

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 6/14/2017 12:52:23 AM
To: Holmstead, Jeff [jeff.holmstead@bracewell.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]
Subject: Re: Hoping to talk with you

Jeff - can you do a call tomorrow the 14th at either 4:30 or 5:00?

Alex

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

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