FY2017 Civil Enforcement Conclusions
Administrative Compliance Orders

Enforcement Action Identifier	Final Order Name	Report Category	Final Order No.	Reg.	Primary Law	Primary Law Section	Final Order Date	Count of Facilities	Federal Penalty Assessed	Complying Action Value Total
01-2017-0003	KEDDY MILL SUPERFUND SITE	CERCLA	1	01	CERCLA	122A	05/22/2017	1	$0	$400,000
01-2017-0006	RBF FROZEN DESERTS SITE	CERCLA	1	01	CERCLA	122H	08/09/2017	1	$0	$0
01-2017-0007	BROWN ST FURNITURE SITE	CERCLA	1	01	CERCLA	106A	07/20/2017	1	$0	$150,000
01-2017-0008	GRANT STREET FIRE SITE	CERCLA	1	01	CERCLA	122H	09/12/2017	1	$0	$0
01-2017-0009	PARKER ST WASTE SITE	CERCLA	1	01	CERCLA	122H	06/22/2017	1	$0	$0
01-2017-0012	JASON KIRBY / BLACKBURN & UNION PRIVILEGES SUPERFUND SITE	CERCLA	1	01	CERCLA	104E3	05/01/2017	1	$0	$0
01-2017-0013	ELIZABETH LASALA / BLACKBURN & UNION PRIVILEGES SUPERFUND SITE	CERCLA	1	01	CERCLA	104E3	05/01/2017	1	$0	$0
01-2017-0014	RICHARD SANSONE / BLACKBURN & UNION PRIVILEGES SUPERFUND SITE	CERCLA	1	01	CERCLA	104E3	05/01/2017	1	$0	$0
01-2017-0016	BLACKBURN AND UNION PRIVILEGES SUPERFUND SITE	CERCLA	1	01	CERCLA	122A	09/27/2017	1	$0	$0
01-2017-1013	JP LILLIS ENTERPRISES INC DBA CAPE COD ICE	CAA 112r	1	01	CAA	112[R][7]	06/14/2017	1	$0	$29,750
01-2017-1019	MAINE WILD BLUEBERRY	CAA 112r	1	01	CAA	112[R][7]	09/29/2017	1	$0	$38,115
01-2017-2001	NANTUCKET TOWN OF	CWA NPDES	1	01	CWA	301	10/26/2016	1	$0	$8,000
01-2017-2003	BRIAN BUGOSKI AND ANNAMARIE ROSE	CWA 404	1	01	CWA	404	10/28/2016	1	$0	$39,000
01-2017-2004	JOHNSTON TOWN OF	CWA NPDES	1	01	CWA	301	11/22/2016	1	$0	$50,000
01-2017-2007	WATERBURY CITY OF	CWA NPDES	1	01	CWA	301	02/07/2017	1	$0	$10,000,000
01-2017-2011	BRIDGEWATER WWTP	CWA NPDES	1	01	CWA	301/402	04/06/2017	1	$0	$31,100,000
01-2017-2012	WARREN WASTEWATER TREATMENT PLANT	CWA NPDES	1	01	CWA	301/402	04/07/2017	1	$0	$20,000
01-2017-2013	MEDFIELD TOWN OF	CWA NPDES	1	01	CWA	301/402	05/03/2017	1	$0	$56,000
01-2017-2015	LEWISTON, MAINE	CWA NPDES	1	01	CWA	301/402	04/19/2017	1	$0	$53,150,000
01-2017-2018	NORWALK CITY OF PUBLICALLY OWNED TREATMENT WORKS	CWA NPDES	1	01	CWA	301/402	08/23/2017	1	$0	$10,000,000
01-2017-2021	LOWELL CITY OF / LOWELL REGIONAL WASTEWATER UTILITY	CWA NPDES	1	01	CWA	301/402	09/29/2017	1	$0	$75,000
01-2017-2027	BELMONT TOWN OF	CWA NPDES	1	01	CWA	301	05/17/2017	1	$0	$1,000,000
01-2017-5002	FORMER UNITED SHOE MACHINERY FACILITY	RCRA CA	1	01	RCRA	3013	04/17/2017	1	$0	$800,000
01-2017-6001	ST ONGE'S HIDDEN COUNTRY	SDWA PWS	1	01	SDWA	1412/1414	09/14/2017	1	$0	$1,000
02-2016-2018	CITY OF NEW YORK	CERCLA	1	02	CERCLA	122H	01/30/2017	1	$0	$0
02-2016-2019	GENESCO INC.	CERCLA	1	02	CERCLA	122H	04/26/2017	1	$0	$0
02-2016-2038	MAC PRODUCTS, INC.	CERCLA	1	02	CERCLA	122H	01/28/2017	1	$0	$0
02-2016-2042	CARIBBEAN CAN MANUFACTURING COMPANY, LLC	CERCLA	1	02	CERCLA	122H	11/09/2016	1	$0	$0
02-2017-1002	WELCH FOODS INC.	CAA 112r	1	02	CAA	112R	07/13/2017	1	$0	$750,000
02-2017-1003	TOPS MARKETS, LLC	CAA 112r	1	02	CAA	112[R][7]	08/02/2017	1	$0	$30,000
02-2017-1004	MATT BREWING CO., INC.	CAA 112r	1	02	CAA	112[R][7]	08/10/2017	1	$0	$35,000

Assessed Cost Recovery	Final Order Type
$0	Administrative Compliance Orders
$40,000	Superfund Administrative Order For Cost Recovery
$0	Administrative Compliance Orders
$50,000	Superfund Administrative Order For Cost Recovery
$1,600,000	Superfund Administrative Order For Cost Recovery
$0	Administrative Compliance Orders
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$0	Administrative Compliance Orders
$395,105	Superfund Administrative Order For Cost Recovery
$1,500,000	Superfund Administrative Order For Cost Recovery
$104,883	Superfund Administrative Order For Cost Recovery
$60,945	Superfund Administrative Order For Cost Recovery
$0	Administrative Compliance Orders
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$0	Administrative Compliance Orders

02-2017-1005	SAINT-GOBAIN CERAMICS BORON NITRIDE	CAA 112r	1	02	CAA	112[R][7]	08/02/2017	1	$0	$15,000
02-2017-1006	SPRAGUE OPERATING RESOURCES LLC	CAA Stationary Source	1	02	CAA	502	09/25/2017	1	$0	$3,000
02-2017-1007	GREEN WAY SOLUTIONS II LLC ACO	CAA Stationary Source	1	02	CAA	612	09/15/2017	1	$0	$0
02-2017-1008	HARLEM HOSPITAL	CAA Stationary Source	1	02	CAA	502	09/28/2017	1	$0	$0
02-2017-1010	DICALITE MANAGEMENT GROUP INC.	CAA Stationary Source	1	02	CAA	111	05/19/2017	1	$0	$10,000
02-2017-2001	163 6TH STREET LLC	CERCLA	1	02	CERCLA	106A	11/18/2016	1	$0	$1,000,000
02-2017-2003	T D DEVELOPMENT INC.	CERCLA	1	02	CERCLA	104E3	11/09/2016	1	$0	$0
02-2017-2006	TOOBRO NY, LLC ET AL.	CERCLA	1	02	CERCLA	106A	06/20/2017	1	$0	$460,000
02-2017-2007	BROOKLYN UNION GAS CO. D/B/A NATIONAL GRID NY	CERCLA	1	02	CERCLA	106A	05/11/2017	1	$0	$500,000
02-2017-2008	356 GETTY AVENUE, LLC	CERCLA	1	02	CERCLA	106A	08/09/2017	1	$0	$500,000
02-2017-2010	155 THIRD STREET, LLC ET AL.	CERCLA	1	02	CERCLA	106A	03/29/2017	1	$0	$1,000,000
02-2017-2012	NORFOLK SOUTHERN RAILWAY COMPANY	CERCLA	1	02	CERCLA	122H	02/06/2017	1	$0	$0
02-2017-2013	BEECH-NUT NUTRITION COMPANY ET AL.	CERCLA	1	02	CERCLA	106A	04/13/2017	1	$0	$2,968,675
02-2017-2014	PUERTO RICO ELECTRIC POWER AUTHORITY	CERCLA	1	02	CERCLA	122H	07/10/2017	1	$0	$0
02-2017-2017	145 MARCUS BLVD., INC.	CERCLA	1	02	CERCLA	122H	09/26/2017	1	$0	$0
02-2017-2018	76 NORTH REALTY CO LLC ET AL.	CERCLA	1	02	CERCLA	106A	02/22/2017	1	$0	$45,000
02-2017-2020	THE SHERWIN-WILLIAMS COMPANY	CERCLA	1	02	CERCLA	106A	03/28/2017	1	$0	$14,460,649
02-2017-2021	GEMINI ARTS INITIATIVE, INC.	CERCLA	1	02	CERCLA	106A	06/26/2017	1	$0	$6,000,000
02-2017-2031	1600 ROUTE 1 HOLDINGS LLC	CERCLA	1	02	CERCLA	122H	07/17/2017	1	$0	$0
02-2017-2036	MONTGOMERY COUNTY, NEW YORK	CERCLA	1	02	CERCLA	107L	07/21/2017	1	$0	$0
02-2017-3002	CITY OF SCHENECTADY	CWA NPDES	1	02	CWA	301/402	10/20/2016	1	$0	$8,822
02-2017-3003	EAST PARK AUTO RECYCLING, INC.	CWA NPDES	1	02	CWA	301/402	11/09/2016	1	$0	$10,000
02-2017-3004	DIVERSIFIED CONTROLS & SYSTEMS, INC.	CWA NPDES	1	02	CWA	301/402	10/18/2016	1	$0	$50
02-2017-3005	PERRONE LEATHER, LLC	CWA NPDES	1	02	CWA	301/402	10/26/2016	1	$0	$50
02-2017-3006	ALK-ABELLO, INC.	CWA NPDES	1	02	CWA	301/402	10/26/2016	1	$0	$50
02-2017-3007	CITY OF SALAMANCA	CWA NPDES	1	02	CWA	301/402	11/03/2016	1	$0	$3,716
02-2017-3009	CRANESVILLE BLOCK CO., INC.	CWA NPDES	1	02	CWA	301/402	10/24/2016	1	$0	$25,000
02-2017-3010	RARITAN MARINA	CWA NPDES	1	02	CWA	301/402	11/03/2016	1	$0	$5,000
02-2017-3011	HIGH HOPE FARM, LLC	CWA NPDES	1	02	CWA	301/402	10/18/2016	1	$0	$4,721
02-2017-3012	TOWN OF NORTH HEMPSTEAD	CWA NPDES	1	02	CWA	301/402	01/03/2017	1	$0	$53,388
02-2017-3013	CADDELL DRY DOCK AND REPAIR COMPANY, INC.	CWA NPDES	1	02	CWA	301	10/20/2016	1	$0	$5,000
02-2017-3014	AQUA MARINA	CWA NPDES	1	02	CWA	301/402	10/31/2016	1	$0	$3,000
02-2017-3015	MAKO MARINA	CWA NPDES	1	02	CWA	301/402	10/18/2016	1	$0	$1,500
02-2017-3016	AL GROVER'S HIGH & DRY MARINA	CWA NPDES	1	02	CWA	301/402	10/31/2016	1	$0	$3,000
02-2017-3017	CITY OF PEEKSKILL	CWA NPDES	1	02	CWA	301/402	11/09/2016	1	$0	$12,393
02-2017-3018	TOWN OF OWEGO	CWA NPDES	1	02	CWA	301/402	01/03/2017	2	$0	$2,000
02-2017-3019	VILLAGE OF OWEGO	CWA NPDES	1	02	CWA	301/402	12/27/2016	1	$0	$1,500
02-2017-3020	CHEMUNG COUNTY SEWER DISTRICT NO.1 - SSO	CWA NPDES	1	02	CWA	301/402	02/07/2017	1	$0	$1,500
02-2017-3021	CHEMUNG COUNTY ELMIRA SEWER DISTRICT - CSO	CWA NPDES	1	02	CWA	301/402	02/27/2017	1	$0	$98,000

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$1,000,000	Superfund Administrative Order For Cost Recovery
$261,000	Superfund Administrative Order For Cost Recovery
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02-2017-3022	WESTCHESTER COUNTY DEPT. OF ENVIRONMENTAL FACILITIES ET AL.	CWA NPDES	1	02	CWA	301	12/28/2016	1	$0	$111,500
02-2017-3023	JEFFSTAR MARINA	CWA NPDES	1	02	CWA	301/402	11/03/2016	1	$0	$2,500
02-2017-3024	TOWN OF CHENANGO	CWA NPDES	1	02	CWA	301/402	11/22/2016	1	$0	$1,500
02-2017-3025	CITY OF NORWICH	CWA NPDES	1	02	CWA	301/402	11/22/2016	1	$0	$1,500
02-2017-3026	THE ONTARIO KNIFE COMPANY	CWA NPDES	1	02	CWA	301/402	12/14/2016	1	$0	$100
02-2017-3027	NEW JERSEY DEPARTMENT OF TRANSPORTATION - MS4	CWA NPDES	1	02	CWA	301/402	12/12/2016	3	$0	$0
02-2017-3028	TOWN OF ONTARIO (MS4)	CWA NPDES	1	02	CWA	301/402	03/29/2017	1	$0	$15,277
02-2017-3029	TOWN OF HUNTINGTON	CWA NPDES	1	02	CWA	301/402	12/21/2016	1	$0	$1,500
02-2017-3030	PORT WASHINGTON WATER POLLUTION CONTROL DISTRICT	CWA NPDES	1	02	CWA	301/402	12/22/2016	1	$0	$1,500
02-2017-3031	OYSTER BAY SEWER DISTRICT	CWA NPDES	1	02	CWA	301/402	12/22/2016	1	$0	$1,500
02-2017-3032	DUNKIRK SPECIALTY STEEL	CWA NPDES	1	02	CWA	301/402	02/07/2017	1	$0	$200,000
02-2017-3033	SAUNDERS CONCRETE COMPANY - CORTLAND	CWA NPDES	1	02	CWA	301/402	02/07/2017	1	$0	$1,500
02-2017-3034	CHA-LIZ FARMS, LLC	CWA NPDES	1	02	CWA	301/402	02/07/2017	1	$0	$1,861
02-2017-3035	ALBANY STEEL INC.	CWA NPDES	1	02	CWA	301/402	02/07/2017	1	$0	$20,000
02-2017-3036	BEN WEITSMAN OF SYRACUSE, LLC	CWA NPDES	1	02	CWA	301/402	02/08/2017	1	$0	$100,000
02-2017-3037	ROSENDALE WASTEWATER TREATMENT PLANT	CWA NPDES	1	02	CWA	301/402	02/07/2017	1	$0	$1,000,000
02-2017-3038	TOWNSHIP OF EDISON (MS4)	CWA NPDES	1	02	CWA	301/402	03/06/2017	1	$0	$23,477
02-2017-3040	VILLAGE OF COXSACKIE	CWA NPDES	1	02	CWA	301/402	03/15/2017	1	$0	$1,500
02-2017-3041	CITY OF HUDSON	CWA NPDES	1	02	CWA	301/402	04/11/2017	1	$0	$3,000
02-2017-3042	THE RAYMOND CORPORATION	CWA NPDES	1	02	CWA	301/307	09/19/2017	1	$0	$100
02-2017-3043	A. HYATT BALL CO., LTD.	CWA NPDES	1	02	CWA	301/402	05/03/2017	1	$0	$50
02-2017-3044	RIJ PHARMACEUTICAL CORPORATION	CWA NPDES	1	02	CWA	301/402	04/12/2017	1	$0	$40
02-2017-3046	CITY OF GLOUCESTER - COMBINED SEWER SYSTEM	CWA NPDES	1	02	CWA	301/402	03/20/2017	1	$0	$1,000
02-2017-3047	SAYREVILLE SEAPORT ASSOCIATE L.P.	CWA NPDES	1	02	CWA	301/402	04/20/2017	1	$0	$208,050
02-2017-3048	CHEAPY AUTO PARTS, INC.	CWA NPDES	1	02	CWA	301/402	06/26/2017	1	$0	$4,403
02-2017-3049	CITY OF VINELAND (MS4)	CWA NPDES	1	02	CWA	301/402	05/03/2017	1	$0	$7,704
02-2017-3051	SAW MILL AUTO WRECKERS	CWA NPDES	1	02	CWA	301/402	05/12/2017	1	$0	$8,600
02-2017-3052	BUILDERS SUPREME	CWA NPDES	1	02	CWA	301/402	06/26/2017	1	$0	$2,000
02-2017-3054	CITY OF PATERSON	CWA NPDES	1	02	CWA	301/402	08/09/2017	1	$0	$0
02-2017-3059	GMD SHIPYARD CORP.	CWA NPDES	1	02	CWA	301/402	07/25/2017	1	$0	$0
02-2017-3060	WILL-O-CREST FARMS, LP	CWA NPDES	1	02	CWA	301/402	09/15/2017	1	$0	$2,000
02-2017-3061	CITY OF NEWARK - MS4	CWA NPDES	1	02	CWA	301/402	08/02/2017	1	$0	$2,500
02-2017-3062	TOWN OF ORANGETOWN - MS4	CWA NPDES	1	02	CWA	301/402	09/08/2017	1	$0	$11,252
02-2017-3063	TOWN OF AMHERST (MS4)	CWA NPDES	1	02	CWA	301/402	09/08/2017	1	$0	$18,000
02-2017-3065	HAVERSTRAW MARINA	CWA NPDES	1	02	CWA	301	09/11/2017	1	$0	$3,000
02-2017-3066	GMD SHIPYARD CORP.	CWA NPDES	1	02	CWA	301/402	09/08/2017	1	$0	$1,400,000
02-2017-3100	PUERTO NUEVO BEACH PUMP STATION	CWA NPDES	1	02	CWA	301/402	12/22/2016	1	$0	$10,000

