

Message

From: Holmstead, Jeff [jeff.holmstead@bracewell.com]
Sent: 6/15/2017 5:16:24 AM
To: Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Re: Hoping to talk with you

No worries. We got a chance to explain our situation to Alex this afternoon, and we also sent him the district court decision that is being appealed to the 4th Circuit. If you have any questions after he has a chance to brief you, he said that he would set up a meeting or conference call so that you can talk with the key folks from Kinder Morgan while I am gone.

Thanks again for your willingness to talk with us. I do understand what your schedule is like these days, and I'm grateful we could get even a bit of your time.

Jeff

From: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Sent: Wednesday, June 14, 2017 9:40 PM
To: Holmstead, Jeff
Cc: Dominguez, Alexander
Subject: Re: Hoping to talk with you

Jeff,

I am so sorry for not having the opportunity to chat. Did you and Alex find a time to reschedule? I am available from 2-4 tomorrow, or after 5. If that doesn't work I'm happy to set something for when you come back.

Again, my apologies.

Sarah

Sent from my iPhone

On Jun 14, 2017, at 9:04 AM, Holmstead, Jeff <jeff.holmstead@bracewell.com> wrote:

5:00 works for me. And thanks again for setting this up. I know that Sarah must be swamped after just getting back to the office.

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Wednesday, June 14, 2017 8:56 AM
To: Holmstead, Jeff

Cc: Greenwalt, Sarah
Subject: RE: Hoping to talk with you

Hey Jeff – Apologies but actually can we move the call to 5:00PM today?

From: Holmstead, Jeff [<mailto:jeff.holmstead@bracewell.com>]
Sent: Wednesday, June 14, 2017 7:30 AM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Hoping to talk with you

I just saw the earlier email from Alex. 3:00 is great, but I could also do a call at 4:30 or 5:00.

Also, if it's OK, I would like to have the lead person from Kinder Morgan join us by phone. She has been involved from the beginning and will know the answer to any questions you have have

From: Holmstead, Jeff
Sent: Wednesday, June 14, 2017 7:25 AM
To: Greenwalt, Sarah
Cc: Gunasekara, Mandy; Dominguez, Alexander
Subject: Re: Hoping to talk with you

3:00 would be great. Just let me know if you want to do a meeting or a call.

From: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Sent: Wednesday, June 14, 2017 6:35 AM
To: Holmstead, Jeff
Cc: Gunasekara, Mandy; Dominguez, Alexander
Subject: Re: Hoping to talk with you

So 3:00 would work?

Sent from my iPhone

On Jun 13, 2017, at 10:29 PM, Holmstead, Jeff <jeff.holmstead@bracewell.com> wrote:

If you have any flexibility, after 2:30 is best for me, but I can be available any time that works for you.

Thanks very much.

Sent from my iPhone

On Jun 13, 2017, at 8:32 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Jeff,

I just landed in D.C. Alex can set something up for tomorrow. Do you have any restrictions on availability?

Best,
Sarah

Sent from my iPhone

On Jun 13, 2017, at 1:37 PM, Holmstead, Jeff
<jeff.holmstead@bracewell.com> wrote:

I am sorry to be a pest, but I am leaving town on Thursday for a rafting trip in the Grand Canyon, and I won't have phone or email access from the 15th through the 23rd.

If you can spare a few minutes this afternoon or tomorrow, I would like to talk with you briefly about the case I mentioned to Mandy. If this doesn't work, perhaps we could arrange a time when the folks from Kinder Morgan could speak with you or perhaps meet with you in person while I am gone. There is some time pressure here because of the Court's briefing schedule.

The case involves a leak from a petroleum pipeline owned by Kinder Morgan (KM). The leak was discovered and repaired fairly quickly and was remediated under the supervision of the South Carolina environmental agency. There was no impact on any type of surface water. Two environmental groups (Upstate Forever and Savannah Riverkeeper) brought a CWA citizen suit against KM, alleging that KM had violated the CWA by discharging pollutants into the waters of the U.S. without an NPDES permit. They argue that a potential impact on groundwater qualifies as a discharge to waters of the U.S. because the groundwater is "hydrologically connected" to surface water. The District Court granted KM's motion to dismiss the case, in part because the judge found that any petroleum that may have made

its way to the groundwater was not a discharge into the waters of the United States. The environmental groups have appealed to the 4th Circuit, which has not yet considered the "hydrologically connected" issue, so it will be an issue of first impression in the 4th Circuit.

Given EPA's effort to redo the WOTUS rule, and the potential impact that a bad decision from the 4th Circuit might have on this effort, we thought that EPA might want to submit an amicus brief in this case.

Please let me know if you have a few minutes to talk with me this afternoon or tomorrow – or perhaps time to have a conference call or meeting with the experts from Kinder Morgan next week.

Thanks,

Jeff

From: Holmstead, Jeff
Sent: Friday, June 9, 2017 8:30 AM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Re: Thanks for taking the time to talk

Sarah,

I can imagine what your schedule must be like these days, but I'd love to talk with you when you get back from Italy. I leave for a long-planned family trip on Thursday, but I could talk with you any time before then.

Thanks,

Jeff

From: Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>
Sent: Friday, June 9, 2017 7:22 AM
To: Holmstead, Jeff

Cc: Greenwalt, Sarah

Subject: Re: Thanks for taking the time to talk

Hi Jeff,

Great catching up for a bit. I've CC'd Sarah who is the best person to connect with on water issues and a great person to know. Sarah, Jeff is a former AA for Air in the Bush Administration and a great ally on all that we do. I hope you two can find a time to connect. Best,
Mandy

Sent from my iPhone

On Jun 9, 2017, at 5:02 AM, Holmstead, Jeff
<jeff.holmstead@bracewell.com> wrote:

I feel a bit guilty about bothering you in Italy. I hope it wasn't too late there when I called.

When you and your colleagues get back, I would love to have the chance to talk with Sara Greenwalt about the CWA case I mentioned to you. I am hoping you can make an introduction.

I am around next week and would love to talk with her -- and you, too, if you can spare the time, but I assume you're swamped with other things. I leave town on Thursday of next week, but my schedule until then is pretty flexible.

Thanks again for taking the time to talk with me. And good luck tomorrow. I will be very interested to hear how it goes.

Jeff

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JEFF HOLMSTEAD

Partner

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