

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** A.J. Ferate  
**Sent:** Tue 10/31/2017 10:12:24 PM  
**Subject:** Fw: Charlotte Pipe EPA visit request  
EPA External Meeting Request Form - Charlotte Pipe.docx

Ryan: Good to see you the other night. As you mentioned, there might be a chance to get the Administrator down to Charlotte by the end of the year. I am re-sending this letter in the event that that is a possibility. Please let me know if we can work something out.

Thank you very much, AJF

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Anthony J. "A.J." Ferate, JD  
(202) 486.7211 (cell)

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**From:** A.J. Ferate  
**Sent:** Tuesday, September 12, 2017 8:33 AM  
**To:** jackson.ryan@epa.gov  
**Subject:** Fw: Charlotte Pipe EPA visit request

Ryan: Please find the request for a meeting in Charlotte as we discussed last Wednesday. Please let me know the likelihood of arranging this.

Thanks again! A.J. Ferate

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Anthony J. "A.J." Ferate, JD  
(202) 486.7211 (cell)

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**From:** A.J. Ferate  
**Sent:** Tuesday, August 8, 2017 9:48 PM  
**To:** Maddy Morris  
**Subject:** Charlotte Pipe EPA visit request

Maddy: Please find attached the off-site external request form for Charlotte Pipe. Please let me know if you need anything further.

Thanks! AJF

Anthony J. "A.J." Ferate, JD  
(202) 486.7211 (cell)

# External Meeting Request Form for Administrator E. Scott Pruitt

## U.S. Environmental Protection Agency

*To request the Administrator to attend and/or speak at your event, please complete and submit the following form.*

**Today's Date:** 7/31/2017

**Meeting Date:** When the Administrator is in Charlotte, NC

**Meeting Time:** Foundry facility is operating any Tuesday, Wednesday or Thursday

**Requested Location (if offsite, please list address, parking instructions, etc.):**

Charlotte Pipe & Foundry, 1335 S. Clarkson Charlotte, NC, 28208

**Requestor:** A.J. Ferate

**Purpose of the Meeting:**

Mr. Roddey Dowd, CEO of *Charlotte Pipe and Foundry*, heads one of the largest pipe manufacturers in the world as well as the *American Foundry Society (AFS)* consisting of 8,000 members and 2,000 metalcasting firms/suppliers. Mr. Dowd would like to provide the Administrator with a tour of his foundry facility and share some of the challenges he faces due to regulations imposed by previous EPA leadership.

(FYI, Administrator Pruitt indicated to Mr. Ferate that this is a visit he would like to make.)

**Background on the Meeting:**

Mr. Dowd would like, through the tour of his facility, show examples of the challenges he faces as a result of regulatory overreach. Eight (8) examples include:

### **~EPA Greenhouse Gas (GHG) Emissions from Electric Generating Utilities**

The rule for existing plants mandates a 32% reduction in CO2 emissions by 2030. There is no commercially viable way to acquire such technologies...and metalcasting is an energy intensive industry. They're asking the EPA to develop a more cost effective, reliable, & feasible approach to reduce CO2 emissions.

### **~National Ambient Air Quality Standards (NAAQS) for Fine Particulate Matter (PM2.5) Air Emissions**

In December 2012, EPA finalized its update to the PM2.5 rule, which set standards so low that many areas in the country, including some rural areas with no industrial operations, have

background-PM2.5 levels that are at, or near the NAAQS for PM2.5. As a result, some foundries are unable to obtain air permits to build new, state-of-the-art metalcasting operations or to expand or update their existing facilities because such activities may contribute even low levels of PM2.5 emissions to an area that would then exceed the NAAQS.

PM2.5 air emissions are reduced at metalcasting facilities with the use of baghouses and other pollution control devices. In most cases, more than 99 percent of the fine particulates are captured and not emitted into the environment.

Major flexibility is needed for metalcasters in implementing the PM2.5 NAAQS, especially as it relates to completing any air dispersion modeling. PM 2.5 NAAQS should be reviewed and realistic levels set, taking into account regional differences.

### **~Ozone NAAQS Revision from October 2015**

This rule set a very stringent emission standard for ozone emissions from all stationary sources in the U.S. This standard is just now starting to be implemented, and is expected to result in significant costs for communities. AFS is concerned that metalcasters will not be able to expand without a reduction of emission or shut down of operations from other businesses in the area. With the revised ozone NAAQS, plans for expansion may be delayed or shelved.

On March 28, 2017 President Trump issued an Executive Order directing EPA to review for possible reconsideration any rule that could “potentially burden the development or use of domestically produced energy sources, with particular attention to oil, natural gas, coal, and nuclear energy sources.” EPA is currently evaluating whether the 2015 ozone standard is potentially subject to the review process set forth in this Executive Order.