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02-2017-3101	V.I. HOUSING FINANCE AUTHORITY ET AL. (WHISPERING HILLS AT ESTATE DONOE)	CWA NPDES	1	02	CWA	301/402	01/06/2017	1	$0	$60,000
02-2017-3102	PUERTO RICO AQUEDUCT AND SEWER AUTHORITY	CWA NPDES	1	02	CWA	301/402	02/22/2017	1	$0	$4,519,000
02-2017-3103	PENUELAS VALLEY LANDFILL, LLC ET AL.	CWA NPDES	1	02	CWA	301/402	03/01/2017	1	$0	$25,000
02-2017-3104	ECOSYSTEMS, INC. ET AL.	CWA NPDES	1	02	CWA	301/402	03/02/2017	1	$0	$30,000
02-2017-3107	MUNICIPALITY OF LAS PIEDRAS	CWA NPDES	1	02	CWA	301/402	06/22/2017	1	$0	$8,000
02-2017-3108	MUNICIPALITY OF RIO GRANDE	CWA NPDES	1	02	CWA	301/402	06/22/2017	1	$0	$8,000
02-2017-3109	MUNICIPALITY OF TOA ALTA	CWA NPDES	1	02	CWA	301/402	06/22/2017	1	$0	$8,000
02-2017-3110	MUNICIPALITY OF LAJAS	CWA NPDES	1	02	CWA	308	06/15/2017	1	$0	$7,500
02-2017-3111	MUNICIPALITY OF OROCOVIS	CWA NPDES	1	02	CWA	301/402	06/22/2017	1	$0	$8,000
02-2017-3112	MUNICIPALITY OF RINCON	CWA NPDES	1	02	CWA	301/402	06/22/2017	1	$0	$8,000
02-2017-3501	PUERTO RICO DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES ET AL.	CWA 404	1	02	CWA	404	03/16/2017	1	$0	$0
02-2017-3502	GORDON SMITH SR.	CWA 404	1	02	CWA	404	05/03/2017	1	$0	$5,000
02-2017-7303	MUNICIPALITY OF TOA ALTA ET AL. - TOA ALTA MUNICIPAL SOLID WASTE LANDFILL	RCRA HW	1	02	RCRA	7003	06/19/2017	1	$0	$38,498,651
02-2017-8001	LOWVILLE (T) WATER DISTRICT 1	SDWA PWS	1	02	SDWA	1412/1414	11/03/2016	1	$0	$900,000
02-2017-8002	CITY OF CAMDEN ET AL.	SDWA PWS	1	02	SDWA	1412/1414	11/18/2016	1	$0	$7,500
02-2017-8003	CATSKIL VILLAGE, ET AL.	SDWA PWS	1	02	SDWA	1412/1414	11/17/2016	1	$0	$23,400
02-2017-8004	DRESDEN VILLAGE, ET AL.	SDWA PWS	1	02	SDWA	1412/1414	11/17/2016	1	$0	$23,400
02-2017-8005	TOWN OF BEDFORD	SDWA PWS	1	02	SDWA	1412/1414	12/27/2016	1	$0	$7,500
02-2017-8006	KATONAH MANAGEMENT GROUP	SDWA PWS	1	02	SDWA	1412/1414	12/21/2016	1	$0	$1,000
02-2017-8007	STILLWATER VILLAGE	SDWA PWS	1	02	SDWA	1412/1414	03/06/2017	1	$0	$1,000
02-2017-8008	TOWN OF STILLWATER	SDWA PWS	1	02	SDWA	1412/1414	03/06/2017	1	$0	$1,000
02-2017-8009	RICHFIELD SPRINGS VILLAGE	SDWA PWS	1	02	SDWA	1412/1414	08/03/2017	1	$0	$22,000
02-2017-8010	WELLS COLLEGE	SDWA PWS	1	02	SDWA	1412/1414	02/07/2017	1	$0	$23,400
02-2017-8011	CHESTERFIELD WATER DISTRICT ET AL.	SDWA PWS	1	02	SDWA	1412/1414	03/15/2017	1	$0	$54,800
02-2017-8012	HUME-SANDFORD WATER SUPPLY ET AL.	SDWA PWS	1	02	SDWA	1412/1414	06/08/2017	1	$0	$20,000
02-2017-8013	SLATE HILL ORCHARDS ET AL.	SDWA PWS	1	02	SDWA	1412/1414	07/07/2017	1	$0	$2,000
02-2017-8014	JOHNNY'S PIZZERIA	SDWA PWS	1	02	SDWA	1412/1414	07/07/2017	1	$0	$2,000
02-2017-8015	AVOCADO RESTAURANT	SDWA PWS	1	02	SDWA	1412/1414	07/07/2017	1	$0	$500
02-2017-8016	DISCOUNT DELI MART & SMOKE SHOP	SDWA PWS	1	02	SDWA	1412/1414	07/07/2017	1	$0	$800
02-2017-8017	CHENAY BAY BEACH RESORT	SDWA PWS	1	02	SDWA	1412/1414	07/17/2017	1	$0	$800
02-2017-8018	VILLA LA REINE SHOPPING CENTER	SDWA PWS	1	02	SDWA	1412/1414	07/14/2017	1	$0	$400
02-2017-8019	ORIGINAL TONY'S PIZZA	SDWA PWS	1	02	SDWA	1412/1414	07/19/2017	1	$0	$1,000
02-2017-8020	MULLICA WOODS MOBILE HOME PARK	SDWA PWS	1	02	SDWA	1412/1414	08/25/2017	1	$0	$200
02-2017-8021	THE OAKS OF WEYMOUTH WATER COMPANY	SDWA PWS	1	02	SDWA	1412/1414	08/25/2017	1	$0	$200
02-2017-8022	TOWER EAST MOBILE HOME PARK	SDWA PWS	1	02	SDWA	1412/1414	08/25/2017	1	$0	$200

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02-2017-8023	CHATHAM WATER DEPARTMENT	SDWA PWS	1	02	SDWA	1412/1414	08/02/2017	1	$0	$200
02-2017-8024	MARGATE CITY WATER DEPARTMENT	SDWA PWS	1	02	SDWA	1412/1414	08/25/2017	1	$0	$400
02-2017-8026	WEST CANADA JUNIOR-SENIOR HIGH SCHOOL	SDWA PWS	1	02	SDWA	1412/1414	08/09/2017	1	$0	$2,000
02-2017-8027	AKRON VILLAGE	SDWA PWS	1	02	SDWA	1412/1414	08/03/2017	1	$0	$22,000
02-2017-8028	DUNKIN DONUTS	SDWA PWS	1	02	SDWA	1412/1414	07/27/2017	1	$0	$500
02-2017-8029	ST. ANDREWS GENERAL STORE	SDWA PWS	1	02	SDWA	1412/1414	07/27/2017	1	$0	$1,500
02-2017-8030	CITY OF AMSTERDAM	SDWA PWS	1	02	SDWA	1412/1414	08/31/2017	1	$0	$3,000
02-2017-8031	ST. ANDREWS GENERAL STORE	SDWA PWS	1	02	SDWA	1412/1414	09/05/2017	1	$0	$500
02-2017-8032	FRANK'S PIZZA	SDWA PWS	1	02	SDWA	1412/1414	08/17/2017	1	$0	$2,500
02-2017-8033	U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY ET AL.	SDWA PWS	1	02	SDWA	1431-PWS	09/23/2017	2	$0	$0
02-2017-8300	GUAYABOTA COMMUNITY	SDWA PWS	1	02	SDWA	1414G	08/28/2017	1	$0	$5,000
02-2017-8301	SECTOR BELLEZA COMMUNITY	SDWA PWS	1	02	SDWA	1412/1414	08/28/2017	1	$0	$4,500
02-2017-8308	LA GRAMA	SDWA PWS	1	02	SDWA	1414G	08/30/2017	1	$0	$4,500
02-2017-8309	HACIENDA RULLAN	SDWA PWS	1	02	SDWA	1414G	08/30/2017	1	$0	$4,500
02-2017-8310	CHORRERAS COMMUNITY	SDWA PWS	1	02	SDWA	1414G	08/30/2017	1	$0	$5,200
02-2017-8311	MILAGROSA	SDWA PWS	1	02	SDWA	1414G	08/30/2017	1	$0	$4,900
02-2017-8314	PERICHE	SDWA PWS	1	02	SDWA	1414G	08/30/2017	1	$0	$9,500
03-2017-0011	STONE ENERGY CORPORATION (LANTZ #4)	CWA 404	1	03	CWA	404	11/28/2016	1	$0	$1,500
03-2017-0012	STONE ENERGY (LANTZ MILLS UNIT 2 AND 3)	CWA 404	1	03	CWA	404	11/28/2016	1	$0	$2,000
03-2017-0013	STONE ENERGY CORPORATION (LANTZ #9 BUFFALO RUN STREAM CROSSING)	CWA 404	1	03	CWA	404	11/28/2016	1	$0	$1,500
03-2017-0018	WILKES-BARRE, CITY OF	CWA NPDES	1	03	CWA	301/402	12/22/2016	1	$0	$0
03-2017-0019	WESTON, CITY OF (WESTON WASTEWATER TREATMENT PLANT)	CWA NPDES	1	03	CWA	301/402	12/08/2016	2	$0	$1,861,200
03-2017-0049	SUNRAY ARTESIAN WATER SUPPLY	SDWA PWS	1	03	SDWA	1412/1414	11/08/2016	2	$0	$100
03-2017-0054	STABILUS, INC. ET AL (NORTH PENN AREA 5 - OU2)	CERCLA	1	03	CERCLA	106A	01/04/2017	1	$0	$1,500,000
03-2017-0056	HAVRE DE GRACE, CITY OF DEPT OF PUBLIC WORKS	CWA NPDES	1	03	CWA	301/402	02/02/2017	1	$0	$492,000
03-2017-0057	WILLIAMS, DANIEL R. (D/B/A WILLIAMS BROTHERS TRUCKING) (SHARON STEEL CORP (FARRELL WORKS DISPOSAL)	CERCLA	1	03	CERCLA	122H	11/17/2016	1	$0	$0
03-2017-0068	INDMAR COATINGS CORPORATION	CAA 112r	1	03	CAA	112[R][1]	02/21/2017	1	$0	$27,500
03-2017-0069	MAIN POOL AND CHEMICAL COMPANY, INC	CAA 112r	1	03	CAA	112[R][1]	12/15/2016	1	$0	$70,000
03-2017-0071	MARKWEST LIBERTY BLUESTONE, LLC (SARSEN GAS PROCESSING PLANT)	CAA Stationary Source	1	03	CAA	111	03/23/2017	1	$0	$80,000
03-2017-0077	ARAMARK UNIFORM & CAREER APPAREL, LLC (COYNE TEXTILE SERVICES SUPERFUND SITE)	CERCLA	1	03	CERCLA	106A	01/19/2017	1	$0	$4,000,000
03-2017-0086	SALISBURY, CITY OF MARYLAND	CWA NPDES	1	03	CWA	301/402	05/04/2017	1	$0	$5,000
03-2017-0089	PHARMACIA LLC (FLEXSYS/SOLUTIA FACILITY; KANAWAH RIVER)	CERCLA	1	03	CERCLA	106A	05/10/2017	1	$0	$9,734,223

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03-2017-0093	RICHARD TAYLOR/ R & R GAS & OIL (BAILEY GAS WELL AND ACCESS ROAD)	CWA 404	1	03	CWA	404	05/15/2017	1	$0	$2,500
03-2017-0096	BAE SYSTEMS INFORMATION AND ELECTRONIC SYSTEMS INTEGRATION, INC (NORTH PENN AREA 5 (OU1)	CERCLA	1	03	CERCLA	106A	02/07/2017	1	$0	$1,000,000
03-2017-0100	ANTRIM TWP PRETREATMENT PROGRAM	CWA NPDES	1	03	CWA	301/402	04/03/2017	1	$0	$0
03-2017-0103	KC MIDSTREAM SOLUTIONS, LLC (CATALYST ENERGY, INC. - IRISHTOWN GAS PROCESSING PLANT)	CAA 112r	1	03	CAA	112[R][1]	04/12/2017	3	$0	$80,000
03-2017-0128	STABILUS, INC., ET AL (NORTH PENN AREA 5 SUPERFUND SITE (OU2))	CERCLA	1	03	CERCLA	106A	06/13/2017	2	$0	$1,500,000
03-2017-0136	OFFER, PAMELA V. (TENDER YEARS CHILD CARE AND DEVELOPMENT CENTER)	SDWA PWS	1	03	SDWA	1412/1414	05/24/2017	2	$0	$0
03-2017-0138	CASALE, LOUIS ESTATE OF (NEW JERSEY FIREWORKS SITE)	CERCLA	1	03	CERCLA	122H	07/31/2017	1	$0	$0
03-2017-0140	TUROG PROPERTIES LIMITED (CHEM-FAB SUPERFUND SITE)	CERCLA	1	03	CERCLA	106A	05/31/2017	1	$0	$98,000
03-2017-0141	OLIN CORPORATION (SALTVILLE WASTE DISPOSAL PONDS)	CERCLA	1	03	CERCLA	106A	08/10/2017	1	$0	$325,000
03-2017-0146	PHILADELPHIA, CITY OF WATER DEPARTMENT (CITY OF PHILADELPHIA MS4)	CWA NPDES	1	03	CWA	301/402	08/22/2017	1	$0	$45,000
03-2017-0154	CROPPER, HELEN (FOREST PARK)	SDWA PWS	1	03	SDWA	1412/1414	07/05/2017	2	$0	$8,000
03-2017-0161	KINGSTON BOROUGH	CWA NPDES	1	03	CWA	301/402	07/24/2017	2	$0	$49,000
03-2017-0165	NOVA CHEMICALS, INC.	RCRA HW	1	03	RCRA	3002	08/24/2017	1	$0	$1,600,000
03-2017-0166	INTERVET, INC. AND MALLINCKRODT VETERINARY, INC. (MILLSBORO TCE GROUNDWATER CONTAMINATION SITE)	CERCLA	1	03	CERCLA	106A	08/08/2017	1	$0	$5,056,000
03-2017-0173	RED JACKET ENERGY, LLC (BROWN FARM UNDERGROUND INJECTION FACILITY)	SDWA UIC	1	03	SDWA	1423C	09/12/2017	1	$0	$28,000
03-2017-0178	FELMAN PRODUCTION, LLC (FELMAN)	CAA Stationary Source	1	03	CAA	112D	07/10/2017	1	$0	$1,000,000
03-2017-0194	CHESAPEAKE, CITY OF	CWA NPDES	1	03	CWA	301/402	09/06/2017	1	$0	$31,000
03-2017-5000	WHITE'S COAL CITY SERVICE	RCRA UST	1	03	RCRA	9006D2E	05/18/2017	1	$0	$0
03-2017-9000	PSC METALS, INC (COE ACO)	CAA Stationary Source	1	03	CAA	608	01/27/2017	2	$0	$13,889
04-2016-1653	BEAN RESOURCES, INC. (BEARD 29-7))	CAA 112r	1	04	CAA	112R	11/15/2016	1	$0	$21,452
04-2016-1654	MOSBACHER ENERGY COMPANY - COOT MOORE #1	CAA 112r	1	04	CAA	112R	11/28/2016	1	$0	$2,000
04-2016-4733	SPRINGFIELD, TENNESSEE, CITY OF (SPRINGFIELD WASTEWATER TREATMENT PLANT)	CWA NPDES	1	04	CWA	301/402	10/14/2016	1	$0	$500
04-2016-4750	R-SQUARED-PUCKETT, INC.	CWA NPDES	1	04	CWA	301/402	10/25/2016	1	$0	$500
04-2016-4778	COLUMBUS CONSOLIDATED GOVERNMENT	CWA NPDES	1	04	CWA	301/402	02/10/2017	1	$0	$55,230
04-2017-1250	LOGSDON VALLEY OIL CO., INC.	SDWA UIC	1	04	SDWA	1422/1423	03/20/2017	1	$0	$5,000
04-2017-1251	SWO & ISM, LLC	SDWA UIC	1	04	SDWA	1422/1423	04/18/2017	1	$0	$19,000

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04-2017-1574	PSC METALS, INC. (COE CASE)	CAA Stationary Source	1	04	CAA	608	01/27/2017	9	$0	$62,500
04-2017-1626	A1 TRUCK AND RV CENTER, LLC	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1627	A1 BODY AND GLASS OF CORAL SPRINGS, LLC	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1628	A1 BODY AND GLASS OF DEERFIELD BEACH, LLC	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1629	ADAMS PAINT AND BODY	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1630	A&E AUTO BODY, INC.	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1631	AUTOCRAFT ENTERPRISES, INC.	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1632	AMERICAN AUTO SALES	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1633	ATLANTIC COLLISION, INC.	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1634	ATLANTIC TECHNICAL CENTER	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1635	AVIATION BLADE SERVICES, INC.	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1636	AUTO COLLISION EXPERTS, LLC	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1637	AUTOWAY COLLISION CENTER	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1639	AA AUTO BODY, INC.	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1640	AUTO BODY ENGINEERS, INC.	CAA Stationary Source	1	04	CAA	112K	01/25/2017	1	$0	$100
04-2017-1641	LLOYD'S AUTO RESTORATIONS, LLC	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1642	ARLINGTON TOYOTA	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1644	LAKELAND CHRYSLER DODGE JEEP	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1645	LAKE COUNTY COLLISION, INC.	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1646	LEGACY COLLISION CENTER	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1647	LEHMAN AUTO BODY, INC.	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1648	LILES COLLISION SERVICE	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1649	LINUS CADILLAC BUICK GMC	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1650	LISA'S PAINT AND BODY	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1651	LITTLEFIELD'S PAINT AND BODY	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1652	AMERICA'S BEST AUTO BODY SHOP, INC.	CAA Stationary Source	1	04	CAA	112K	05/05/2017	1	$0	$100
04-2017-1653	DARREN DID IT STRIPING, INC.	CAA Stationary Source	1	04	CAA	PART63	08/24/2017	1	$0	$100
04-2017-1654	DAY'S COLLISION, PAINTING AND REPAIR, INC.	CAA Stationary Source	1	04	CAA	PART63	08/24/2017	1	$0	$100
04-2017-1656	DAVE'S DELUXE SERVICES, INC.	CAA Stationary Source	1	04	CAA	PART63	08/24/2017	1	$0	$100
04-2017-3251	WILLOWOOD USA LLC	FIFRA	1	04	FIFRA	12A2E	10/03/2016	1	$0	$5,000
04-2017-3252	ENSYSTEX II, INC.	FIFRA	1	04	FIFRA	12A1E	07/27/2017	1	$0	$0
04-2017-3253	ENSYSTEX II, INC.	FIFRA	1	04	FIFRA	12A1E	09/28/2017	1	$0	$0
04-2017-3254	AMCO CUSTOMS BROKERAGE COMPANY, INC. AND PROM CHEM LIMITED	FIFRA	1	04	FIFRA	12A1E	09/20/2017	1	$0	$0
04-2017-3750	CROWDERS MOUNTAIN SUPERFUND SITE	CERCLA	1	04	CERCLA	122H	01/07/2017	1	$0	$0
04-2017-3751	WARD TRANSFORMER SUPERFUND SITE (DOMTAR PAPER COMPANY, LLC)	CERCLA	1	04	CERCLA	122H	06/01/2017	1	$0	$0
04-2017-3752	KENTUCKY WOOD PRESERVING SUPERFUND SITE (CSX TRANSPORATION)	CERCLA	1	04	CERCLA	122H	05/10/2017	1	$0	$0

