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**From:** David M. (Max) Williamson [maxwilliamson@williamsonlawpolicy.com]  
**Sent:** 11/8/2017 2:11:02 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:** kharris@corn.org  
**Subject:** RE: Ag Biogenic CO2

Erik, we certainly understand the bandwidth considerations. However, it's only the first week of November and if we push off to December with the holiday season we lose another two months, are not likely to see substantial progress until well into 2018.

As you know the agricultural community has been eager for a solution to inappropriate regulation of biogenic emissions since day one of the Trump Administration. We have three litigation matters in abeyance, which we have continued in abeyance at Mandy's request so everyone could work together in good faith without litigation pressure. We heard from Administrator Pruitt very early on that he was committed to a solution, but it's now month 10, and we are starting to see political dissatisfaction with the pace of addressing this issue from farm interests and Mid-West governors, which we had hoped to avoid through a prompt resolution. This is an easy fix and a would be a clear win for the Administrator, and once done it will clear EPA's docket for the more complicated issues and bigger challenges.

In this light, can we find a way to advance the biogenic resolution, in the midst of your many other competing demands on your time. I've not copied Mandy but perhaps you can talk it over with her and the Administrator.

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:** Tuesday, November 7, 2017 8:25 AM  
**To:** David M. (Max) Williamson <maxwilliamson@williamsonlawpolicy.com>; Schwab, Justin <Schwab.Justin@epa.gov>  
**Cc:** Motley, Judy <motley.judy@epa.gov>; kharris@corn.org  
**Subject:** RE: Ag Biogenic CO2

Max,

We are working on a few pressing deadlines this month. Can we reconnect next month to find a time that works? I still need to digest what you sent a few weeks ago.

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](mailto:baptist.erik@epa.gov)

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**From:** David M. (Max) Williamson [<mailto:maxwilliamson@williamsonlawpolicy.com>]  
**Sent:** Monday, November 6, 2017 9:42 AM  
**To:** Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Cc:** Motley, Judy <[motley.judy@epa.gov](mailto:motley.judy@epa.gov)>; [kharris@corn.org](mailto:kharris@corn.org)  
**Subject:** RE: Ag Biogenic CO2

All, could we schedule a second work session on the resolution of the biogenic issue this week or next?

We found the first session very productive.

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:** David M. (Max) Williamson  
**Sent:** Wednesday, October 25, 2017 10:20 AM  
**To:** 'Baptist, Erik' <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Cc:** Motley, Judy <[motley.judy@epa.gov](mailto:motley.judy@epa.gov)>; [kharris@corn.org](mailto:kharris@corn.org)  
**Subject:** RE: Ag Biogenic CO2

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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



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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](mailto:maxwilliamson@williamsonlawpolicy.com)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Cc:** Motley, Judy <[motley.judy@epa.gov](mailto: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](mailto:baptist.erik@epa.gov)

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

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**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](mailto:baptist.erik@epa.gov)

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



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

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



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