On April 11, 2017 the D.C. Circuit indefinitely delayed the legal challenge while EPA reconsiders the 2015 ozone standard.

EPA should consider rolling back to the pre-existing Ozone NAAQS standard to allow states and impacted sources to achieve attainment and provide time to prepare to meet a new, more realistic standard in the future.

### **~Waters of the United States**

This rule redefines the scope of the Clean Water Act (CWA) to state which waters (such as cooling ponds, catch basins) need to meet CWA standards to protect aquatic life. It is currently stayed while going through litigation, so it is not being implemented. If implemented, it would force foundries to meet CWA standards for waters on their facilities that are currently unregulated because they are not connected to navigable waters.

President Trump signed, Presidential Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule on February 28, 2017. The order directed EPA and the Corps to review the rule and issue a notice and comment for a proposed rule rescinding or revising the rule.

With this new rulemaking EPA should revise this rule to ensure that waters of the U.S. are defined appropriately to not broaden CWA jurisdiction and unnecessarily burden the metalcasting industry.

### **~Startup, Shutdown and Malfunction (SSM) Provisions**

The CAA provides for some affirmative defenses for facilities that may exceed air emission limits during temporary periods of startup, shutdown and malfunction (SSM). The U.S. Court of Appeals for the D.C. Circuit vacated the rule that allows facilities to exceed applicable hazardous air pollutant emissions standards during these periods. EPA is also in the process of removing these SSM provisions as part of its residual risk and technology reviews for the national emissions standards for hazardous air pollutants.

In June 2015, EPA issued a final rule requiring states to revise their state implementation plans (SIPs) to control excess air emissions during periods of SSM and submit revised plans that address new SSM provisions to EPA for approval by November 22, 2016 (SIP Call Rule). This rule has been challenged in federal court.

EPA does not have the authority to ban affirmative defenses for SSM, nor is it practical for facilities to comply with emissions standards during periods of SSM.

Without action from EPA, the rule will lead to unnecessary violations for emissions over which facilities have no control. EPA should withdraw the SIP Call Rule and reinstate affirmative defenses.

### **~Residual Risk and Technology Review for Iron and Steel Foundries**

Air emissions from iron and steel foundry major sources are subject to the national emissions standards for hazardous air pollutants (NESHAP). EPA must conduct a residual risk and technology review (RTR) for all NESHAPs eight years after promulgation. The RTR of the iron and steel foundry NESHAP is now due.

Recently, EPA has issued more stringent and revised NESHAPs for several industry source categories, even though the RTR process determined that the risks associated with the controlled emissions from these sources were acceptable and that no new control technologies were identified.

This regulatory overreach is not consistent with the letter and intent of the Clean Air Act (CAA), but nonetheless has been upheld by federal appeals courts.

AFS urges the EPA to implement the RTR process for iron and steel foundries that is consistent with the letter and intent of the CAA.

### **~Stormwater Management**

Metalcasters operate under a multi-sector general permit (MSGP), as is the case for most industrial stormwater dischargers, and must implement best management practices (BMPs) to meet stormwater benchmark concentration levels. If a benchmark level is exceeded, facilities must review their BMPs and determine if additional BMPs must be implemented, or if other corrective measures are needed.

Many of the benchmark concentration levels for metals have been set so unrealistically low that it may not be possible for metalcasting operations to meet the benchmarks. In fact, many are so low that nearly all residential and commercial stormwater discharges would exceed them. As a result, many metalcasting operations could face unnecessary enforcement issues, even though their stormwater discharges are effectively controlled with BMPs.

EPA should provide flexibility in enforcing benchmarks as permit levels. If left unchecked this permit process will be never-ending, extremely burdensome, and very expensive for our industry.

and in some instances not even technically feasible.

### **~Permitting**

The permitting process for new or existing facilities in the metalcasting industry is unnecessarily costly and time consuming. Often the multiple stringent requirements and processes make it impossible to build a project that will create jobs. The current rules for New Source Review and Significant Deterioration are outdated and are the single greatest impediment to industrial job growth in the country.

The process can be streamlined by addressing the regulatory morass listed above. Also, leaving permitting of facilities to the states would eliminate EPA review and attendant delays. Cumbersome and unpredictable air emissions modeling should be revised to allow projects to proceed without environmental harm.

**Role of the Administrator:** Attend as part of a fact-finding mission to see the impact of EPA regulations on industry.

Charlotte Pipe has no known violations or enforcement actions before EPA.

**Attendees:** Roddey Dowd (Owner), Brad Muller (Charlotte Pipe & Foundry Gov't Relations), Max Justice (Legal Consultant/Partner at Parker Poe), and Stuart Jolly (consultant)

**Points of Contact:**

**Brad Muller 704.519.8352 / Stuart Jolly 405.514.0514 / AJ Ferate 202.486.7211**