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04-2017-3753	19TH STREET SUPERFUND SITE	CERCLA	1	04	CERCLA	106A	12/07/2016	1	$0	$41,500
04-2017-3754	STONE TREATED MATERIALS SUPERFUND SITE (UAO FOR ACCESS)	CERCLA	1	04	CERCLA	104E3	01/17/2017	1	$0	$0
04-2017-3755	NATIONAL STARCH AND CHEMICAL COMPANY (AKZO NOBEL SURFACE CHEMISTRY, LLC)	CERCLA	1	04	CERCLA	122H	01/23/2017	1	$0	$0
04-2017-3756	STONY HILL ROAD SITE	CERCLA	1	04	CERCLA	122H	08/09/2017	1	$0	$0
04-2017-3757	CORONET INDUSTRIES SUPERFUND SITE (CEMEX CONSTRUCTION MATERIALS FLORIDA/HEXION/CORONET INDUSTRIES)	CERCLA	1	04	CERCLA	122H	09/01/2017	1	$0	$0
04-2017-4750	GULFSTREAM PARK RACING ASSOCIATION, INC.	CWA NPDES	1	04	CWA	301/402	01/12/2017	1	$0	$0
04-2017-4751	GREEN PARTS INTERNATIONAL, INC.	CWA NPDES	1	04	CWA	301/402	08/30/2017	1	$0	$3,300
04-2017-4752	MOUNT OLIVE PICKLE COMPANY, INC.	CWA NPDES	1	04	CWA	301/402	03/03/2017	1	$0	$15,000
04-2017-4753	EDEN, NC, CITY OF (EDEN-MEBANE BRIDGE WWTP)	CWA NPDES	1	04	CWA	301/402	04/18/2017	1	$0	$35,140,960
04-2017-4754	AMERICAN CONCRETE PRODUCTS	CWA NPDES	1	04	CWA	301/402	06/19/2017	1	$0	$10,000
04-2017-4755	DESIGN PRECAST & PIPE, INC.	CWA NPDES	1	04	CWA	301/402	05/23/2017	1	$0	$10,000
04-2017-4757	WINTER GARDEN, FL, CITY OF WWTF	CWA NPDES	1	04	CWA	301/402	03/21/2017	1	$0	$100
04-2017-4758	CITY OF PANAMA CITY - ST. ANDREWS WWTF	CWA NPDES	1	04	CWA	301/402	03/21/2017	1	$0	$100
04-2017-4759	GAINESVILLE REGIONAL UTILITIES WWTF	CWA NPDES	1	04	CWA	301/402	03/21/2017	1	$0	$100
04-2017-4760	BONIFAY, CITY OF - WWTF	CWA NPDES	1	04	CWA	301/402	03/21/2017	1	$0	$100
04-2017-4761	SOUTH CENTRAL REGIONAL WWTP	CWA NPDES	1	04	CWA	301/402	03/21/2017	1	$0	$100
04-2017-4762	CITY OF PALATKA	CWA NPDES	1	04	CWA	301/402	03/21/2017	1	$0	$100
04-2017-4763	FL, SARASOTA, CITY OF WWTF	CWA NPDES	1	04	CWA	301/402	03/21/2017	1	$0	$100
04-2017-4764	DBC CORPORATION	CWA NPDES	1	04	CWA	301/402	05/26/2017	1	$0	$2,000
04-2017-4765	EMILIA RESOURCES, LLC	CWA NPDES	1	04	CWA	301/402	05/26/2017	1	$0	$2,000
04-2017-4766	COCA COLA REFRESHMENTS USA, INC.	CWA NPDES	1	04	CWA	308	04/28/2017	1	$0	$100
04-2017-4767	CHEVRON USA, INC. - PORT TAMPA TERMINAL	CWA NPDES	1	04	CWA	308	04/28/2017	1	$0	$100
04-2017-4769	CARGILL, INC., FAYETTEVILLE, NC PLANT	CWA NPDES	1	04	CWA	301/402	08/09/2017	1	$0	$20,000
04-2017-5750	MICHAEL AND CINDY CARTER	CWA 404	1	04	CWA	404	04/18/2017	1	$0	$48,509
04-2017-5752	NALLY & HAMILTON ENTERPRISES	CWA 404	1	04	CWA	404	04/18/2017	1	$0	$34,579
04-2017-5754	D.R. HORTON, INC. (TOHO PRESERVE)	CWA 404	1	04	CWA	404	08/09/2017	1	$0	$168,000
04-2017-5755	LONG COUNTY, GA, BOARD OF EDUCATION	CWA 404	1	04	CWA	404	09/25/2017	1	$0	$6,916
04-2017-5757	CITY OF LAKE WALES AIRPORT (FLORIDA)	CWA 404	1	04	CWA	404	09/13/2017	1	$0	$6,800
05-2017-0008	YORBA ORGANICS LLC SSURO	FIFRA	1	05	FIFRA	12A1A	11/10/2016	1	$0	$0
05-2017-0018	BENNETT BROTHERS ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT	CWA 404	1	05	CWA	404	06/05/2017	2	$0	$0
05-2017-0023	BROOKSIDE AGRA, LLC (SSURO)	FIFRA	1	05	FIFRA	12A1A	03/07/2017	1	$0	$0
05-2017-0111	EXPERIMENTAL ENTERPRISE, INCORPORATED NOW (071569-IL-001)	FIFRA	1	05	FIFRA	12A2L	06/27/2017	1	$0	$0
05-2017-0130	STREBOR SPECIALTIES, LLC NOW (082661-IL-001)	FIFRA	1	05	FIFRA	12A2L	06/22/2017	1	$0	$0

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05-2017-0301	FRANKFORT STP ACO	CWA NPDES	1	05	CWA	301/402	11/07/2016	2	$0	$0
05-2017-0302	BRENNAN FARM	CWA NPDES	1	05	CWA	301/402	03/02/2017	1	$0	$0
05-2017-0303	CITY OF INDIANAPOLIS MS4	CWA NPDES	1	05	CWA	301/402	09/12/2017	1	$0	$6,303,874
05-2017-0304	CITY OF LASALLE | PRETREATMENT AOC	CWA NPDES	1	05	CWA	301/402	05/19/2017	2	$0	$0
05-2017-0305	VILLAGE OF GODFREY	CWA NPDES	1	05	CWA	301/402	11/21/2016	1	$0	$0
05-2017-0310	CENTRAL FUEL COMPANY	CWA NPDES	1	05	CWA	301/402	02/08/2017	1	$0	$0
05-2017-0322	CLARE-MAR CAMP, INC (COE)	CWA NPDES	1	05	CWA	405	03/28/2017	1	$0	$20,244
05-2017-1000	CALUMET STAMPMILL - ADMIN SETTLEMENT AGREEMENT (CERCLA)	CERCLA	1	05	CERCLA	106A	10/13/2016	1	$0	$116,000
05-2017-1001	TITTABAWASSEE RIVER - ADMIN SETTLEMENT AGREEMENT (CERCLA)	CERCLA	1	05	CERCLA	106A	02/08/2017	1	$0	$6,000,000
05-2017-1007	ALLIED PAPER/PORTAGE CREEK/KALAMAZOO RIVER - UNILATERAL ADMIN ORDER (CERCLA)	CERCLA	1	05	CERCLA	106A	12/16/2016	1	$0	$23,000,000
05-2017-1008	LAMMERS BARREL FACTORY - ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	1	05	CERCLA	122G	04/21/2017	1	$0	$0
05-2017-1009	TREX PROPERTIES GRAND RAPIDS - ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	1	05	CERCLA	106A	06/30/2017	1	$0	$1,600,000
05-2017-1010	GENERAL MOTOR BEDFORD - ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	1	05	CERCLA	106A	07/18/2017	1	$0	$0
05-2017-1011	U.S.S. LEAD - ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	1	05	CERCLA	106A	03/16/2017	1	$0	$9,000,000
05-2017-1012	CAW LANE PROPERTY SITE - ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	1	05	CERCLA	106A	09/13/2017	1	$0	$120,000
05-2017-1013	PARK AVENUE $2.75 CLEANERS - ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	1	05	CERCLA	106A	09/13/2017	1	$0	$500,000
05-2017-1014	ELLSWORTH INDUSTRIAL PARK - ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	1	05	CERCLA	122A	07/28/2017	1	$0	$1,300,000
05-2017-1015	U.S.S. LEAD - ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	1	05	CERCLA	122A	09/20/2017	1	$0	$1,000,000
05-2017-1016	SOLVAY COKE AND GAS SITE - ADMIN ORDER ON CONSENT (CERCLA)	CERCLA	1	05	CERCLA	106A	08/31/2017	1	$0	$0
05-2017-2005	ROY LAKE STORE	RCRA UST	1	05	RCRA	9006D2E	03/07/2017	1	$0	$1,000
05-2017-4601	VILLAGE OF CAMBRIDGE IL 0730300	SDWA PWS	1	05	SDWA	1412/1414	10/28/2016	1	$0	$600
05-2017-4602	VILLAGE OF SHANNON IL0150300	SDWA PWS	1	05	SDWA	1412/1414	12/19/2016	1	$0	$870,000
05-2017-4605	LYNWOOD 3RD ADDITION - AO 12-22-2016	SDWA PWS	1	05	SDWA	1412	02/22/2017	1	$0	$100,000
05-2017-4608	CUTLER, VILLAGE OF	SDWA PWS	1	05	SDWA	1414G	02/03/2017	1	$0	$100,000
05-2017-4609	FOUNTAIN VALLEY MOBILE HOME PARK IL0195945	SDWA PWS	1	05	SDWA	1412	03/07/2017	1	$0	$12,000
05-2017-5001	MARATHON PETROLEUM - ACO	CAA Stationary Source	1	05	CAA	112	10/13/2016	1	$0	$60,000
05-2017-5006	LITHOGRAPHIC INDUSTRIES - ACO	CAA Stationary Source	1	05	CAA	110	12/09/2016	1	$0	$514,541
05-2017-5007	WELSCH READY-MIX INC - ACO	CAA Stationary Source	1	05	CAA	110	12/28/2016	1	$0	$10,000
05-2017-5013	STEEL DYNAMICS - ACO	CAA Stationary Source	1	05	CAA	112K	12/28/2016	1	$0	$2,780,826
05-2017-5014	EES COKE BATTERY - ACO	CAA Stationary Source	1	05	CAA	112	01/25/2017	1	$0	$65,000
05-2017-5015	ALLNEX USA - ACO	CAA Stationary Source	1	05	CAA	112D	01/25/2017	1	$0	$1,000,000
05-2017-5016	SWAN CORPORATION ACO	CAA Stationary Source	1	05	CAA	110	02/09/2017	1	$0	$0
05-2017-5019	AKZO NOBEL SURFACE CHEMISTRY - ACO	CAA Stationary Source	1	05	CAA	112	02/09/2017	1	$0	$55,000

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05-2017-5022	FERRARA PAN CANDY CO - ACO	CAA Stationary Source	1	05	CAA	110	01/09/2017	1	$0	$22,000
05-2017-5023	ELECTRONIC PLATING - ACO	CAA Stationary Source	1	05	CAA	112	03/08/2017	1	$0	$0
05-2017-5024	INDUSTRIAL CONTAINER SERVICES - ACO	CAA Stationary Source	1	05	CAA	502	03/28/2017	1	$0	$1,000
05-2017-5025	ERVIN AMASTEEL DIVISION - ACO	CAA Stationary Source	1	05	CAA	112D	03/28/2017	1	$0	$0
05-2017-5027	ENTHONE - ACO	CAA Stationary Source	1	05	CAA	112	03/28/2017	1	$0	$57,000
05-2017-5030	ADVANCED DISPOSAL SERVICES ARBOR HILLS LANDFILL - ACO	CAA Stationary Source	1	05	CAA	111	05/04/2017	1	$0	$2,002,000
05-2017-5031	NLMK INDIANA - ACO	CAA Stationary Source	1	05	CAA	110	06/08/2017	1	$0	$4,078,160
05-2017-5032	DECORATIVE PANELS - ACO	CAA Stationary Source	1	05	CAA	112	06/08/2017	1	$0	$328,200
05-2017-5036	INTEGRITY BIOFUELS - ACO	CAA Stationary Source	1	05	CAA	111	06/21/2017	1	$0	$32,621
05-2017-5040	JOHNSON CONTROLS BATTERY GROUP- ACO	CAA Stationary Source	1	05	CAA	110	07/12/2017	1	$0	$20,000
05-2017-5041	WEST BAY EXPLORATION COMPANY - LANTIS 30 - ACO	CAA Stationary Source	1	05	CAA	110	07/10/2017	1	$0	$19,500
05-2017-5044	PALUMBO - ACO	CAA Stationary Source	1	05	CAA	110	07/21/2017	1	$0	$194,000
05-2017-5045	HOHMAN PLATING - ACO	CAA Stationary Source	1	05	CAA	112D	08/14/2017	1	$0	$0
05-2017-5048	QUAKER CITY CASTINGS - ACO	CAA Stationary Source	1	05	CAA	110	09/12/2017	1	$0	$22,000
05-2017-5050	NACME STEEL PROCESSING - ACO	CAA Stationary Source	1	05	CAA	110	09/22/2017	1	$0	$20,000
05-2017-5052	3M COTTAGE GROVE INCINERATOR - ACO	CAA Stationary Source	1	05	CAA	112	09/26/2017	1	$0	$7,000
05-2017-5053	31 INC - ACO	CAA Stationary Source	1	05	CAA	112D	09/26/2017	1	$0	$50,000
05-2017-5060	SKYWAY CEMENT - ACO	CAA Stationary Source	1	05	CAA	110	09/29/2017	1	$0	$11,000
05-2017-5064	MINNESOTA VALLEY ALFALFA PRODUCERS - ACO	CAA Stationary Source	1	05	CAA	110	09/28/2017	1	$0	$6,000
05-2017-6000	CITY OF BLAINE ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT	CWA 404	1	05	CWA	404	03/08/2017	1	$0	$0
05-2017-7423	EES COKE BATTERY, LLC - AOC	CWA 311	1	05	CWA	311C2/311E	06/02/2017	1	$0	$0
05-2017-9900	PERFECTION INDUSTRIES, INC.	RCRA HW	1	05	RCRA	3002	11/14/2016	1	$0	$0
05-2017-9915	EXIDE TECHNOLOGIES INC	RCRA CA	1	05	RCRA	3008H	05/10/2017	1	$0	$0
05-2017-9917	OXY USA INC	RCRA CA	1	05	RCRA	7003	03/03/2017	1	$0	$0
05-2017-9925	ALLISON TRANSMISSION INC	RCRA CA	1	05	RCRA	3008H	10/28/2016	1	$0	$0
05-2017-9926	CERTA VANDALIA LLC	RCRA CA	1	05	RCRA	3008H	09/22/2017	1	$0	$0
06-2016-1813	SUMEER HOMES	CWA NPDES	1	06	CWA	301	10/20/2016	1	$0	$4,000
06-2016-1815	RENAISSANCE OFFSHORE, LLC	CWA NPDES	1	06	CWA	301/402	12/29/2016	1	$0	$9,400
06-2016-1831	CITY OF LAMARQUE	CWA NPDES	1	06	CWA	301/402	11/08/2016	1	$0	$30,000
06-2016-1832	GLOBAL OK PRODUCTION, LLC (FLAT ROCK UNIT 2)	CWA NPDES	2	06	CWA	301	11/23/2016	1	$0	$65,000
06-2016-1833	FORT SUMNER WASTEWATER TREATMENT PLANT	CWA NPDES	1	06	CWA	301/402	11/22/2016	1	$0	$6,000
06-2016-2720	K D & G CONSOLIDATED LLC	CWA 404	1	06	CWA	404	10/14/2016	1	$0	$150,000
06-2016-3325	SEA EAGLE FORD ACO	CAA Stationary Source	1	06	CAA	110	05/22/2017	1	$0	$70,000
06-2016-3362	FORMOSA PLASTICS AOC	CAA 112r	1	06	CAA	112[R][7]	02/06/2017	1	$0	$75,000
06-2017-0309	PAN ASIAN CHEMICALS	FIFRA	1	06	FIFRA	12A1E	12/21/2016	1	$0	$1,500
06-2017-0312	BERGESON & CAMPBELL PC	FIFRA	1	06	FIFRA	12A1A	07/14/2017	1	$0	$1,500

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06-2017-0313	PAN ASIAN CHEMICALS	FIFRA	1	06	FIFRA	12A1E	03/09/2017	1	$0	$1,500
06-2017-0314	FRUIT OF THE EARTH	FIFRA	1	06	FIFRA	12A1A	06/23/2017	1	$0	$1,500
06-2017-0315	WAL-MART STORES, INC.	FIFRA	1	06	FIFRA	12A1A	06/23/2017	1	$0	$1,500
06-2017-0320	JOTUN PAINTS	FIFRA	1	06	FIFRA	12A1A	06/19/2017	1	$0	$1,500
06-2017-0923	M G CREATIONS, INC. DBA B & B PLATING AND ATLAS PLATING	RCRA HW	1	06	RCRA	3002	06/07/2017	1	$0	$10,000
06-2017-1106	DIAMOND 3S, LLC	SDWA UIC	1	06	SDWA	1421	09/22/2017	1	$0	$0
06-2017-1202	WELLMAN, CITY OF	SDWA PWS	1	06	SDWA	1412/1414	11/22/2016	1	$0	$200,000
06-2017-1204	TWIN OAKS MHP MIDLAND	SDWA PWS	1	06	SDWA	1412/1414	12/12/2016	1	$0	$70,521
06-2017-1205	WELLMAN, CITY OF	SDWA PWS	1	06	SDWA	1412/1414	12/09/2016	1	$0	$750,000
06-2017-1206	CITY OF BRADY	SDWA PWS	1	06	SDWA	1412/1414	12/14/2016	1	$0	$50,000,000
06-2017-1207	CITY OF QUITAQUE	SDWA PWS	1	06	SDWA	1412/1414	02/02/2017	1	$0	$630,000
06-2017-1209	RIVIERA WATER SYSTEM	SDWA PWS	1	06	SDWA	1412/1414	02/16/2017	1	$0	$0
06-2017-1210	OASIS STATE PARK	SDWA PWS	1	06	SDWA	1412/1414	02/16/2017	1	$0	$1,000
06-2017-1211	KLONDIKE INDEPENDENT SCHOOL DISTRICT	SDWA PWS	1	06	SDWA	1414G	03/09/2017	2	$0	$0
06-2017-1212	KLONDIKE INDEPENDENT SCHOOL DISTRICT	SDWA PWS	1	06	SDWA	1412/1414	03/14/2017	1	$0	$0
06-2017-1213	KLONDIKE ISD	SDWA PWS	1	06	SDWA	1412/1414	03/14/2017	1	$0	$0
06-2017-1214	KLONDIKE INDEPENDENT SCHOOL DISTRICT	SDWA PWS	1	06	SDWA	1412/1414	03/29/2017	1	$0	$0
06-2017-1215	DUVAL COUNTY CONSERVATION AND RECLAMATION DISTRICT	SDWA PWS	1	06	SDWA	1414G	03/02/2017	1	$0	$0
06-2017-1217	TOWN OF ST. JOSEPH WATER SYSTEM	SDWA PWS	1	06	SDWA	1412/1414	03/03/2017	1	$0	$10,000,000
06-2017-1218	BORDEN COUNTY WATER SYSTEM	SDWA PWS	1	06	SDWA	1414G	03/16/2017	1	$0	$0
06-2017-1219	MILLERVIEW-DOOLE WSC	SDWA PWS	1	06	SDWA	1414G	03/29/2017	1	$0	$0
06-2017-1220	PECOS NATIONAL HISTORIC PARK VISITOR CENTER	SDWA PWS	1	06	SDWA	1412/1414	04/18/2017	1	$0	$800
06-2017-1221	WHITHARRAL WSC	SDWA PWS	1	06	SDWA	1414G	03/29/2017	2	$0	$0
06-2017-1223	ELLINGER SEWER AND WSC	SDWA PWS	1	06	SDWA	1412	03/23/2017	1	$0	$0
06-2017-1224	CITY OF OPDYKE WEST	SDWA PWS	1	06	SDWA	1412	03/28/2017	1	$0	$0
06-2017-1225	CITY OF OPDYKE WEST	SDWA PWS	1	06	SDWA	1412/1414	03/28/2017	2	$0	$0
06-2017-1228	HILLSIDE WATER WORKS	SDWA PWS	2	06	SDWA	1412/1414	06/07/2017	1	$0	$10,650,109
06-2017-1229	114TH STREET MOBILE HOME PARK	SDWA PWS	1	06	SDWA	1412/1414	06/08/2017	1	$0	$200,000
06-2017-1230	CITY OF PLAINS WATER SYSTEM	Multi-Program	2	06	SDWA	1412	06/19/2017	1	$0	$20,000
06-2017-1231	SPADE WATER SUPPLY CORPORATION	SDWA PWS	1	06	SDWA	1412/1414	09/22/2017	1	$0	$150,000
06-2017-1233	NAMBE PUEBLO	SDWA PWS	1	06	SDWA	1412/1414	09/01/2017	1	$0	$0
06-2017-1701	GALLEGOS SCRAP IRON	CWA NPDES	1	06	CWA	301/402	12/29/2016	1	$0	$4,000
06-2017-1704	GLENN SUPPLY COMPANY (KEYSTONE)	CWA NPDES	1	06	CWA	301	11/21/2016	1	$0	$30,000
06-2017-1705	BLOOMFIELD WASTEWATER TREATMTENT PLANT	CWA NPDES	1	06	CWA	301/402	12/13/2016	1	$0	$4,000
06-2017-1706	CHAD MERCHANT	CWA NPDES	1	06	CWA	301	02/02/2017	1	$0	$4,000
06-2017-1707	7B BUILDING & DEVELOPMENT, LLC	CWA NPDES	1	06	CWA	301/402	02/07/2017	1	$0	$4,000
06-2017-1708	CHEVRON MINING INC., QUESTA MINE	CWA NPDES	1	06	CWA	301	11/18/2016	1	$0	$0

