

Message

From: David M. (Max) Williamson [maxwilliamson@williamsonlawpolicy.com]
Sent: 10/25/2017 2:21:00 PM
To: Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]
CC: Motley, Judy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Motley, Judy]; kharris@corn.org
Subject: RE: Ag Biogenic CO2
Attachments: Biogenic Regulation - Legal Analysis (10-25-17).docx; Biogenic CO2 Coalition Comments EPA Significance Rule (filed) (12-16-16).pdf

CONFIDENTIAL

Justin and Eric, thanks again for taking the time last week to work through a legal analysis of the biogenic CO2 issue. As discussed, to facilitate a resolution, we are sharing a legal analysis of the key regulatory actions (in Word format, attached) which forms the basis for our position that biogenic CO2 has never properly been determined to be a pollutant subject to regulation for purposes of the Clean Air Act.

I am also sharing the Biogenic CO2 Coalition's comments on the Significance Rule proposal from the prior administration, as it contains a comprehensive narrative discussion of the coalition's legal and policy positions.

We look forward to having another "work session" to discuss this issue once you have a chance to study the issues in greater depth. Would you be available sometime the week of November 5?

Regards,

David M. (Max) Williamson | Williamson Law + Policy, PLLC
1850 M Street NW, Suite 840 | Washington, D.C. 20036 | (202) 256-6155



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From: Baptist, Erik [mailto:baptist.erik@epa.gov]
Sent: Friday, October 13, 2017 12:18 PM
To: David M. (Max) Williamson <maxwilliamson@williamsonlawpolicy.com>; Schwab, Justin <Schwab.Justin@epa.gov>
Cc: Motley, Judy <motley.judy@epa.gov>
Subject: RE: Ag Biogenic CO2

Ok, let's plan for 1:30 p.m. that day.

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW

Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: David M. (Max) Williamson [<mailto:maxwilliamson@williamsonlawpolicy.com>]
Sent: Friday, October 13, 2017 12:06 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Cc: Motley, Judy <motley.judy@epa.gov>
Subject: Re: Ag Biogenic CO2

Erik, that can work - even better if we could start earlier we have a 3pm over at DOE. Thanks

David M. (Max) Williamson
WILLIAMSON LAW + POLICY, PLLC
1800 K Street NW Suite 714 | Washington, D.C. | (202) 256-6155 |

From: Baptist, Erik
Sent: Friday, October 13, 2017 11:39
To: David M. (Max) Williamson; Schwab, Justin
Cc: Motley, Judy
Subject: RE: Ag Biogenic CO2

Let's plan for Friday, October 20, at 2:00-3:00 p.m.

Thanks

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: David M. (Max) Williamson [<mailto:maxwilliamson@williamsonlawpolicy.com>]
Sent: Friday, October 13, 2017 5:45 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: RE: Ag Biogenic CO2

Thanks, Erik, I look forward to talking.

I could do morning of . . .

- Friday, Oct 20 (outside the proposed range but a Friday)
- Mon Oct 23
- Tues Oct 24 (morning)
- Fri Oct 27 is a possibility but probably by phone only

Best regards,

David M. (Max) Williamson | Williamson Law + Policy, PLLC
1850 M Street NW, Suite 840 | Washington, D.C. 20036 | (202) 256-6155



From: Baptist, Erik [<mailto:baptist.erik@epa.gov>]
Sent: Friday, October 13, 2017 12:24 AM
To: David M. (Max) Williamson <maxwilliamson@williamsonlawpolicy.com>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: RE: Ag Biogenic CO2

Max,

Apologies for the delayed response. Is there a day during the week of October 23-27 that works best for you? Fridays are usually best for us.

Thanks,

Erik Baptist

Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: David M. (Max) Williamson [<mailto:maxwilliamson@williamsonlawpolicy.com>]
Sent: Wednesday, October 4, 2017 8:17 AM
To: Schwab, Justin <Schwab.Justin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: Ag Biogenic CO2

Justin and Erik, following on a telecon with Mandy, I'd like to offer to sit down with you and walk through our legal analysis of the biogenic CO2 policy, which led us to the conclusion that re-interpreting the endangerment finding was the most sensible solution to this issue which has the ag community inflamed.

Could we convene a small working group (no more than 3-4) for an in-person sit down?

Regards,

David M. (Max) Williamson | Williamson Law + Policy, PLLC
1850 M Street NW, Suite 840 | Washington, D.C. 20036 | (202) 256-6155



