.john@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: CAA 114 Methane information request

Sarah:

Please work with Nancy to prepare a press release to the appropriate trade press to announce that we are withdrawing our request for information on methane releases that we made under CAA Sec. 114, and that we are preparing letters to the 15,000 persons who originally received that request. In addition, please prepare a one-pager indicating the schedule with which we can get those letters out.

We need to indicate that we are withdrawing both parts 1 and 2 of the request.

If you have questions, please let me know.

dschnare

From: Kime, Robin </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7EF7B76087A6475B80FC984AC2DD4497-RKIME>
To: Dravis, Samantha
CC: Schnare, David
Sent: 2/28/2017 6:30:54 PM
Subject: Re:

Hi
Checking.

Sent from my iPhone

On Feb 28, 2017, at 6:25 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

Could one of you send me the notice of the ICR withdrawal for methane? Where is that in the process?

From: Dravis, Samantha </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECE53F0610054E669D9DFFE0B3A842DF-DRAVIS, SAM>
To: Kime, Robin
Sent: 3/1/2017 10:32:20 AM
Subject: RE: Methane ICR - request for notice and update

Do you want to come by really quick and lets set up you and Carolyn having access to my calendar?

From: Kime, Robin
Sent: Wednesday, March 1, 2017 10:27 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Methane ICR - request for notice and update

Hi
This just in.

From: Rees, Sarah
Sent: Wednesday, March 01, 2017 10:24 AM
To: Kime, Robin <Kime.Robin@epa.gov>
Cc: Kenny, Shannon <Kenny.Shannon@epa.gov>
Subject: RE: Request for notice and update

Confirmed that this decision has been made and OAR is working on the withdrawal. They have some comms materials and are putting the notice together. We've asked to see the materials in advance and also timeline as to when they will be ready. I will send to Samantha as soon as I have more information.

From: Grantham, Nancy </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY>
To: Schnare, David
CC: Grantham, Nancy; Konkus, John
Sent: 3/1/2017 4:58:50 PM
Subject: FW: Oil and Gas Info Request New Brief DRAFT v5 CLEAN.docx
Attachments: Oil and Gas Info Request New Brief DRAFT v5 CLEAN.docx

Please see attached. Let us know how to proceed.

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Minoli, Kevin
Sent: Wednesday, March 01, 2017 4:50 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Subject: Oil and Gas Info Request New Brief DRAFT v5 CLEAN.docx

Nancy- Here are our suggested edits. As I mentioned on the phone, before taking this action OAR would like to receive direction from the Administrator or Chief of Staff, consistent with what we understand to be the protocol at the moment. Thanks, Kevin

From: Davis, Patrick </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FCA02D1EC544FBBBD6FB2E7674E06B2-DAVIS, PATR>
To: Kreutzer, David
Sent: 3/1/2017 5:14:27 PM
Subject: ICR

Hi David,

If you run across the correspondence dealing with the ICR we talked about late today could you please send it to me?

Thanks,
Patrick Davis

Sent from my iPhone

From: Schnare, David </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=96FC79D4007541A69E8B3CF57F6E13B0-SCHNARE, DA>
To: Minoli, Kevin; Kenny, Shannon; Rees, Sarah; Dunham, Sarah
Sent: 3/2/2017 8:56:30 AM
Subject: Direction from the Administrator
Attachments: Oil and Gas Info Request New Brief DRAFT v5 CLEAN.docx

Attached is the near final draft of the press release going out today on the CAA 114 methane issue (a quote is being added).

The Administrator wants this turned into a Notice for Federal Register publication and he wants it over there today for publication tomorrow. OGC drafts. It can be literally three sentences long.

Please let me know when this has been sent to OFR.

dschnare

From: Kathleen Sgamma <ksgamma@westernenergyalliance.org>
To: Kreutzer, David
Sent: 3/2/2017 4:54:32 PM
Subject: RE: Question on ICR

From the bottom of my heart, thank you.

From: Kreutzer, David [mailto:kreutzer.david@epa.gov]
Sent: Wednesday, February 01, 2017 1:23 PM
To: Kathleen Sgamma
Subject: RE: Question on ICR

Sure. I have meetings until about 5:30. I'll try calling then. If you don't hear from me by 6 EST, feel free to call me at 202.564.3113 or 202.384.8061 (cell).

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From: Kreutzer, David </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=52652127F1174690A5223B2A6DF21968-KREUTZER, D>
To: Kathleen Sgamma
Sent: 3/2/2017 5:11:32 PM
Subject: Re: Question on ICR

Thank you for bringing it to our attention. There was nobody here (political or career) who thought the ICR made sense given the changes in the associated policy. However, with the all the commotion of the transition, the very sensible proposal to cancel the ICR fell through the cracks.

Kudos to you for being alert!

David

Sent from my iPhone

On Mar 2, 2017, at 4:55 PM, Kathleen Sgamma <ksgamma@westernenergyalliance.org> wrote:

From the bottom of my heart, thank you.

From: Kreutzer, David [<mailto:kreutzer.david@epa.gov>]
Sent: Wednesday, February 01, 2017 1:23 PM
To: Kathleen Sgamma
Subject: RE: Question on ICR

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