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06-2017-1709	CARLSBAD, CITY OF	CWA NPDES	1	06	CWA	301/402	02/08/2017	1	$0	$2,000
06-2017-1711	CHRISTUS ST. VICENT REGIONAL MEDICAL CENTER	CWA NPDES	1	06	CWA	301/402	01/11/2017	1	$0	$4,000
06-2017-1712	EOG RESOURCES, INC. (ALLEN PIT)	CWA NPDES	1	06	CWA	301	12/29/2016	1	$0	$10,000
06-2017-1713	CITY OF CARTHAGE	CWA NPDES	1	06	CWA	301/402	12/29/2016	1	$0	$5,000
06-2017-1714	CITY OF PFLUGERVILLE	CWA NPDES	1	06	CWA	301/402	12/29/2016	1	$0	$5,000
06-2017-1715	FORT BEND COUNTY MUD #58	CWA NPDES	1	06	CWA	301/402	12/29/2016	1	$0	$5,000
06-2017-1716	HUNTSMAN PETROCHEMICAL	CWA NPDES	1	06	CWA	301/402	01/09/2017	1	$0	$15,000
06-2017-1717	STOLTHAVEN HOUSTON, INC.	CWA NPDES	1	06	CWA	301/402	12/29/2016	1	$0	$5,000
06-2017-1718	WOLF HOLLOW SERVICES	CWA NPDES	1	06	CWA	301/402	12/29/2016	1	$0	$5,000
06-2017-1719	CITY OF SANTA FE	CWA NPDES	1	06	CWA	301/402	01/23/2017	1	$0	$4,000
06-2017-1720	AUI, INC.	CWA NPDES	1	06	CWA	301/402	02/02/2017	1	$0	$4,000
06-2017-1721	VILLAGE OF CHAMA	CWA NPDES	1	06	CWA	301/402	02/16/2017	1	$0	$4,000
06-2017-1722	WN OPERATING INC (ANICKER LEASE)	CWA NPDES	1	06	CWA	301	02/08/2017	1	$0	$70,000
06-2017-1724	MESA OIL, INC.	CWA NPDES	1	06	CWA	301/402	03/03/2017	1	$0	$10,000
06-2017-1727	CITY OF CARLSBAD	CWA NPDES	1	06	CWA	301/402	02/16/2017	1	$0	$4,000
06-2017-1728	CHEVRON MINING, INC.	CWA NPDES	1	06	CWA	301	02/09/2017	1	$0	$14,000,000
06-2017-1729	RICKAWAY ENERGY, CORP. (LASKOWSKI OIL UNIT LEASE)	CWA NPDES	1	06	CWA	301	03/06/2017	1	$0	$5,000
06-2017-1730	RICKAWAY ENERGY, CORP. (TROELL CHAS. T LEASE)	CWA NPDES	1	06	CWA	301	03/06/2017	1	$0	$5,000
06-2017-1731	RICKAWAY ENERGY, CORP. (FERTSCH, R. LEASE)	CWA NPDES	1	06	CWA	301	03/11/2017	1	$0	$5,000
06-2017-1732	RICKAWAY ENERGY, CORP. (HIERHOLZER, C.H. LEASE (RRC NO. 02115)	CWA NPDES	1	06	CWA	301	03/06/2017	1	$0	$5,000
06-2017-1733	GUINN OPERATING COMPANY, LLC (C.F. KORUS D LEASE)	CWA NPDES	1	06	CWA	301	04/07/2017	1	$0	$5,000
06-2017-1734	RAY JR., CO. INC. (JOSEPHA COURAND LEASE)	CWA NPDES	1	06	CWA	301	03/06/2017	1	$0	$5,000
06-2017-1735	CITY OF BAYTOWN	CWA NPDES	1	06	CWA	301/402	03/20/2017	1	$0	$3,000
06-2017-1736	CITY OF BRADY	CWA NPDES	1	06	CWA	301/402	03/20/2017	1	$0	$1,500
06-2017-1737	CITY OF GRAHAM	CWA NPDES	1	06	CWA	301/402	03/20/2017	1	$0	$3,000
06-2017-1738	GALVESTON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO.8	CWA NPDES	1	06	CWA	301/402	03/24/2017	1	$0	$3,000
06-2017-1740	TEXAS DEPARTMENT OF CRIMINAL JUSTICE	CWA NPDES	1	06	CWA	301/402	03/24/2017	1	$0	$15,000
06-2017-1741	BUCKEYE TEXAS PROCESSING, LLC	CWA NPDES	1	06	CWA	301/402	03/20/2017	1	$0	$3,000
06-2017-1742	INTERCONTINENTIAL TERMINALS COMPANY, LLC	CWA NPDES	1	06	CWA	301/402	03/23/2017	1	$0	$3,000
06-2017-1743	LCY ELASTOMERS LP	CWA NPDES	1	06	CWA	301/402	03/30/2017	1	$0	$15,000
06-2017-1744	TOTAL PETROCHEMICALS, USA, INC.	CWA NPDES	1	06	CWA	301/402	03/27/2017	1	$0	$3,000
06-2017-1745	HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.387	CWA NPDES	1	06	CWA	301/402	03/30/2017	1	$0	$1,000
06-2017-1746	SEVEN CROSS OPERATING, LLC (NOVICE UNIT 8022 BATTERY LEASE)	CWA NPDES	1	06	CWA	301	04/07/2017	1	$0	$50,000
06-2017-1748	PETCO PETROLEUM CORPORATION (MANUAL AND G.BLACK LEASES)	CWA NPDES	1	06	CWA	301	04/19/2017	2	$0	$35,000

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06-2017-1749	CITY OF SILVER CITY WASTEWATER TREATMENT PLANT	CWA NPDES	1	06	CWA	301/402	05/11/2017	1	$0	$4,000
06-2017-1750	OMAR'S RECYCLING	CWA NPDES	1	06	CWA	301/402	05/18/2017	1	$0	$4,000
06-2017-1751	SANDIA MARBLE	CWA NPDES	1	06	CWA	301/402	08/04/2017	1	$0	$4,000
06-2017-1752	R&M METALS LLC	CWA NPDES	1	06	CWA	301/402	08/04/2017	1	$0	$4,000
06-2017-1754	RED RIVER, TOWN OF	CWA NPDES	1	06	CWA	301/402	05/07/2017	1	$0	$0
06-2017-1757	KEY ENERGY SERVICES, LLC (DAVIS SWD NO. 2 RR)	CWA NPDES	1	06	CWA	301	04/06/2017	1	$0	$100,000
06-2017-1758	DANIEL OPERATING COMPANY, INC (SALTWATER COLLECTION LEASE)	CWA NPDES	1	06	CWA	301	05/17/2017	1	$0	$100,000
06-2017-1759	DANIEL OPERATING COMPANY, INC (DUKE LEASE)	CWA NPDES	1	06	CWA	301	06/08/2017	1	$0	$100,000
06-2017-1760	PERDUE COMMERCIAL DISPOSAL, LLC (PERDUE TOWNSEND 6 SWD LEASE)	CWA NPDES	1	06	CWA	301	06/14/2017	1	$0	$10,000
06-2017-1761	ALBUQUERQUE VAULT COMPANY	CWA NPDES	1	06	CWA	301/402	09/22/2017	1	$0	$4,000
06-2017-1762	FOUST DAIRY	CWA NPDES	1	06	CWA	301/402	07/06/2017	1	$0	$3,000
06-2017-1763	LAGUNA MADRE WATER DISTRICT	CWA NPDES	1	06	CWA	301/402	06/08/2017	1	$0	$4,000
06-2017-1764	SHELL OIL COMPANY	CWA NPDES	1	06	CWA	301/402	06/14/2017	1	$0	$20,000
06-2017-1765	OXY VINYLS, L.P.	CWA NPDES	1	06	CWA	301/402	06/08/2017	1	$0	$3,000
06-2017-1766	MORA NATIONAL FISH HATCHERY & TECHNOLOGY CENTER	CWA NPDES	2	06	CWA	301/402	06/06/2017	1	$0	$22,000
06-2017-1767	BLOOMFIELD, CITY OF	CWA NPDES	1	06	CWA	301/402	06/13/2017	1	$0	$1,300,000
06-2017-1768	CSC OIL COMPANY (ATLANTIC LEASE)	CWA NPDES	1	06	CWA	301	06/14/2017	1	$0	$50,000
06-2017-1769	JERRY LANGLEY OIL CO., LLC (TOM D-9)	CWA NPDES	1	06	CWA	301	06/14/2017	1	$0	$50,000
06-2017-1770	CHAPARRAL ENERGY, LLC (NEWLY LEASE)	CWA NPDES	1	06	CWA	301	06/14/2017	1	$0	$40,000
06-2017-1771	ADMINISTRATIVE ORDER	CWA NPDES	1	06	CWA	301/402	06/09/2017	1	$0	$4,000
06-2017-1773	PULTE HOMES OF NEW MEXICO, INC.	CWA NPDES	1	06	CWA	301/402	07/10/2017	1	$0	$0
06-2017-1778	BUTKIN OIL COMPANY, LLC (HASSEL LEASE)	CWA NPDES	1	06	CWA	301	07/20/2017	1	$0	$30,000
06-2017-1779	RAMAH, CITY OF	CWA NPDES	1	06	CWA	301/402	05/31/2017	1	$0	$1,000
06-2017-1780	ARLINGTON, CITY OF	CWA NPDES	1	06	CWA	301/402	08/28/2017	1	$0	$200,000
06-2017-1784	TEX STEIN DAIRY	CWA NPDES	1	06	CWA	301/402	09/08/2017	1	$0	$5,000
06-2017-1789	GLENN HEIGHTS, CITY OF	CWA NPDES	1	06	CWA	301/402	09/20/2017	1	$0	$125,000
06-2017-1790	ROCKY RIDGE DAIRY	CWA NPDES	1	06	CWA	301/402	09/20/2017	1	$0	$5,000
06-2017-2702	DR. JOHN MICHAEL BURDINE	CWA 404	1	06	CWA	404	02/13/2017	1	$0	$195,000
06-2017-2953	SBA SHIPYARD	CERCLA	1	06	CERCLA	122A	11/21/2016	1	$0	$150,000
06-2017-2954	SCRUB-A-DUBB BARREL COMPANY	CERCLA	1	06	CERCLA	122H	01/27/2017	1	$0	$0
06-2017-2955	ZONOLITE/WR GRACE (HENLEY SEALANT PHASE III)	CERCLA	1	06	CERCLA	107A	05/31/2017	1	$0	$9,591,692
06-2017-2956	HAYSTACK MINES SITE	CERCLA	1	06	CERCLA	106A	05/11/2017	1	$0	$0
06-2017-2958	JACKPILE-PAGUATE URANIUM MINE	CERCLA	1	06	CERCLA	122A	06/26/2017	1	$0	$0
06-2017-3303	MOSAIC FERTILIZER LLC AOC	CAA 112r	1	06	CAA	112[R][1]	11/02/2016	1	$0	$60,000
06-2017-3304	GEORGIA PACIFIC PAPER RMP AOC	CAA 112r	1	06	CAA	112[R][7]	01/09/2017	1	$0	$70,000

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06-2017-3305	GEORGIA PACIFIC CHEMICALS RMP AOC	CAA 112r	1	06	CAA	112[R][7]	01/09/2017	1	$0	$77,000
06-2017-3307	BASF TOTAL PETROCHEMICALS RMP AOC	CAA 112r	1	06	CAA	112[R][7]	03/09/2017	1	$0	$7,950
06-2017-3320	ALON USA RMP AOC	CAA 112r	1	06	CAA	112[R][7]	08/31/2017	1	$0	$66,000
06-2017-3322	PRYOR CHEM CO GDC AOC	CAA 112r	1	06	CAA	112[R][1]	01/12/2017	1	$0	$62,000
06-2017-3328	HEXION, INC. GDC AOC	CAA 112r	1	06	CAA	112[R][1]	08/29/2017	1	$0	$68,500
06-2017-3330	AMERICAS STYRENICS GDC AOC	CAA 112r	1	06	CAA	112[R][1]	03/22/2017	1	$0	$62,400
06-2017-3339	GALAXY CHEM RMP AOC	CAA 112r	1	06	CAA	112[R][7]	09/26/2017	1	$0	$72,300
06-2017-3341	CITY OF ALEXANDRIA WATER GDC AOC	CAA 112r	1	06	CAA	112[R][1]	05/23/2017	1	$0	$377,098
06-2017-3357	COTT BEVERAGES GDC AOC	CAA 112r	1	06	CAA	112[R][1]	05/11/2017	1	$0	$67,200
06-2017-3360	DISCOVERY PRODUCER (WILLIAMS PLANT) RMP AOC	CAA 112r	1	06	CAA	112[R][7]	06/23/2017	1	$0	$78,600
06-2017-3363	WESTLAKE CHEM GDC AOC	CAA 112r	1	06	CAA	112[R][1]	08/11/2017	1	$0	$65,800
06-2017-9000	PSC METALS, INC. - ARROW AUTO PARTS (NC)	CAA Stationary Source	1	06	CAA	608	01/27/2017	1	$0	$6,944
07-2017-0003	GBW RAILCAR SERVICES, LLC	CWA NPDES	1	07	CWA	301/402	10/06/2016	1	$0	$13,175
07-2017-0004	BEATRICE FORMER MANUFACTURED GAS PLANT SITE	CERCLA	1	07	CERCLA	122H	07/26/2017	1	$0	$0
07-2017-0011	IOWA CITY READY MIX, INC	CWA NPDES	1	07	CWA	301/402	10/17/2016	1	$0	$8,000
07-2017-0012	BIG RIVER MINE TAILINGS SUPERFUND SITE/DOE RUN RESOURCES CORPORATION	CERCLA	1	07	CERCLA	106A	10/19/2016	1	$0	$2,250,000
07-2017-0025	PCE/TCE NORTHEAST CONTAMINATION SITE/KROY INDUSTRIES, INC	CERCLA	1	07	CERCLA	106A	11/22/2016	1	$0	$200,000
07-2017-0026	COFFEYVILLE RESOURCES NITROGEN FERTILIZERS, LLC	CWA NPDES	1	07	CWA	301/402	11/16/2016	1	$0	$35,000
07-2017-0041	AIROSOL COMPANY, INC SITE	CERCLA	1	07	CERCLA	106A	12/07/2016	1	$0	$576,000
07-2017-0075	BLACKBIRD BEND CORPORATION	SDWA PWS	1	07	SDWA	1412/1414	02/08/2017	1	$0	$10,000
07-2017-0081	CITY OF PARSONS, KANSAS	CWA NPDES	1	07	CWA	301/402	02/16/2017	1	$0	$1,500
07-2017-0085	CITY OF NORTH KANSAS CITY, MISSOURI	CWA NPDES	1	07	CWA	301/402	02/13/2017	1	$0	$5,000
07-2017-0088	MISSOURI SMELTING TECNOLOGY, INC	CWA NPDES	1	07	CWA	301/402	02/28/2017	1	$0	$45,125
07-2017-0111	BELOIT KANSAS	SDWA PWS	1	07	SDWA	1414G	05/22/2017	1	$0	$50,000
07-2017-0130	BENTON'S READY MIXED CONCRETE, INC	CWA NPDES	1	07	CWA	301/402	07/11/2017	1	$0	$4,571
07-2017-0134	SCHILDBERG CONSTRUCTION COMPANY	CWA NPDES	1	07	CWA	301/402	06/13/2017	18	$0	$80,000
07-2017-0139	CITY OF FAIRFIELD, IOWA	CWA NPDES	1	07	CWA	301/402	08/22/2017	1	$0	$39,800,000
07-2017-0150	J OLIVER PRODUCTS	FIFRA	1	07	FIFRA	12A1E	02/21/2017	1	$0	$1,100
07-2017-0161	MITCHELL COUNTY RURAL WATER DISTRICT #1	SDWA PWS	1	07	SDWA	1412/1414	07/21/2017	1	$0	$25,000
07-2017-0162	WOODBINE, KANSAS	SDWA PWS	1	07	SDWA	1412/1414	09/15/2017	1	$0	$25,000
07-2017-0198	JIM DALINGHAUS FEEDLOT	CWA NPDES	1	07	CWA	301	06/14/2017	1	$0	$3,507
07-2017-0202	BENTON'S SAND AND GRAVEL, INC	CWA NPDES	1	07	CWA	301/402	08/14/2017	1	$0	$6,000
07-2017-0217	NEBRASKA DEPARTMENT OF TRANSPORTATION	CWA NPDES	1	07	CWA	301/402	09/12/2017	1	$0	$40,000
07-2017-0223	ELK CITY, KANSAS	SDWA PWS	1	07	SDWA	1412/1414	08/29/2017	1	$0	$500,000
07-2017-0312	PIERCE LUMBER INC	CWA NPDES	1	07	CWA	301/402	03/16/2017	1	$0	$7,780

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07-2017-0313	DR DANIEL J MCGOWAN	CWA 404	1	07	CWA	404	03/01/2017	1	$0	$102,040
07-2017-0318	TROY, MISSOURI	CWA NPDES	1	07	CWA	301/402	04/05/2017	1	$0	$17,171,000
07-2017-0320	CITY OF CHARITON, IOWA	SDWA PWS	1	07	SDWA	1414G	04/10/2017	1	$0	$3,725,000
07-2017-0321	DONALD R PURK DBA PURK'S AUTO & RECYCLING	CWA NPDES	1	07	CWA	301/402	04/05/2017	1	$0	$5,020
07-2017-0326	RONALD FRICKE	CWA NPDES	1	07	CWA	301/402	02/24/2017	1	$0	$21,364
07-2017-0332	IOWA-NEBRASKA LIGHT & POWER FORMER MANUFACTURED GAS PLANT SITE	CERCLA	1	07	CERCLA	104E2	05/02/2017	1	$0	$200,000
07-2017-0333	LEWIS AUTO AND TRUCK PARTS	CWA NPDES	1	07	CWA	301/402	05/03/2017	1	$0	$2,000
07-2017-0354	EST, INC	FIFRA	1	07	FIFRA	12A1A	08/02/2017	1	$0	$0
07-2017-0356	BULL MOOSE TUBE	CWA NPDES	1	07	CWA	301/402	08/02/2017	1	$0	$44,795
07-2017-0455	J OLIVER PRODUCTS	FIFRA	1	07	FIFRA	12A1E	09/29/2017	1	$0	$1,100
07-2017-0467	2ND AND SMELTER (FORMER ROBERT LANYON SMELTER)	CERCLA	1	07	CERCLA	106A	08/29/2017	1	$0	$200,000
07-2017-9000	PSC METALS, INC (COE ACO)(NC)	CAA Stationary Source	1	07	CAA	608	01/27/2017	6	$0	$41,667
07-2018-0472	CUSTOM ALLOY SALES 34P LLC	CAA 112r	1	07	CAA	112[R][7]	05/12/2017	1	$0	$0
08-2015-0101	ROCKY FLATS INDUSTRIAL PARK SITE	CERCLA	2	08	CERCLA	107A	04/10/2017	1	$0	$0
08-2016-0130	EMPIRE STATE OIL	CERCLA	1	08	CERCLA	122H	11/07/2016	1	$0	$0
08-2017-0001	MOUNTAIN VILLAGE PARKS PWS	SDWA PWS	1	08	SDWA	1431-PWS	10/13/2016	1	$0	$2,000
08-2017-0017	CHIPPEWA-CREE TRIBE	SDWA PWS	1	08	SDWA	1431-PWS	12/23/2016	1	$0	$73,062
08-2017-0019	PIONEER NATURAL RESOURCES	SDWA UIC	1	08	SDWA	1431-UIC	12/06/2016	1	$0	$3,000,000
08-2017-0020	ROSEBUD SIOUX TRIBE SEWER DEPARTMENT	CWA NPDES	1	08	CWA	301/402	10/13/2016	14	$0	$0
08-2017-0021	ROBERT GREGG SEASE	CWA 404	1	08	CWA	404	01/12/2017	1	$0	$25,000
08-2017-0023	QUARTZ HILL TAILINGS PILE	CERCLA	1	08	CERCLA	122G	01/30/2017	1	$0	$0
08-2017-0024	EXXON MOBIL SHUTE CREEK GAS PLANT PWS	SDWA PWS	1	08	SDWA	1431-PWS	03/17/2017	1	$0	$1,000
08-2017-0026	THE FORT BELKNAP INDIAN COMMUNITY AND PRAIRIE MOUNTAIN UTILITIES	SDWA PWS	1	08	SDWA	1412/1414	10/12/2016	1	$0	$150,000
08-2017-0027	THATCHER COMPANY	FIFRA	1	08	FIFRA	12A1E	10/05/2016	1	$0	$0
08-2017-0028	INTERMOUNTAION FARMERS ASSOCIATION	FIFRA	1	08	FIFRA	12A1E	10/04/2016	1	$0	$0
08-2017-0030	UINTAH MINING DISTRICT SITE OU1	CERCLA	1	08	CERCLA	122A	01/18/2017	1	$0	$0
08-2017-0031	SALISH AND KOOTENAI HOUSING AUTHORITY	SDWA PWS	1	08	SDWA	1431-PWS	10/07/2016	1	$0	$3,000
08-2017-0032	FROSTWOOD 6 LLC AND DAVID JACOBSEN CONSTRUCTION	CWA NPDES	1	08	CWA	301/402	03/07/2017	1	$0	$3,476
08-2017-0034	LINCOLN COUNTY MONTANA	CWA 404	1	08	CWA	404	03/21/2017	1	$0	$50,000
08-2017-0036	DEVILS TOWER VIEW PUBLIC WATER SYSTEM	SDWA PWS	1	08	SDWA	1412/1414	03/21/2017	1	$0	$25
08-2017-0037	FLAT CREEK RV PARK	SDWA PWS	1	08	SDWA	1412/1414	03/21/2017	1	$0	$25
08-2017-0038	BABB WATER SYSTEM	SDWA PWS	1	08	SDWA	1431-PWS	03/30/2017	1	$0	$1,500
08-2017-0041	MONUMENT GLOBAL	SDWA UIC	1	08	SDWA	1423C	04/07/2017	1	$0	$55,000
08-2017-0043	PAINT ROCK CANYON ENTERPRISES LLC	SDWA PWS	1	08	SDWA	1412/1414	03/10/2017	1	$0	$30
08-2017-0045	BLACK MOUNTAIN PROPERTIES LLC	SDWA PWS	1	08	SDWA	1412/1414	04/26/2017	1	$0	$1,000
08-2017-0046	BERNIE HOMAN	SDWA PWS	1	08	SDWA	1412/1414	04/26/2017	1	$0	$200

