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**From:** Elliott, Don [DElliott@cov.com]  
**Sent:** 6/16/2017 5:26:07 PM  
**To:** Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]  
**Subject:** Re: Follow Up to Request for Meeting for MGP

Thank you for the update.

Don Elliott

On Jun 16, 2017, at 13:14, Schwab, Justin <schwab.justin@epa.gov<mailto:schwab.justin@epa.gov>> wrote:

We're moving this through and should be able to schedule a meeting shortly (perhaps as early as next week), but the appropriate attendees for that meeting are still being worked out. Please let me know if you have further questions.

Sent from my iPhone

On Jun 14, 2017, at 3:28 PM, Schwab, Justin <schwab.justin@epa.gov<mailto:schwab.justin@epa.gov>> wrote:

Will follow up

Sent from my iPhone

On Jun 14, 2017, at 3:20 PM, Elliott, Don <DElliott@cov.com<mailto:DElliott@cov.com>> wrote:

Hi Justin,

Great to see you and Gerald for lunch last Friday. Let's do it again soon.

On another topic, can you tell me anything about where things stand and when we might be hearing back from you on the subject that I wrote you about below? My clients at MGP are pushing me for when we might hear back from EPA Headquarters, as they have a decision coming up soon (June 26) about whether to go forward with their plans to build an additional whiskey aging warehouse in Indiana, or to relocate it to Louisville, Kentucky instead because it is in a different EPA Region that takes a different position on these issues.

As I am sure that you appreciate, one of the main rationales for the regional consistency rules under the CAA was to avoid just this type of situation where inconsistent positions by Regions IV and V cause economic development to be re-directed from one state to another. Some in the Indiana state government and Congressional delegation are getting rather steamed about this situation and I have heard that some of them intend to reach out to Administration Pruitt about it although I don't know when.

Any word about timing that I can share with the client?

Regards,

Don

E. Donald Elliott

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<image002.jpg>

From: Elliott, Don  
Sent: Monday, June 05, 2017 2:25 PM  
To: Justin Schwab (schwab.justin@epa.gov<mailto:schwab.justin@epa.gov>)  
Subject: Request for Meeting

Justin,

Please consider this a request for a meeting with you and whoever else you consider appropriate concerning the matters outlined in the attached letter. We suggest that someone from OAQPS might also be interested, perhaps Peter Tsirigotis, and also OECA.

In essence, we want to discuss with you whether the Trump Administration is abruptly changing EPA's 17-year long policy that the "angel's share" of alcohol that leaks out of wooden whiskey barrels during the traditional natural aging process cannot be controlled without unacceptable effects on product quality, and if so, whether the agency may do so without any notice or opportunity for comment on the change but instead merely by bringing an enforcement case out of the blue without prior fair notice to the regulated community.

We represent MGP Ingredients, Inc. which received the attached Notice and Finding of Violation for its Lawrenceville, Indiana bourbon aging warehouse from Region V. Region V's position on this directly contradicts that of the other regions, including Region IV, as we will outline at the meeting. I would be accompanied by my co-counsel, Tony Sullivan of Barnes & Thornburg in Indianapolis, as well as a company representative.

Please let me know what dates you are available. The only dates when I have to be out of town are June 28-29 Ex. 6

Don

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