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08-2017-0048	CRESTWOOD EQUITY PARTNERS LP	CWA NPDES	1	08	CWA	301	04/24/2017	1	$0	$3,764,943
08-2017-0049	HALL'S GLENDO MARINA	SDWA PWS	1	08	SDWA	1412/1414	05/09/2017	1	$0	$100
08-2017-0050	LAME DEER PUBLIC WATER SYSTEM	SDWA PWS	1	08	SDWA	1431-PWS	05/19/2017	1	$0	$5,000
08-2017-0053	ROSEBUD RECYCLING LLC	CWA NPDES	1	08	CWA	301	05/12/2017	1	$0	$0
08-2017-0054	CIRCLE J RANCH PWS	SDWA PWS	1	08	SDWA	1431-PWS	05/18/2017	1	$0	$2,000
08-2017-0056	BONITA PEAK MINING DISTRICT MAYFLOWER TAILINGS	CERCLA	1	08	CERCLA	122A	05/10/2017	1	$0	$1,200,000
08-2017-0060	JAMES PARKMAN	CWA 404	1	08	CWA	404	07/27/2017	1	$0	$39,050
08-2017-0061	WYOMING DEPARTMENT OF STATE PARKS AND CULTURAL RESOURCES	SDWA PWS	1	08	SDWA	1412/1414	07/12/2017	1	$0	$100
08-2017-0062	CITY OF RAWLINS	SDWA PWS	1	08	SDWA	1412/1414	05/11/2017	1	$0	$150,000
08-2017-0066	COLORADO DEPARTMENT OF TRANSPORTATION MS4	CWA NPDES	1	08	CWA	301/402	08/07/2017	1	$0	$900,000
08-2017-0067	CAMP BIRD MINE SITE	CERCLA	1	08	CERCLA	122A	07/31/2017	1	$0	$0
08-2017-0073	BARKER HUGHESVILLE MINING DISTRICT SUPERFUND SITE	CERCLA	1	08	CERCLA	104E4	07/06/2017	1	$0	$0
08-2017-0074	CARPENTER SNOW CREEK MINING DISTRICT SUPERFUND SITE	CERCLA	1	08	CERCLA	104E4	07/06/2017	1	$0	$0
08-2017-0078	JACKSON HOLE CAMPGROUND	SDWA PWS	1	08	SDWA	1412/1414	08/31/2017	1	$0	$25
08-2017-0079	GRAND TETON PARK RV RESORT	SDWA PWS	1	08	SDWA	1412/1414	08/31/2017	1	$0	$25
08-2017-0086	MITCH'S CAFE	SDWA PWS	1	08	SDWA	1412/1414	09/13/2017	1	$0	$30
08-2017-0089	AMPLIFY ENERGY: BAIROIL CO2 RECOVERY PLANT	CAA 112r	1	08	CAA	112[R][7]	09/12/2017	1	$0	$0
08-2017-0092	ETNA WATER & SEWER DISTRICT	SDWA PWS	1	08	SDWA	1412/1414	08/28/2017	1	$0	$300
08-2017-0093	EVERGREEN PROPERTIES	SDWA PWS	1	08	SDWA	1412/1414	07/25/2017	1	$0	$6,000
08-2017-0094	RED ROCKS RANCH	SDWA PWS	1	08	SDWA	1412/1414	08/28/2017	1	$0	$80
08-2017-0095	MHVC SAGE CAMPGROUND	SDWA PWS	1	08	SDWA	1431-PWS	08/02/2017	1	$0	$550
08-2017-0097	CITY OF BILLINGS	CWA NPDES	1	08	CWA	301/402	09/26/2017	1	$0	$0
08-2017-0098	ADMINISTRATIVE ORDER - MOUNTAIN VILLAGE PARKS PWS	SDWA PWS	1	08	SDWA	1412/1414	09/12/2017	1	$0	$505
08-2017-0100	ADMINISTRATIVE ORDER - UPPER SOUTH BRUSH CREEK CAMPGROUND	SDWA PWS	1	08	SDWA	1412/1414	09/21/2017	1	$0	$80
08-2017-0101	ADMINISTRATIVE ORDER - LOWER SOUTH BRUSH CREEK CAMPGROUND	SDWA PWS	1	08	SDWA	1412/1414	09/20/2017	1	$0	$80
08-2017-0102	ADMINISTRATIVE ORDER, TOWN OF MANVILLE	SDWA PWS	1	08	SDWA	1412/1414	09/26/2017	1	$0	$70
08-2017-0103	EMERGENCY ADMINISTRATIVE ORDER - SHOSHONE UTILITY ORGANIZATION - FORT WASHAKIE PWS	SDWA PWS	1	08	SDWA	1431-PWS	06/29/2017	1	$0	$19,086
08-2017-0105	GUILDNER PIPELINE MAINTENANCE INC	CWA NPDES	1	08	CWA	301	09/29/2017	1	$0	$0
08-2017-0106	CLOVERDALE FOODS COMPANY	CAA 112r	1	08	CAA	112[R][7]	09/20/2017	1	$0	$0
08-2017-0123	FLYING X RANCH	SDWA PWS	1	08	SDWA	1431-PWS	08/15/2017	1	$0	$8,000
08-2017-0124	SNAKE RIVER MOBILE HOME PARK	SDWA PWS	1	08	SDWA	1412/1414	09/26/2017	1	$0	$1,395
08-2017-0125	URIAH HEEPS PUBLIC WATER SYSTEM	SDWA PWS	1	08	SDWA	1412/1414	06/15/2017	1	$0	$15,000
08-2017-0126	WHITEROCKS PUBLIC WATER SYSTEM	SDWA PWS	1	08	SDWA	1412/1414	06/15/2017	1	$0	$15,000
08-2017-0127	CITY OF NEWCASTLE	SDWA PWS	1	08	SDWA	1412/1414	08/09/2017	1	$0	$1,265

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08-2017-0128	ROCK SPRINGS GREEN RIVER JOINT POWERS BOARD	SDWA PWS	1	08	SDWA	1412/1414	09/27/2017	1	$0	$100,000
08-2017-0129	TETON HIGH ADVENTURE BASE	SDWA PWS	1	08	SDWA	1431-PWS	06/16/2017	1	$0	$20,000
08-2017-0130	SEIMONE BOAT CLUB	SDWA PWS	1	08	SDWA	1412/1414	09/27/2017	1	$0	$150
08-2017-0131	TOWN OF COWLEY	SDWA PWS	1	08	SDWA	1412/1414	09/29/2017	1	$0	$500
08-2017-0132	YELLOWSTONE RECREATIONS FOUNDATION	SDWA PWS	1	08	SDWA	1412/1414	09/29/2017	1	$0	$500
09-2017-1003	OTTONE-SALINAS, INC. DBA SEQUENTIAL, ET AL	CWA 311	1	09	CWA	311C2/311E	06/01/2017	1	$0	$75,000
09-2017-1501	GRANITEROCK PENINSULA ROAD MATERIALS & RECYCLING SERVICES	CWA NPDES	1	09	CWA	301/402	12/09/2016	1	$0	$37,500
09-2017-1502	NAVAJO TRIBAL UTILITY AUTHORITY SHIPROCK WASTEWATER TREATMENT FACILITY	CWA NPDES	1	09	CWA	301	12/22/2016	1	$0	$1,500,000
09-2017-1503	BIA KEAMS CANYON WATER LAGOON	CWA NPDES	1	09	CWA	301	01/23/2017	1	$0	$1,489,000
09-2017-1504	PARKER HANNIFIN CORPORATION	CWA NPDES	1	09	CWA	301/307	03/13/2017	1	$0	$300,000
09-2017-1506	MODERN CONCEPTS, INC.	CWA NPDES	1	09	CWA	301/402	07/12/2017	1	$0	$10,000
09-2017-2001	CITY AND COUNTY OF HONLULU (MALAIKI)	CWA 404	1	09	CWA	404	03/24/2017	1	$0	$200,000
09-2017-2500	ORANGE COUNTY NORTH BASIN AOC FOR RI/FS	CERCLA	1	09	CERCLA	122A	10/04/2016	1	$0	$3,000,000
09-2017-2501	SECTION 9 LEASE (BABBIT RANCH) AOC FOR COST RECOVERY	CERCLA	1	09	CERCLA	106A	10/25/2016	1	$0	$0
09-2017-2502	AOC FOR CERTAIN CERCLA RESPONSE ACTIVITIES BY TENANT AS BFPP	CERCLA	1	09	CERCLA	122H	01/03/2017	1	$0	$2,200,000
09-2017-2503	IN THE MATTER OF MARIANO LAKE MINE SITE, ASAOC FOR EE/CA	CERCLA	1	09	CERCLA	122A	01/25/2017	1	$0	$300,000
09-2017-2505	HAYSTACK MINES AOC FOR TIME CRITICAL REMOVAL ACTION	CERCLA	1	09	CERCLA	106A	05/10/2017	1	$0	$100,000
09-2017-2507	AOC1 IN THE MATTER OF YOSEMITE SLOUGH, SAN FRANCISCO, CA	CERCLA	1	09	CERCLA	122A	11/03/2016	1	$0	$75,000
09-2017-2508	AOC2 IN THE MATTER OF YOSEMITE SLOUGH, SAN FRANCISCO, CA	CERCLA	1	09	CERCLA	122A	11/03/2016	1	$0	$500,000
09-2017-2509	IRMA KING TRUST (SFV-AREA 2) AOC FOR COST RECOVERY	CERCLA	1	09	CERCLA	122H	06/28/2017	1	$0	$0
09-2017-2510	IN THE MATTER OF RUBY MINES SITE, AOC	CERCLA	1	09	CERCLA	122A	02/13/2017	1	$0	$300,000
09-2017-6000	SAN CARLOS APACHE TRIBAL UTILITY AUTHORITY	SDWA PWS	1	09	SDWA	1412/1414	11/01/2016	1	$0	$421,248
09-2017-6001	LAND PROJECTS MUTUAL WATER COMPANY PWS (CA1910246)	SDWA PWS	1	09	SDWA	1412/1414	03/23/2017	1	$0	$500,000
09-2017-6002	TUBA CITY UNIFIED SCHOOL DISTRICT #15 FOR DZIL LIBEI (CAMERON) ELEMENTARY SCHOOL	SDWA PWS	1	09	SDWA	1412/1414	06/20/2017	1	$0	$40,000
09-2017-6003	USMC CAMP PENDLETON SOUTH & NORTH PWS SYSTEMS	SDWA PWS	1	09	SDWA	1412/1414	09/20/2017	1	$0	$1,000,000
09-2017-6500	COUNTY OF HAWAII COMMUNITIES OF PAHALA AND NAAHELU	SDWA UIC	1	09	SDWA	1421	06/22/2017	1	$0	$23,340,000
10-2017-0005	CITY OF HAGERMAN, IDAHO - COMPLIANCE ORDER ON CONSENT	CWA NPDES	1	10	CWA	301/402	12/15/2016	1	$0	$9,750,000
10-2017-0009	WHISPERING CEDARS DRINKING WATER SYSTEM	SDWA PWS	1	10	SDWA	1412	04/07/2017	1	$0	$3,900
10-2017-0010	RUTSATZ ROAD DRINKING WATER SYSTEM	SDWA PWS	1	10	SDWA	1412	04/07/2017	1	$0	$8,300
10-2017-0011	NORTHWOOD CASINO DRINKING WATER SYSTEM	SDWA PWS	1	10	SDWA	1412	04/07/2017	1	$0	$1,400

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10-2017-0012	NOOKSACK RIVER CASINO DRINKING WATER SYSTEM	SDWA PWS	1	10	SDWA	1412	04/07/2017	1	$0	$2,200
10-2017-0013	5 CEDARS WATER SYSTEM	SDWA PWS	1	10	SDWA	1412	04/07/2017	1	$0	$13,500
10-2017-0014	SULWHANON WATER SYSTEM	SDWA PWS	1	10	SDWA	1412	04/07/2017	1	$0	$6,800
10-2017-0018	ADVANCE ELECTROPLATING (SOUTH PARK INDUSTRIAL PROPERTIES)	CERCLA	1	10	CERCLA	106A	02/16/2017	1	$0	$0
10-2017-0019	HOONAH INDIAN ASSOCIATION AND CITY OF HOONAH - ADMINISTRATIVE ORDER ON CONSENT	CWA 404	1	10	CWA	404	11/01/2016	1	$0	$74,250
10-2017-0028	NYGAARD LAND LLC AND MARTIN NYGAARD - ADMINISTRATIVE ORDER ON CONSENT	CWA 404	1	10	CWA	404	12/15/2016	1	$0	$61,074
10-2017-0037	JORGENSEN FORGE BFPP (LOWER DUWAMISH WATERWAY SITE)	CERCLA	1	10	CERCLA	106A	11/18/2016	1	$0	$1,900,000
10-2017-0050	KETCHIKAN GATEWAY BOROUGH MOUNTAIN POINT AND FOREST PARK WWTF'S - COMPLIANCE ORDER ON CONSENT	CWA NPDES	1	10	CWA	301/402	02/23/2017	2	$0	$1,000
10-2017-0068	GENE R CHEESEMAN AND GR CHEESEMAN CONSTRUCTION LLC - ADMINISTRATIVE ORDER ON CONSENT	CWA 404	1	10	CWA	404	05/01/2017	1	$0	$150,000
10-2017-0072	CONCENTRATES, INC	FIFRA	1	10	FIFRA	12A1A	02/23/2017	1	$0	$100
10-2017-0077	HOLMES ENVIRO, LLC	FIFRA	1	10	FIFRA	12A1A	03/03/2017	1	$0	$3,000
10-2017-0092	CITY OF PIERCE, IDAHO - ADMINISTRATIVE ORDER ON CONSENT	CWA NPDES	1	10	CWA	301/402	05/04/2017	1	$0	$10,000
10-2017-0093	GOSSNER FOODS INC - COMPLIANCE ORDER ON CONSENT	CWA NPDES	1	10	CWA	301/307	05/04/2017	1	$0	$30,000
10-2017-0105	LOWE'S HOME CENTERS, LLC	FIFRA	1	10	FIFRA	12A1A	08/29/2017	1	$0	$500,000
10-2017-0106	CHEMSICO, A DIVISION OF UNITED INDUSTRIES CORPORATION	FIFRA	1	10	FIFRA	12A1A	08/29/2017	1	$0	$1,000,000
10-2017-0114	COLUMBIA RIVER MYSTERY SHEEN, COLEMAN OIL CO LLC - ADMIN ORDER ON CONSENT FOR REMOVAL ACTIVITIES	CWA 311	1	10	CWA	311C2/311E	05/05/2017	1	$0	$240,000
10-2017-0123	BUNKER HILL (PLACER MINING CO. UAO)	CERCLA	1	10	CERCLA	106A	05/31/2017	1	$0	$1,000,000
10-2017-0142	CITY OF PLUMMER, IDAHO - COMPLIANCE ORDER ON CONSENT	CWA NPDES	1	10	CWA	301/402	09/11/2017	1	$0	$0
10-2017-0152	WILLIAM C NELSON JR AND THE ESTATE OF BARBARA NELSON - AMENDED ADMINISTRATIVE ORDER ON CONSENT	CWA 404	1	10	CWA	404	07/28/2017	1	$0	$30,000
10-2017-0160	KARLSON MOTORS, INC.	SDWA UIC	1	10	SDWA	1422/1423	09/15/2017	1	$0	$5,000
10-2017-0165	RCO INTERNATIONAL INC.	FIFRA	1	10	FIFRA	12A1E	08/24/2017	1	$0	$14,000
10-2017-0179	UPPER COLUMBIA RIVER (2017 REMOVAL ACTION)	CERCLA	1	10	CERCLA	107A	09/26/2017	1	$0	$3,100,000

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FY2017 Civil Enforcement Conclusions
Final Administrative Penalty Orders

Enforcement Action Identifier	Final Order Name	Report Category	Final Order No.	Reg.	Primary Law	Primary Law Section	Admin Cmpt Issued Date	Final Order Date	Count of Facilities
01-2015-5003	C E BRADLEY LABORATORIES INC	RCRA HW	1	01	RCRA	3002	09/29/2015	12/22/2016	1
01-2016-1015	CARLAS PASTA INC	Multi-Program	1	01	CAA	112[R][7]	09/28/2016	01/05/2017	1
01-2016-1016	CHEMART INC	Multi-Program	1	01	CAA	112[R][7]	09/30/2016	04/28/2017	1
01-2016-1017	RBF FROZEN DESSERTS LLC	Multi-Program	1	01	CAA	112[R][1]	09/30/2016	03/07/2017	1
01-2016-5004	UNIVERSITY OF VERMONT & STATE AGRICULTURAL COLLEGE	RCRA HW	1	01	RCRA	3002	09/30/2016	03/14/2017	1
01-2016-7005	PIKE INTERNATIONAL LLC ET AL	TSCA	1	01	TSCA	409	03/31/2016	05/25/2017	1
01-2016-7008	LIMOGE PROPERTIES LLC AND LIMOGE PROPERTIES 335 SOUTH UNION LLC	TSCA	1	01	TSCA	409	06/29/2016	01/30/2017	1
01-2016-7010	BRADY SULLIVAN MILLWORKS II LLC AND BRADY SULLIVAN MILLWORKS IV LLC	TSCA	1	01	TSCA	402A	08/01/2016	02/22/2017	1
01-2017-0011	UNIVERSITY OF CONNECTICUT	TSCA	1	01	TSCA	6-PCBS	09/26/2017	09/26/2017	1
01-2017-1001	AMERICAN GREENFUELS LLC	CAA Stationary Source	1	01	CAA	111	01/31/2017	01/31/2017	1
01-2017-1002	HANCOCK FOODS INC	Multi-Program	1	01	CAA	112[R][7]	11/29/2016	11/29/2016	1
01-2017-1003	PERFORMANCE FOODSERVICE DIVISION OF PERFORMANCE FOOD GROUP INC	Multi-Program	1	01	CAA	112[R][1]	03/22/2017	03/22/2017	1
01-2017-1006	SAFETY-KLEEN SYSTEMS INC	CAA Stationary Source	1	01	CAA	112	03/28/2017	03/28/2017	1
01-2017-1007	CUTLER MAINE NAVAL FACILITY	CAA Stationary Source	1	01	CAA	112	04/19/2017	04/19/2017	1
01-2017-1008	SOLUTIA INC	CAA 112r	1	01	CAA	112[R][7]	04/20/2017	04/20/2017	1
01-2017-1009	KIMBALL SAND COMPANY INC	CAA Stationary Source	1	01	CAA	112D	05/30/2017	05/30/2017	1
01-2017-1010	PAWTUCKET POWER	CAA 112r	1	01	CAA	112[R][7]	05/25/2017	05/25/2017	1
01-2017-1011	CHAMPLINS MARINA RESORT AND TENNIS CLUB LTD	CAA Stationary Source	1	01	CAA	112	03/09/2017	03/09/2017	1
01-2017-1014	CRANSTON RI AND VEOLIA WATER NORTH AMERICA - NORTHEAST	CAA Stationary Source	1	01	CAA	129	06/28/2017	06/28/2017	1
01-2017-1015	DEMAKES ENTERPRISES INC	Multi-Program	1	01	CAA	112[R][1]	03/02/2017	08/09/2017	1
01-2017-1016	INEOS MELAMINES LLC	CAA 112r	1	01	CAA	112[R][7]	09/06/2017	09/06/2017	1
01-2017-1020	REF TRUCKING INC	CWA 311	1	01	CWA	311B	09/06/2017	09/06/2017	1
01-2017-2002	CHAMPLAIN OIL COMPANY INC	CWA 311	1	01	CWA	311B	11/07/2016	11/07/2016	1
01-2017-2005	J F WHITE CONTRACTING CO AND MASSACHUSETTS DEPARTMENT OF TRANSPORTATION	CWA NPDES	1	01	CWA	301/402	01/03/2017	01/03/2017	1
01-2017-2006	BILLINGS DIESEL & MARINE SERVICES INC	CWA NPDES	1	01	CWA	301	11/10/2016	11/10/2016	1
01-2017-2008	LKQ ADVANCED AUTO RECYCLING INC	CWA 311	1	01	CWA	311J	02/15/2017	02/15/2017	1
01-2017-2009	ADVANCED EXCAVATING & PAVING INC	CWA 311	1	01	CWA	311J	04/03/2017	04/03/2017	1
01-2017-2010	F M PARTNERS LLC	CWA NPDES	1	01	CWA	301	12/05/2016	03/20/2017	1
01-2017-2014	MATTINGLY PRODUCTS LLC	CWA 311	1	01	CWA	311J	05/03/2017	05/03/2017	1
01-2017-2016	FRANK W WHITCOMB CONSTRUCTION CORPORATION	CWA 311	1	01	CWA	311J	06/21/2017	06/21/2017	1
01-2017-2017	P J KEATING COMPANY	CWA NPDES	1	01	CWA	301/307	08/24/2017	08/24/2017	1

Federal Penalty Assessed	Complying Action Value Total	Assessed Cost Recovery	Final Order Type
$71,000	$10,724	$0	APO
$78,184	$8,200	$0	APO
$221,326	$6,500	$0	APO
$5,000	$0	$0	APO
$20,000	$0	$0	APO
$12,139	$0	$0	APO
$24,122	$0	$0	APO
$90,461	$0	$0	APO
$28,125	$0	$0	APO
$192,000	$210,000	$0	APO
$108,724	$0	$0	APO
$184,717	$480,000	$0	APO
$369,517	$200,000	$0	APO
$811,000	$1,439,676	$0	APO
$15,222	$0	$0	APO
$120,000	$1,300,000	$0	APO
$109,375	$0	$0	APO
$29,900	$0	$0	APO
$35,000	$0	$0	APO
$132,183	$366,987	$0	APO
$93,000	$0	$0	APO
$1,600	$200,000	$0	APO
$2,200	$2,882	$0	APO
$21,600	$0	$0	APO
$41,000	$25,250	$0	APO
$4,900	$1,000	$0	APO
$3,700	$1,000	$0	APO
$7,100	$0	$0	APO
$5,000	$15,000	$0	APO
$3,100	$2,000	$0	APO
$140,000	$0	$0	APO

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01-2017-2020	THIBEAULT CORPORATION OF NEW ENGLAND	CWA 311	1	01	CWA	311J	09/27/2017	09/27/2017	1
01-2017-2026	GREAT BAY MARINE INC	CWA NPDES	1	01	CWA	308	01/11/2017	01/11/2017	1
01-2017-3001	REDLAND BRICK INC / KF PLANT	EPCRA 313	1	01	EPCRA	313	01/04/2017	01/04/2017	1
01-2017-3002	GENERAL POLYMER INC	EPCRA non 313	1	01	EPCRA	312	03/02/2017	03/02/2017	1
01-2017-3003	O F MOSSBERG & SONS INC	EPCRA 313	1	01	EPCRA	313	07/11/2017	07/11/2017	1
01-2017-4001	BRITTANY GLOBAL TECHNOLOGIES CORP	FIFRA	1	01	FIFRA	12A2N	01/17/2017	01/17/2017	1
01-2017-4002	GEORGE KIRBY JR PAINT CO INC	FIFRA	1	01	FIFRA	12A2N	01/17/2017	01/17/2017	1
01-2017-4003	HYDRO-PHOTON INC (IMPORTS)	FIFRA	1	01	FIFRA	12A2N	12/13/2016	12/13/2016	1
01-2017-4004	CREATIVE CHEMICALS INC	FIFRA	1	01	FIFRA	12A2N	01/31/2017	01/31/2017	1
01-2017-4005	YANKEE CANDLE	FIFRA	1	01	FIFRA	12A2N	01/31/2017	01/31/2017	1
01-2017-4006	FERTI TECHNOLOGIES INC	FIFRA	1	01	FIFRA	12A2N	05/17/2017	05/17/2017	1
01-2017-4007	BOLGER & OHEARN INC	FIFRA	1	01	FIFRA	12A1E	05/23/2017	05/23/2017	1
01-2017-5001	SAFETY-KLEEN SYSTEMS INC	RCRA HW	1	01	RCRA	3004	03/28/2017	03/28/2017	1
01-2017-7001	ROBERT F WELSH ET AL	TSCA	1	01	TSCA	409	01/17/2017	01/17/2017	1
01-2017-7002	5 MF HOLDINGS LLC	TSCA	1	01	TSCA	409	03/03/2017	08/01/2017	1
01-2017-7003	SCAPA TAPES NORTH AMERICA LLC	EPCRA 313	1	01	EPCRA	313	03/13/2017	03/13/2017	1
01-2017-7004	ROBINSON'S PAINTING & HOME IMPROVEMENTS LLC	TSCA	1	01	TSCA	402A	04/07/2017	04/07/2017	1
01-2017-7005	K FALLS CONSTRUCTION LLC	TSCA	1	01	TSCA	402A	03/23/2017	03/23/2017	1
01-2017-7006	CITYSIDE MANAGEMENT CORPORATION	TSCA	1	01	TSCA	409	06/21/2017	08/14/2017	1
01-2017-7008	DANIEL SANBORN	TSCA	1	01	TSCA	406B	06/27/2017	06/27/2017	1
01-2017-7009	NATIONAL CONSTRUCTION LLC	TSCA	1	01	TSCA	402A	08/18/2017	08/18/2017	1
01-2017-8001	STAFFORD GULF GAS MAN FOOD AND FUEL	RCRA UST	1	01	RCRA	9003	11/18/2016	11/18/2016	1
01-2017-8002	BECKER CONSTRUCTION COMPANY	RCRA UST	1	01	RCRA	9003	01/25/2017	01/25/2017	1
01-2017-8003	SOUTH GREENWICH CONVENIENCE MART	RCRA UST	1	01	RCRA	9003	01/26/2017	01/26/2017	1
01-2017-8004	BECKER CONSTRUCTION CO	RCRA UST	1	01	RCRA	9003	03/01/2017	03/01/2017	1
01-2017-8005	COVE ROAD MINI MART	RCRA UST	1	01	RCRA	9003[C][3]-[4]	05/09/2017	05/09/2017	1
02-2015-1215	SAFETECH CORPORATION (SB)	CAA Stationary Source	1	02	CAA	110	09/30/2015	02/28/2017	1
02-2015-3804	PARADISE ENERGY, INC. (SB)	CWA 311	1	02	CWA	311J	09/28/2015	07/19/2017	1
02-2015-6002	NORTHEAST DREDGING EQUIPMENT COMPANY, LLC	MPRSA	1	02	MPRSA	101A	10/08/2014	04/05/2017	1
02-2015-8901	TOWN OF FLORENCE HIGHWAY DEPARTMENT	SDWA UIC	1	02	SDWA	1422/1423	09/16/2015	06/29/2017	1
02-2016-3309	TOWN OF ROTTERDAM	CWA NPDES	1	02	CWA	301/402	12/04/2015	06/28/2017	1
02-2016-3315	VILLAGE OF KIRYAS JOEL	CWA NPDES	1	02	CWA	301/402	06/30/2016	08/04/2017	1
02-2016-3601	PUERTO RICO LAND AUTHORITY	CWA 404	1	02	CWA	404	12/09/2016	12/09/2016	1
02-2016-5202	FABCO INDUSTRIES, INC.	FIFRA	1	02	FIFRA	12A1A	09/29/2016	03/29/2017	1
02-2016-5301	INNOVA TRADING CORPORATION	FIFRA	1	02	FIFRA	12A1A	09/23/2016	03/23/2017	1
02-2016-7102	NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE	RCRA HW	1	02	RCRA	3002	07/15/2016	03/09/2017	1
02-2016-7103	CARIBBEAN ALL METAL RECYCLERS CORP.	RCRA HW	1	02	RCRA	3008A	09/30/2016	07/20/2017	1
02-2016-7105	MEADOWLANDS HOSPITAL MEDICAL CENTER	RCRA HW	1	02	RCRA	3005	09/26/2016	05/25/2017	1
02-2016-7106	MAYAGUEZ MEDICAL CENTER	RCRA HW	1	02	RCRA	3002	09/26/2016	04/04/2017	1
02-2016-7503	MARSHALL BROTHERS, INC. ET AL.	RCRA UST	1	02	RCRA	9003	09/27/2016	03/27/2017	16

$3,700	$4,000	$0	APO
$50,000	$0	$0	APO
$11,246	$0	$0	APO
$5,000	$100	$0	APO
$43,419	$0	$0	APO
$900	$0	$0	APO
$300	$0	$0	APO
$42,284	$0	$0	APO
$300	$0	$0	APO
$2,700	$0	$0	APO
$10,170	$0	$0	APO
$59,545	$0	$0	APO
$178,070	$0	$0	APO
$3,500	$0	$0	APO
$7,300	$0	$0	APO
$58,214	$0	$0	APO
$3,000	$500	$0	APO
$2,130	$500	$0	APO
$145,346	$0	$0	APO
$6,100	$0	$0	APO
$2,003	$0	$0	APO
$1,480	$2,500	$0	APO
$250	$1,465	$0	APO
$250	$2,500	$0	APO
$490	$2,000	$0	APO
$1,230	$13,500	$0	APO
$273,791	$16,000	$0	APO
$30,000	$35,000	$0	APO
$100,000	$0	$0	APO
$645	$0	$0	APO
$15,000	$0	$0	APO
$27,500	$0	$0	APO
$87,000	$0	$0	APO
$2,500	$7,000	$0	APO
$40,000	$4,000	$0	APO
$43,000	$10,000	$0	APO
$16,000	$0	$0	APO
$30,980	$100	$0	APO
$20,000	$25,000	$0	APO
$70,000	$251,000	$0	APO

02-2016-8295	BRICK CITY SCOOTER BOYZ	CAA Mobile Source	1	02	CAA	203	11/04/2016	11/04/2016	1
02-2016-8404	CASTLE POINT MEDICAL CENTER	SDWA PWS	1	02	SDWA	1412/1414	09/30/2016	10/20/2016	1
02-2017-1201	GENPAK LLC	CAA Stationary Source	1	02	CAA	110	09/25/2017	09/25/2017	1
02-2017-1203	POLY MOLDING LLC	CAA Stationary Source	1	02	CAA	110	09/27/2017	09/27/2017	1
02-2017-3301	VILLAGE OF VOORHEESVILLE - MS4	CWA NPDES	1	02	CWA	301/402	11/23/2016	08/01/2017	1
02-2017-3302	HALF PRICE USED AUTO PARTS, LLC	CWA NPDES	1	02	CWA	301/402	11/17/2016	07/20/2017	1
02-2017-3303	BINGHAMTON BURIAL VAULT CO., INC.	CWA NPDES	1	02	CWA	301/402	11/03/2016	08/14/2017	1
02-2017-3306	CHURCH COMMUNITIES NY, INC.	CWA NPDES	1	02	CWA	301/402	02/07/2017	05/09/2017	1
02-2017-3307	VILLAGE OF PATCHOGUE (MS4)	CWA NPDES	1	02	CWA	301/402	06/01/2017	06/01/2017	1
02-2017-3308	MILLER'S SON SHINE ACRES, INC.	CWA NPDES	1	02	CWA	301/402	06/14/2017	08/17/2017	1
02-2017-3309	SEAGIS PROPERTY GROUP	CWA NPDES	1	02	CWA	301/402	08/04/2017	08/04/2017	1
02-2017-3311	ACCURATE BUILDERS & DEVELOPERS OF NJ	CWA NPDES	1	02	CWA	301/402	09/01/2017	09/01/2017	1
02-2017-3351	NBTS HOUSING LLC	CWA NPDES	1	02	CWA	301/402	04/10/2017	04/10/2017	1
02-2017-3352	LITTLE OAK VENTURES, LLC	CWA NPDES	1	02	CWA	301/402	06/01/2017	06/01/2017	1
02-2017-3354	CONSTRUCTORA I. MELENDEZ, LLC	CWA NPDES	1	02	CWA	301/402	09/14/2017	09/14/2017	1
02-2017-3355	GENERAL ENGINEERING CORPORATION, LLC	CWA NPDES	1	02	CWA	301/402	08/11/2017	08/11/2017	1
02-2017-3451	DEL VALLE GROUP	CWA NPDES	1	02	CWA	301/402	12/06/2016	04/28/2017	1
02-2017-3452	MARINA PDR OPERATIONS, LLC	CWA NPDES	1	02	CWA	301/402	10/12/2016	05/22/2017	1
02-2017-3802	BOLKEMA FUEL COMPANY, INC.	CWA 311	1	02	CWA	311J	09/11/2017	09/11/2017	1
02-2017-3803	SKYLANDS ENERGY SERVICES	CWA 311	1	02	CWA	311J	09/25/2017	09/25/2017	1
02-2017-4101	SOLAR COMPOUNDS CORPORATION	EPCRA 313	1	02	EPCRA	313	01/03/2017	01/03/2017	1
02-2017-4102	SPECTRUM LABORATORY PRODUCTS, INC.	EPCRA 313	1	02	EPCRA	313	01/13/2017	01/13/2017	1
02-2017-4103	LAMART CORPORATION	EPCRA 313	1	02	EPCRA	313	03/03/2017	03/03/2017	1
02-2017-4105	HENRY REPEATING ARMS CORP.	EPCRA 313	1	02	EPCRA	313	09/13/2017	09/13/2017	1
02-2017-4106	OWENS CORNING ROOFING & ASPHALT, LLC	EPCRA 313	1	02	EPCRA	313	09/25/2017	09/25/2017	1
02-2017-4201	KAWASAKI RAIL CAR, INC.	EPCRA 313	1	02	EPCRA	313	03/07/2017	03/07/2017	1
02-2017-4202	EASTMAN KODAK COMPANY	EPCRA 313	1	02	EPCRA	313	09/25/2017	09/25/2017	1
02-2017-5101	PHARMACEUTICAL INNOVATIONS	FIFRA	1	02	FIFRA	12A1A	09/21/2017	09/21/2017	1
02-2017-7101	MEMORIAL SLOAN KETTERING CANCER CENTER	RCRA HW	1	02	RCRA	3002	12/20/2016	12/20/2016	1
02-2017-7103	LOURDES HEALTH SYSTEM	RCRA HW	1	02	RCRA	3002	03/31/2017	06/28/2017	2
02-2017-7701	MWS ENTERPRISES INC. ET AL.	RCRA UST	1	02	RCRA	9006A	04/05/2017	04/05/2017	1
02-2017-7702	STEWART P. WILSON, INC. D/B/A LAKES GAS ET AL. - ESA PILOT	RCRA UST	1	02	RCRA	9006A	03/29/2017	03/29/2017	4
02-2017-7704	ALTA EAST INC. ET AL.	RCRA UST	1	02	RCRA	9006A	07/11/2017	07/11/2017	3
02-2017-7707	NEW ENGLAND MOTOR FREIGHT, INC.	RCRA UST	1	02	RCRA	9006A	09/12/2017	09/12/2017	1
02-2017-7901	WASTE MANAGEMENT OF NEW YORK, LLC ET AL.	RCRA UST	1	02	RCRA	9003	10/25/2016	10/25/2016	1
02-2017-7902	FAIRLAWN VALERO ET AL.	RCRA UST	1	02	RCRA	9003	10/25/2016	10/25/2016	1
02-2017-7903	BURNS FAMILY FARM, LLC ET AL.	RCRA UST	1	02	RCRA	9003	11/22/2016	11/22/2016	1
02-2017-7904	PINE FUEL STATION ET AL.	RCRA UST	1	02	RCRA	9003	11/10/2016	11/10/2016	1
02-2017-7905	RICH MARINE SALES, INC. ET AL.	RCRA UST	1	02	RCRA	9003	11/18/2016	11/18/2016	1
02-2017-7906	MONDO'S ET AL.	RCRA UST	1	02	RCRA	9003	12/02/2016	12/02/2016	1

$1,254	$0	$0	APO
$24,000	$0	$0	APO
$15,000	$0	$0	APO
$65,000	$350,000	$0	APO
$6,200	$0	$0	APO
$2,000	$0	$0	APO
$14,700	$0	$0	APO
$12,000	$0	$0	APO
$16,500	$0	$0	APO
$12,000	$0	$0	APO
$1,500	$5,000	$0	APO
$15,000	$2,000	$0	APO
$7,800	$400	$0	APO
$6,300	$0	$0	APO
$3,650	$5,000	$0	APO
$4,950	$0	$0	APO
$42,000	$30,592	$0	APO
$77,500	$0	$0	APO
$1,315	$2,000	$0	APO
$3,580	$4,000	$0	APO
$3,000	$5,100	$0	APO
$11,600	$3,400	$0	APO
$20,000	$5,000	$0	APO
$94,770	$6,800	$0	APO
$52,000	$5,100	$0	APO
$31,280	$3,400	$0	APO
$59,290	$5,100	$0	APO
$250,000	$28,595	$0	APO
$15,622	$15,000	$0	APO
$30,000	$3,994	$0	APO
$2,830	$620	$0	APO
$4,100	$4,120	$0	APO
$3,760	$880	$0	APO
$2,130	$120	$0	APO
$70	$1,100	$0	APO
$70	$1,100	$0	APO
$1,930	$2,000	$0	APO
$990	$900	$0	APO
$490	$300	$0	APO
$500	$500	$0	APO

02-2017-7907	BELFAST MINI MART ET AL.	RCRA UST	1	02	RCRA	9006A	12/16/2016	12/16/2016	1
02-2017-7908	RYE BROOK SERVICE CENTER ET AL.	RCRA UST	1	02	RCRA	9003	01/06/2017	01/06/2017	1
02-2017-7909	BARNES & CONE, INC. ET AL.	RCRA UST	1	02	RCRA	9006A	01/10/2017	01/10/2017	1
02-2017-7910	A-N-W EZ MART ET AL.	RCRA UST	1	02	RCRA	9003	01/19/2017	01/19/2017	1
02-2017-7911	A-N-W EZ MART #2 ET AL.	RCRA UST	1	02	RCRA	9003	01/19/2017	01/19/2017	1
02-2017-7912	LIQUOR AND CONVENIENT EXPRESS ET AL.	RCRA UST	1	02	RCRA	9003[C][3]-[4]	01/09/2017	01/09/2017	1
02-2017-7913	VAN NOSTRAND OIL CO., LLC ET AL.	RCRA UST	1	02	RCRA	9003	01/27/2017	01/27/2017	1
02-2017-7914	THE SISTERS OF ST. FRANCIS	RCRA UST	1	02	RCRA	9003	11/09/2016	11/09/2016	1
02-2017-7915	SHARAKI, INC. (F/K/A BHACHU LLC) ET AL.	RCRA UST	1	02	RCRA	9006A	02/07/2017	02/07/2017	1
02-2017-7916	DAVID W. SLOCUM, INC. ET AL.	RCRA UST	1	02	RCRA	9006A	02/07/2017	02/07/2017	1
02-2017-7917	FRANK'S INDEPENDENT SERVICE, INC. ET AL.	RCRA UST	1	02	RCRA	9006A	02/07/2017	02/07/2017	1
02-2017-7918	FINGER LAKES LIMOUSINE AND COACH ET AL.	RCRA UST	1	02	RCRA	9003[C][3]-[4]	02/10/2017	02/10/2017	1
02-2017-7919	ONEIDA HEALTHCARE CENTER ET AL.	RCRA UST	1	02	RCRA	9006A	02/16/2017	02/16/2017	1
02-2017-7920	KEITH TITUS CORP., ET AL.	RCRA UST	1	02	RCRA	9006A	02/22/2017	02/22/2017	1
02-2017-7921	KEN-EGGERT ET AL.	RCRA UST	1	02	RCRA	9006A	03/03/2017	03/03/2017	1
02-2017-7922	BULVILLE FOOD MART ET AL.	RCRA UST	1	02	RCRA	9006A	03/03/2017	03/03/2017	1
02-2017-7923	DEGRAFF MEMORIAL HOSPITAL	RCRA UST	1	02	RCRA	9003	02/28/2017	02/28/2017	1
02-2017-7924	NEW WOODSTOCK STATION ET AL.	RCRA UST	1	02	RCRA	9006A	03/16/2017	03/16/2017	1
02-2017-7925	RJ WILLIAMS, INC.	RCRA UST	1	02	RCRA	9003	03/10/2017	03/10/2017	1
02-2017-7926	HIGHRANGE FUELS, INC.	RCRA UST	1	02	RCRA	9003	03/22/2017	03/22/2017	1
02-2017-7927	YOUNG'S ET AL.	RCRA UST	1	02	RCRA	9006A	03/31/2017	03/31/2017	1
02-2017-7928	ZULA CORP. D/B/A MANDELA MARKETS	RCRA UST	1	02	RCRA	9003	03/22/2017	03/22/2017	1
02-2017-7929	CRANESVILLE BLOCK CO., INC.	RCRA UST	1	02	RCRA	9003	04/14/2017	04/14/2017	1
02-2017-7930	PETE'S GROCERY ET AL.	RCRA UST	1	02	RCRA	9003[C][3]-[4]	05/01/2017	05/01/2017	1
02-2017-7931	GORDY'S ET AL.	RCRA UST	1	02	RCRA	9006A	06/27/2017	06/27/2017	1
02-2017-7932	COLDIRON FUEL INC., ET AL.	RCRA UST	1	02	RCRA	9006A	04/18/2017	04/18/2017	1
02-2017-7933	COME & GO, INC., ET AL.	RCRA UST	1	02	RCRA	9006A	04/17/2017	04/17/2017	1
02-2017-7934	CHILDREN'S HOSPITAL OF BUFFALO ET AL.	RCRA UST	1	02	RCRA	9006A	04/04/2017	04/04/2017	1
02-2017-7935	CRANE'S MARKET ET AL.	RCRA UST	1	02	RCRA	9006A	06/09/2017	06/09/2017	1
02-2017-7936	RANCH GROCERY SUNOCO ET AL.	RCRA UST	1	02	RCRA	9006A	05/18/2017	05/18/2017	1
02-2017-7937	FOUR CORNERS AUTO PLUS GAS INC., ET AL.	RCRA UST	1	02	RCRA	9006A	06/22/2017	06/22/2017	1
02-2017-7938	ONE STOP GROCERIES, INC. ET AL.	RCRA UST	1	02	RCRA	9003[C][3]-[4]	05/15/2017	05/15/2017	1
02-2017-7939	MASTEN SERVICE INC. ET AL.	RCRA UST	1	02	RCRA	9003[C][3]-[4]	06/28/2017	06/28/2017	1
02-2017-7940	TOWN OF HAVERSTRAW ET AL.	RCRA UST	1	02	RCRA	9006A	07/18/2017	07/18/2017	1
02-2017-7941	A-Z SERVICE CENTER ET AL.	RCRA UST	1	02	RCRA	9006A	06/28/2017	06/28/2017	1
02-2017-7942	SUPER 7 EXPRESS INC.	RCRA UST	1	02	RCRA	9006A	06/28/2017	06/28/2017	1
02-2017-7943	JAMAL 786, INC. ET AL.	RCRA UST	1	02	RCRA	9003	08/04/2017	08/04/2017	1
02-2017-7944	H.M. GAS MART	RCRA UST	1	02	RCRA	9003[C][3]-[4]	05/26/2017	05/26/2017	1
02-2017-7945	KURT AND CINDY HIRSCHMAN	RCRA UST	1	02	RCRA	9003[C][3]-[4]	05/26/2017	05/26/2017	1
02-2017-7946	LAKE ROAD FOOD MART, INC.	RCRA UST	1	02	RCRA	9003[C][3]-[4]	06/21/2017	06/21/2017	1
02-2017-7947	BAYSIDE GROCERY, INC.	RCRA UST	1	02	RCRA	9003[C][3]-[4]	04/14/2017	04/14/2017	1
02-2017-7948	BREAD N' BUTTER COUNTRY STORE ET AL.	RCRA UST	1	02	RCRA	9003	04/20/2017	04/20/2017	1

$210	$1,000	$0	APO
$770	$1,880	$0	APO
$250	$1,000	$0	APO
$250	$1,000	$0	APO
$340	$1,120	$0	APO
$1,240	$1,750	$0	APO
$250	$1,000	$0	APO
$250	$1,200	$0	APO
$500	$1,120	$0	APO
$630	$5,000	$0	APO
$250	$120	$0	APO
$740	$1,500	$0	APO
$500	$1,120	$0	APO
$250	$120	$0	APO
$330	$1,120	$0	APO
$830	$2,000	$0	APO
$250	$1,200	$0	APO
$990	$1,360	$0	APO
$250	$1,191	$0	APO
$750	$1,100	$0	APO
$250	$1,000	$0	APO
$500	$470	$0	APO
$250	$120,550	$0	APO
$1,320	$3,000	$0	APO
$1,680	$13,000	$0	APO
$280	$720	$0	APO
$250	$1,000	$0	APO
$340	$1,120	$0	APO
$910	$1,920	$0	APO
$740	$1,120	$0	APO
$250	$1,000	$0	APO
$250	$1,500	$0	APO
$500	$2,000	$0	APO
$250	$1,000	$0	APO
$90	$120	$0	APO
$500	$300	$0	APO
$340	$1,500	$0	APO
$500	$5,808	$0	APO
$1,970	$15,000	$0	APO
$1,240	$2,020	$0	APO
$250	$903	$0	APO
$500	$10,000	$0	APO

02-2017-7949	NORTH MIDDLETOWN SERVICE, LLC ET AL.	RCRA UST	1	02	RCRA	9003	08/10/2017	08/10/2017	1
02-2017-7950	CROWN QUALITY FUEL, INC. ET AL.	RCRA UST	1	02	RCRA	9003	09/21/2017	09/21/2017	1
02-2017-7951	TOWN OF RAMAPO - SPOOK ROCK GOLF COURSE	RCRA UST	1	02	RCRA	9003[C][3]-[4]	09/21/2017	09/21/2017	1
02-2017-7952	OTIS MARSHALL FARMS, INC.	RCRA UST	1	02	RCRA	9003	09/21/2017	09/21/2017	1
02-2017-7953	NANUET MART, INC. ET AL.	RCRA UST	1	02	RCRA	9003	09/28/2017	09/28/2017	1
02-2017-7954	CHARLES CAPASSO & SONS CARTING, INC. ET AL.	RCRA UST	1	02	RCRA	9003	09/28/2017	09/28/2017	1
02-2017-7955	PRIME STOP II ET AL.	RCRA UST	1	02	RCRA	9003	09/27/2017	09/27/2017	1
02-2017-7956	ROCHESTER CITY SCHOOL DISTRICT ET AL.	RCRA UST	1	02	RCRA	9003	09/28/2017	09/28/2017	1
02-2017-8401	WILHELM GEORGE HEAD START ET AL.	SDWA PWS	1	02	SDWA	1414G	06/29/2017	07/06/2017	1
02-2017-8402	SAVAN HEAD START ET AL.	SDWA PWS	1	02	SDWA	1414G	06/29/2017	07/06/2017	1
02-2017-8403	LINDBERGH BAY HEAD START ET AL.	SDWA PWS	1	02	SDWA	1414G	06/29/2017	07/06/2017	1
02-2017-8404	SUGAR ESTATE THOMAS HEAD START ET AL.	SDWA PWS	1	02	SDWA	1414G	06/29/2017	07/06/2017	1
02-2017-8902	JGJJG LLC	SDWA UIC	1	02	SDWA	1422/1423	05/02/2017	05/04/2017	1
02-2017-9101	LORCO PETROLEUM SERVICES	TSCA	1	02	TSCA	6-PCBS	03/23/2017	03/23/2017	1
02-2017-9102	CYCLE CHEM INC.	TSCA	1	02	TSCA	6-PCBS	02/01/2017	02/01/2017	1
02-2017-9103	MIDDLESEX COUNTY UTILITIES AUTHORITY	TSCA	1	02	TSCA	6-PCBS	07/20/2017	07/20/2017	1
02-2017-9106	CYCLE CHEM INC.	TSCA	1	02	TSCA	6-PCBS	09/21/2017	09/21/2017	1
02-2017-9142	ATLAS REFINERY, INC.	TSCA	1	02	TSCA	8	09/27/2017	09/29/2017	1
02-2017-9143	MEL CHEMICALS, INC.	TSCA	1	02	TSCA	8	08/09/2017	09/29/2017	1
02-2017-9170	TARAS HOME DESIGNS, LLC	TSCA	1	02	TSCA	402C	09/12/2017	09/12/2017	1
02-2017-9172	CHILLEMI CONSTRUCTION CORPORATION	TSCA	1	02	TSCA	402C	09/28/2017	09/28/2017	1
02-2017-9173	QUALITY PLUS CONTRACTING	TSCA	1	02	TSCA	402C	06/27/2017	06/27/2017	1
02-2017-9201	CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.	TSCA	1	02	TSCA	6-PCBS	07/12/2017	07/12/2017	1
02-2017-9241	MARUBENI SPECIALTY CHEMICALS, INC.	TSCA	1	02	TSCA	8A	09/12/2017	09/12/2017	1
02-2017-9269	BLUECREST CONSTRUCTION INC.	TSCA	1	02	TSCA	402C	08/29/2017	08/29/2017	1
02-2017-9271	NY LEAD PAINT EXPERTS, INC.	TSCA	1	02	TSCA	402A	12/01/2016	12/01/2016	1
02-2017-9273	KASCON LLC	TSCA	1	02	TSCA	402C	09/27/2017	09/27/2017	1
02-2017-9274	SKYLINE RESTORATION, INC.	TSCA	1	02	TSCA	402C	09/05/2017	09/05/2017	1
02-2017-9276	BUCKINGHAM CONSTRUCTION, LLC	TSCA	1	02	TSCA	402C	02/13/2017	02/13/2017	1
02-2017-9279	NEW YORK ENVIRONMENTAL SYSTEMS	TSCA	1	02	TSCA	402A	03/16/2017	03/16/2017	1
02-2017-9281	BOA WINDOWS D/B/A WINDOW WORLD OF THE CAPITAL DISTRICT	TSCA	1	02	TSCA	402C	09/27/2017	09/27/2017	1
02-2017-9283	GREEN ISLAND GROUP, INC.	TSCA	1	02	TSCA	402A	03/07/2017	03/07/2017	1
02-2017-9285	BRIAN A. NASH D/B/A QUALITY CUSTOM CONSTRUCTION	TSCA	1	02	TSCA	402C	09/14/2017	09/14/2017	1
02-2017-9293	PELHAM BAY CONSTRUCTION	TSCA	1	02	TSCA	402C	06/06/2017	06/06/2017	1
03-2015-0127	EAGLE BRASS COMPANY	EPCRA 313	1	03	EPCRA	313	06/04/2015	02/17/2017	1
03-2016-0135	TOWSON UNIVERSITY, MARYLAND	CWA NPDES	1	03	CWA	301/402	11/17/2016	11/17/2016	1
03-2016-0166	WEST VIRGINIA DEPT OF TRANSPORTATION, DIVISION OF HIGHWAYS	CWA NPDES	1	03	CWA	301/402	10/19/2016	10/19/2016	1

$250	$3,183	$0	APO
$1,480	$15,000	$0	APO
$830	$1,395	$0	APO
$250	$1,500	$0	APO
$590	$1,320	$0	APO
$490	$200	$0	APO
$1,230	$1,100	$0	APO
$250	$1,000	$0	APO
$250	$0	$0	APO
$250	$0	$0	APO
$250	$0	$0	APO
$250	$0	$0	APO
$1,000	$10,000	$0	APO
$43,350	$8,240	$0	APO
$56,250	$1,000	$0	APO
$22,500	$2,500	$0	APO
$56,250	$1,000	$0	APO
$50,000	$6,000	$0	APO
$250,000	$5,006,000	$0	APO
$15,393	$100	$0	APO
$1,200	$350	$0	APO
$2,000	$600	$0	APO
$82,275	$95,000	$0	APO
$20,485	$1,200	$0	APO
$1,000	$300	$0	APO
$1,000	$100	$0	APO
$7,126	$100	$0	APO
$8,428	$50	$0	APO
$14,280	$600	$0	APO
$1,428	$50	$0	APO
$24,300	$250	$0	APO
$1,000	$50	$0	APO
$2,950	$500	$0	APO
$2,000	$350	$0	APO
$10,635	$200	$0	APO
$31,320	$0	$0	APO
$23,000	$0	$0	APO

03-2016-0197	REHOBOTH BEACH, CITY OF (WASTE WATER TREATMENT PLANT)	CWA NPDES	1	03	CWA	301/307	11/16/2016	11/16/2016	2
03-2016-0216	HIGH TECH CORRIDOR DEVELOPMENT, LLC (WHITE OAKS BUSINESS PARK PHASE II)	CWA 404	1	03	CWA	404	12/12/2016	12/12/2016	1
03-2016-0225	TANAY, LLC & SWAMI, LLC (CITGO NORVIEW GAS STATION)	RCRA UST	1	03	RCRA	9003	09/26/2016	03/21/2017	1
03-2016-0227	R.R. CORTEZ, INC. D/B/A R.R. CORTAZZO FUEL OIL SERVICES	CWA 311	1	03	CWA	311J	09/29/2016	12/15/2016	1
03-2017-0001	GLOBAL TUNGSTEN POWDERS CORP	EPCRA non 313	1	03	EPCRA	304	12/02/2016	12/02/2016	1
03-2017-0002	ICL-IP AMERICA, INC	EPCRA non 313	1	03	EPCRA	304	11/17/2016	11/17/2016	1
03-2017-0004	MONROE ENERGY, LLC (TRAINER REFINERY)	CAA 112r	1	03	CAA	112[R][7]	11/09/2016	11/09/2016	1
03-2017-0005	U. S. DEPT OF THE NAVY (WASHINGTON NAVY YARD)	Multi-Program	1	03	RCRA	3002	03/08/2017	03/08/2017	1
03-2017-0006	GEORGE S. COYNE CHEMICAL COMPANY, INC (COYNE CHEMICAL - READING PLANT)	CAA 112r	1	03	CAA	112[R][7]	11/22/2016	11/22/2016	1
03-2017-0007	LINEAGE LOGISTICS (INTERNATIONAL REFRIGERATED PORT SERVICES)	CAA 112r	1	03	CAA	112[R][7]	11/30/2016	11/30/2016	1
03-2017-0008	DOCKS CREEK, LLC	CWA 311	1	03	CWA	311J	01/05/2017	01/05/2017	1
03-2017-0009	KENT LEVY COURT (KENT COUNTY REGIONAL RESOURCE RECOVERY FACILITY)	CWA 311	1	03	CWA	311J	11/22/2016	11/22/2016	1
03-2017-0010	ACM TECHNOLOGIES, INC.	RCRA HW	1	03	RCRA	3002	01/05/2017	01/05/2017	1
03-2017-0015	BERNVILLE QUALITY FUELS (2 FACILITIES)	CWA 311	1	03	CWA	311J	11/30/2016	11/30/2016	2
03-2017-0016	DIAMOND MANUFACTURING CO	EPCRA 313	1	03	EPCRA	313	11/29/2016	11/29/2016	1
03-2017-0017	WILKES-BARRE, CITY OF	CWA NPDES	1	03	CWA	301/402	02/02/2017	02/02/2017	1
03-2017-0020	MID-ATLANTIC CONSTRUCTION, INC. (WALGREENS SITE)	CAA Stationary Source	1	03	CAA	112B	11/17/2016	11/17/2016	1
03-2017-0021	NOVOZYMES BIOLOGICALS, INC.	FIFRA	1	03	FIFRA	12A2N	12/14/2016	12/14/2016	1
03-2017-0022	NTH SOLUTIONS, LLC (4 FACILITIES)	FIFRA	1	03	FIFRA	12A2N	01/06/2017	01/06/2017	3
03-2017-0024	SUPER CONCRETE CORPORATION	CWA NPDES	1	03	CWA	301/402	09/07/2017	09/07/2017	1
03-2017-0025	WESTON, CITY OF (WESTON WASTEWATER TREATMENT PLANT)	CWA NPDES	1	03	CWA	301/402	12/12/2016	12/12/2016	2
03-2017-0026	LEVEL ONE FASTENERS, INC.	EPCRA non 313	1	03	EPCRA	312	04/27/2017	04/27/2017	1
03-2017-0027	ANGELINI PHARMA, INC.	FIFRA	1	03	FIFRA	12A2N	12/14/2016	12/14/2016	1
03-2017-0028	AQUATOMIC PRODUCTS COMPANY, INC.	FIFRA	1	03	FIFRA	12A2N	12/14/2016	12/14/2016	1
03-2017-0029	CHEMICAL EQUIPMENT LABS, INC.	FIFRA	1	03	FIFRA	12A2N	12/19/2016	12/19/2016	1
03-2017-0030	CONVOY AG	FIFRA	1	03	FIFRA	12A2N	03/31/2017	03/31/2017	1
03-2017-0031	CUSTOM MILLING & CONSULTING, INC.	FIFRA	1	03	FIFRA	12A2N	01/06/2017	01/06/2017	1
03-2017-0033	HORST SEEDS & CHEMICALS	FIFRA	1	03	FIFRA	12A2N	01/20/2017	01/20/2017	1
03-2017-0034	J & B BLENDING AND TECH	FIFRA	1	03	FIFRA	12A2N	01/20/2017	01/20/2017	1
03-2017-0035	J. DAVID MULLINIX & SONS, INC.	FIFRA	1	03	FIFRA	12A2N	01/20/2017	01/20/2017	1
03-2017-0036	MUMMAU SALES	FIFRA	1	03	FIFRA	12A2N	01/06/2017	01/06/2017	1
03-2017-0038	QUIP LABORATORIES, INC.	FIFRA	1	03	FIFRA	12A2N	01/17/2017	01/17/2017	1
03-2017-0039	RAPPAHANNOCK SUPPLY CO.	FIFRA	1	03	FIFRA	12A2N	01/17/2017	01/17/2017	1
03-2017-0040	SOS PRODUCTS COMPANY, INC.	FIFRA	1	03	FIFRA	12A2N	12/19/2016	12/19/2016	1

$23,000	$0	$0	APO
$150,000	$10,000	$0	APO
$45,000	$1,000	$0	APO
$23,000	$8,000	$0	APO
$22,281	$1,500	$0	APO
$14,854	$1,500	$0	APO
$2,000	$200	$0	APO
$84,100	$1,000	$0	APO
$1,620	$3,620	$0	APO
$1,800	$11,200	$0	APO
$900	$740	$0	APO
$1,500	$200	$0	APO
$29,493	$10,000	$0	APO
$2,475	$4,000	$0	APO
$58,260	$1,500	$0	APO
$25,000	$25,000	$0	APO
$29,336	$0	$0	APO
$8,400	$0	$0	APO
$0	$0	$0	APO
$27,250	$0	$0	APO
$17,500	$0	$0	APO
$5,000	$100	$0	APO
$1,200	$0	$0	APO
$800	$0	$0	APO
$400	$0	$0	APO
$0	$0	$0	APO
$1,200	$0	$0	APO
$0	$0	$0	APO
$0	$0	$0	APO
$800	$0	$0	APO
$0	$0	$0	APO
$800	$0	$0	APO
$0	$0	$0	APO
$1,200	$0	$0	APO

03-2017-0041	TEXAS GULF INDUSTRIES, INC.	FIFRA	1	03	FIFRA	12A2N	05/01/2017	05/01/2017	1
03-2017-0042	WEEDS, INC.	FIFRA	1	03	FIFRA	12A2N	01/06/2017	01/06/2017	1
03-2017-0045	FRESHPET, INC.	EPCRA non 313	1	03	EPCRA	311	01/10/2017	01/10/2017	1
03-2017-0046	PAQUIN DESIGN/BUILD, INC.	TSCA	1	03	TSCA	402C	11/30/2016	11/30/2016	1
03-2017-0047	IPSCO KOPPEL TUBULARS, LLC	TSCA	1	03	TSCA	6-PCBS	02/22/2017	02/22/2017	1
03-2017-0050	GULF OIL LIMITED PARTNERSHIP	CWA 311	1	03	CWA	311J	01/04/2017	01/04/2017	1
03-2017-0051	CANON VIRGINIA OAKLAND	EPCRA non 313	1	03	EPCRA	312	02/08/2017	02/08/2017	1
03-2017-0052	IPSCO KOPPEL TUBULARS, LLC	RCRA HW	1	03	RCRA	3002	02/16/2017	02/16/2017	1
03-2017-0055	HAVRE DE GRACE, CITY OF DEPT OF PUBLIC WORKS	CWA NPDES	1	03	CWA	301/402	02/13/2017	02/13/2017	1
03-2017-0058	ZAMBELLI FIREWORKS MANUFACTURING CO	RCRA HW	1	03	RCRA	3002	02/22/2017	02/22/2017	1
03-2017-0059	MARKWEST LIBERTY MIDSTREAM & RESOURCES LLC	CAA 112r	1	03	CAA	112[R][7]	01/12/2017	01/12/2017	1
03-2017-0061	KEYSTONE BLIND ASSOCIATION	FIFRA	1	03	FIFRA	12A2N	03/02/2017	03/02/2017	1
03-2017-0062	PAKSAFE INDUSTRIES, LLC	FIFRA	1	03	FIFRA	12A2N	03/24/2017	03/24/2017	1
03-2017-0064	FINELINE CIRCUITS, INC	RCRA HW	1	03	RCRA	3002	06/29/2017	06/29/2017	1
03-2017-0070	ARMSTRONG CEMENT & SUPPLY CORPORATION	CAA Stationary Source	1	03	CAA	112D	07/13/2017	07/13/2017	1
03-2017-0072	MARKWEST LIBERTY BLUESTONE, LLC (SARSEN GAS PROCESSING PLANT)	CAA Stationary Source	1	03	CAA	111	03/28/2017	03/28/2017	1
03-2017-0073	ADHESIVES RESEARCH, INC.	RCRA HW	1	03	RCRA	3002	12/21/2016	12/21/2016	1
03-2017-0074	PERDUE FOODS LLC (SALISBURY PROCESSING PLANT)	CAA 112r	1	03	CAA	112[R][7]	04/25/2017	04/25/2017	2
03-2017-0075	PHILADELPHIA ENERGY SOLUTIONS REFINING & MARKETING, LLC	RCRA HW	1	03	RCRA	3005	12/21/2016	12/21/2016	1
03-2017-0076	DELHAIZE AMERICA SHARED SERVICES GROUP, LLC (FOOD LION DISTRIBUTION CENTER # 7)	CAA 112r	1	03	CAA	112[R][7]	02/08/2017	02/08/2017	1
03-2017-0079	MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION (WATKINS REGIONAL PARK)	RCRA UST	1	03	RCRA	9003	07/19/2017	07/19/2017	1
03-2017-0080	THE HERSHEY COMPANY (WEST HERSHEY PLANT)	CAA 112r	1	03	CAA	112[R][7]	01/19/2017	01/19/2017	1
03-2017-0081	SS LOGAN PACKING COMPANY	EPCRA non 313	1	03	EPCRA	311	01/12/2017	01/12/2017	1
03-2017-0082	LITITZ BOROUGH	CWA NPDES	1	03	CWA	301/402	06/08/2017	06/08/2017	1
03-2017-0083	BOWIE, CITY OF	CWA NPDES	1	03	CWA	301/402	03/06/2017	03/06/2017	1
03-2017-0085	AMUNEAL MANUFACTURING CORPORATION	EPCRA non 313	1	03	EPCRA	304	03/30/2017	03/30/2017	1
03-2017-0087	SALISBURY, CITY OF MARYLAND	CWA NPDES	1	03	CWA	301/402	05/04/2017	05/04/2017	1
03-2017-0088	KUNZLER & COMPANY, INC.	CAA 112r	1	03	CAA	112[R][1]	03/22/2017	03/22/2017	1
03-2017-0090	DANVILLE, CITY OF WTF	CAA 112r	1	03	CAA	112[R][7]	03/08/2017	03/08/2017	1
03-2017-0092	CENTRE FOUNDRY AND MACHINE COMPANY	CAA Stationary Source	1	03	CAA	112D	03/01/2017	03/01/2017	1
03-2017-0094	UNIVERSITY BP, LLC (SLADE BP)	RCRA UST	1	03	RCRA	9003	03/21/2017	03/21/2017	1
03-2017-0095	LATROBE SPECIALTY METALS COMPANY, LLC	CAA Stationary Source	1	03	CAA	112K	09/29/2017	09/29/2017	1
03-2017-0097	DANCHEM TECHNOLOGIES, INC.	CAA 112r	1	03	CAA	112[R][7]	06/13/2017	06/13/2017	1
03-2017-0098	HERSHEY CREAMERY COMPANY (HERSHEY CREAMERY COMPANY MIDDLETOWN)	CAA 112r	1	03	CAA	112[R][7]	04/13/2017	04/13/2017	1
03-2017-0099	CRC INDUSTRIES, INC.	CAA 112r	1	03	CAA	112[R][7]	03/23/2017	03/23/2017	1

$400	$0	$0	APO
$0	$0	$0	APO
$14,397	$1,500	$0	APO
$6,720	$100	$0	APO
$29,541	$0	$0	APO
$136,600	$189,993	$0	APO
$5,000	$450	$0	APO
$28,053	$5,000	$0	APO
$13,800	$0	$0	APO
$223,448	$20,000	$0	APO
$42,893	$2,000	$0	APO
$1,200	$0	$0	APO
$0	$0	$0	APO
$25,000	$23,000	$0	APO
$20,794	$0	$0	APO
$95,000	$80,000	$0	APO
$116,360	$10,000	$0	APO
$56,226	$670,000	$0	APO
$100,000	$50,000	$0	APO
$600	$270	$0	APO
$4,400	$5,000	$0	APO
$1,500	$28,947	$0	APO
$24,843	$1,500	$0	APO
$3,000	$0	$0	APO
$27,500	$0	$0	APO
$24,831	$1,500	$0	APO
$16,000	$5,000	$0	APO
$2,400	$150,070	$0	APO
$3,060	$1,000	$0	APO
$195,000	$0	$0	APO
$8,626	$1,000	$0	APO
$220,000	$0	$0	APO
$6,600	$66,151	$0	APO
$900	$5,442	$0	APO
$2,100	$1,680	$0	APO

03-2017-0101	ANTRIM TOWNSHIP (ANTRIM TWP PRETREATMENT PROGRAM)	CWA NPDES	1	03	CWA	301/402	05/05/2017	05/05/2017	2
03-2017-0104	HAIN PURE PROTEIN CORP - PLAINVILLE FARMS	CAA 112r	1	03	CAA	112[R][7]	05/30/2017	05/30/2017	2
03-2017-0105	PROTENERGY NATURAL FOODS, INC	CAA 112r	1	03	CAA	112[R][7]	04/05/2017	04/05/2017	1
03-2017-0108	STEELTON, BOROUGH OF	CWA NPDES	1	03	CWA	301/402	05/31/2017	05/31/2017	2
03-2017-0109	SUPERIOR CONCRETE MATERIALS, INC.	CWA NPDES	1	03	CWA	301/402	04/25/2017	04/25/2017	1
03-2017-0110	FLINT GROUP	EPCRA 313	1	03	EPCRA	313	03/21/2017	03/21/2017	1
03-2017-0112	SHANON, JOHN LUCAS D/B/A S. LUCAS PAINTS (S. LUCAS PAINTS)	TSCA	1	03	TSCA	409	03/30/2017	03/30/2017	1
03-2017-0113	ALEX PROPERTIES, INC., A/D/B/A ALEX RESTORATION & REPAIR (ALEX RESTORATION & REPAIR)	TSCA	1	03	TSCA	402A	03/15/2017	03/15/2017	1
03-2017-0116	RELIANCE TREATED WOOD, INC.	RCRA HW	1	03	RCRA	3002	04/20/2017	04/20/2017	1
03-2017-0119	U.S. WATER, INC. (WATER CHEMICAL SERVICE, INC. D/B/A WATERCHEM)	FIFRA	1	03	FIFRA	12A1A	04/13/2017	04/13/2017	1
03-2017-0120	POTOMAC ELECTRIC POWER COMPANY (BENNING SERVICE CENTER)	RCRA HW	1	03	RCRA	3002	04/26/2017	04/26/2017	1
03-2017-0121	CLEARON CORPORATION	CERCLA	1	03	CERCLA	103A	04/13/2017	04/13/2017	1
03-2017-0122	INDMAR COATINGS CORPORATION	RCRA HW	1	03	RCRA	3002	06/14/2017	06/14/2017	1
03-2017-0123	JLD SERVICES, INC., D/B/A 360 PAINTING OF NORTHEAST PA (JLD SERVICES, INC)	TSCA	1	03	TSCA	402A	04/21/2017	04/21/2017	1
03-2017-0125	FRUIT HILL ORCHARD, INC.	TSCA	1	03	TSCA	409	05/16/2017	05/16/2017	1
03-2017-0126	INDEPENDENT CAN COMPANY	RCRA HW	1	03	RCRA	3002	08/30/2017	08/30/2017	1
03-2017-0127	U.S. DEPT OF NAVY (NAVAL FOUNDRY AND PROPELLER CTR)	CAA Stationary Source	1	03	CAA	502	05/24/2017	05/24/2017	2
03-2017-0129	LANCASTER CRAFTSMEN BUILDERS, INC.	TSCA	1	03	TSCA	402C	05/16/2017	05/16/2017	2
03-2017-0130	TWO BULLS CONSTRUCTION, LLC	TSCA	1	03	TSCA	402C	05/16/2017	05/16/2017	1
03-2017-0131	BITUMAR USA, INC	CWA 311	1	03	CWA	311J	06/27/2017	06/27/2017	1
03-2017-0132	INTERSTATE WAREHOUSING OF VIIRGINIA, LLC (INTERSTATE WAREHOUSE NEWPORT NEWS)	CAA 112r	1	03	CAA	112[R][7]	06/06/2017	06/08/2017	1
03-2017-0133	VORBECK MATERIALS CORPORATION	RCRA HW	1	03	RCRA	3002	06/08/2017	06/08/2017	1
03-2017-0137	HENRICO COUNTY (HENRICO PUBLIC UTILITIES WATER RECLAMATION FACILITY)	CERCLA	1	03	CERCLA	103A	06/28/2017	06/28/2017	1
03-2017-0139	POLYONE DESIGNED STRUCTURES AND SOLUTIONS, LLC	RCRA HW	1	03	RCRA	3002	07/18/2017	07/18/2017	1
03-2017-0142	JUBILANT CADISTA PHARMACEUTICALS, INC.	RCRA HW	1	03	RCRA	3002	06/08/2017	06/08/2017	1
03-2017-0143	KINGSTON BOROUGH	CWA NPDES	1	03	CWA	301/402	08/14/2017	08/14/2017	2
03-2017-0145	KRABEL PROPERTIES, LLC	TSCA	1	03	TSCA	409	06/14/2017	06/14/2017	1
03-2017-0148	MAGNESITA REFRACTORIES COMPANY	TSCA	1	03	TSCA	8A	08/02/2017	08/02/2017	1
03-2017-0155	DELCARDAYRE, PETER	TSCA	1	03	TSCA	409	08/07/2017	08/07/2017	1
03-2017-0156	A & D CONSTRUCTON OF VIRGINIA, LLC	TSCA	1	03	TSCA	409	06/13/2017	06/13/2017	1
03-2017-0157	CAP CITY MANAGEMENT, LLC	TSCA	1	03	TSCA	409	06/13/2017	06/13/2017	1

$20,000	$0	$0	APO
$4,900	$175,465	$0	APO
$1,500	$48,876	$0	APO
$5,000	$0	$0	APO
$20,000	$20,000	$0	APO
$4,254	$250	$0	APO
$679	$300	$0	APO
$5,000	$300	$0	APO
$69,000	$5,000	$0	APO
$190,000	$0	$0	APO
$54,000	$5,000	$0	APO
$22,620	$22,620	$0	APO
$2,000	$10,000	$0	APO
$1,848	$400	$0	APO
$18,242	$100,000	$0	APO
$33,195	$0	$0	APO
$182,786	$0	$0	APO
$3,234	$100	$0	APO
$3,570	$300	$0	APO
$69,846	$1,400	$0	APO
$900	$500	$0	APO
$28,200	$10,000	$0	APO
$22,281	$1,500	$0	APO
$29,961	$5,000	$0	APO
$35,000	$1,200	$0	APO
$12,000	$0	$0	APO
$3,151	$500	$0	APO
$18,063	$0	$0	APO
$1,267	$500	$0	APO
$5,558	$300	$0	APO
$784	$200	$0	APO

03-2017-0159	QG PRINTING II, LLC	RCRA HW	1	03	RCRA	3002	09/06/2017	09/06/2017	1
03-2017-0160	QUAD GRAPHICS, INC. (QUAD GRAPHICS, INC. - WV ANNEX)	RCRA HW	1	03	RCRA	3002	09/06/2017	09/06/2017	1
03-2017-0163	MCNAMARA MASONRY RESTORATION, INC.	TSCA	1	03	TSCA	402C	07/19/2017	07/19/2017	1
03-2017-0164	U. S. DEPT OF THE ARMY AND ALLIANT TECHSYSTEMS OPERATIONS, LLC (RADFORD ARMY AMMUNITION PLANT)	Multi-Program	1	03	CAA	502	09/15/2017	09/15/2017	1
03-2017-0168	SPRAY PRODUCTS CORP	FIFRA	1	03	FIFRA	12A2N	09/28/2017	09/28/2017	1
03-2017-0169	CUMBERLAND VALLEY COOPERATIVE ASSOCIATION	FIFRA	1	03	FIFRA	12A2N	09/20/2017	09/20/2017	1
03-2017-0170	HYDRO DYNAMICS	FIFRA	1	03	FIFRA	12A2N	09/20/2017	09/20/2017	1
03-2017-0172	CUSTOMIZED DISTRIBUTION SERVICES, INC.	FIFRA	1	03	FIFRA	12A2N	09/08/2017	09/08/2017	1
03-2017-0174	ENLINK MIDSTREAM OPERATING, LP (WV OIL GATHERING)	CWA 311	1	03	CWA	311B	09/29/2017	09/29/2017	1
03-2017-0175	GEORGE'S CHICKEN, LLC	CAA 112r	1	03	CAA	112[R][7]	09/12/2017	09/12/2017	1
03-2017-0176	WAKO CHEMICALS USA, INC	CAA 112r	1	03	CAA	112[R][7]	08/23/2017	08/23/2017	1
03-2017-0177	MJM ENTERPRISES, INC. D/B/A BALTIMORE PAINT AUTHORITY	TSCA	1	03	TSCA	402A	08/02/2017	08/02/2017	1
03-2017-0179	JUSTIN BIRD D/B/A BIRD'S EYE VIEW CONSTRUCTION (120 PORTER STREET)	TSCA	1	03	TSCA	409	09/21/2017	09/21/2017	1
03-2017-0182	B&V ENVIRONMENTAL SERVICES (HERITAGE LANES)	CAA Stationary Source	1	03	CAA	112	09/20/2017	09/20/2017	1
03-2017-0183	FEDERAL BUREAU OF INVESTIGATION (FBI ACADEMY QUANTICO)	Multi-Program	1	03	CAA	112	09/27/2017	09/27/2017	1
03-2017-0184	AAI CORPORATION	RCRA HW	1	03	RCRA	3002	09/27/2017	09/27/2017	1
03-2017-0185	ARCELORMITTAL WEIRTON, LLC	RCRA HW	1	03	RCRA	3002	09/13/2017	09/13/2017	1
03-2017-0189	DALLASTOWN AREA SCHOOL DISTRICT	TSCA	1	03	TSCA	203	09/22/2017	09/22/2017	1
03-2017-0193	AMERICAN CRAFT BREWERY, LLC	EPCRA 313	1	03	EPCRA	313	09/27/2017	09/27/2017	1
03-2017-0198	USS ACHEY, INC	CAA Stationary Source	1	03	CAA	112	09/27/2017	09/27/2017	1
03-2017-0199	CLEAN-FLO INTERNATIONAL, LLC	FIFRA	1	03	FIFRA	12A2L	09/26/2017	09/26/2017	1
03-2017-0201	NUPRO INDUSTRIES CORPORATION	EPCRA 313	1	03	EPCRA	313	09/25/2017	09/25/2017	1
03-2017-0202	EMKEY GAS PROCESSING, LLC	CAA 112r	1	03	CAA	112[R][7]	09/28/2017	09/28/2017	1
03-2017-8349	ESA FOR MUSSER BROS, INC.	CAA Mobile Source	1	03	CAA	203		04/04/2017	1
03-2017-8351	BELL TRUCKS AMERICA INC. AND BELL EQUIPMENT LIMITED	CAA Mobile Source	1	03	CAA	203		03/31/2017	1
03-2017-8354	SEPT. 2017 ESA FOR FREDERICK TRUCK & AUTO ACCESSORIES, INC. DBA TRICK TRUCKS IV	CAA Mobile Source	1	03	CAA	203		09/21/2017	1
03-2017-8355	SEPT. 2017 ESA FOR TRICK TRUCKS SEVEN, INC.	CAA Mobile Source	1	03	CAA	203		09/21/2017	1
03-2017-8356	SEPT. 2017 ESA FOR EDGEWATER FOUR WHEEL DRIVE, INC. DBA TRICK TRUCKS EDGEWATER	CAA Mobile Source	1	03	CAA	203		09/21/2017	1
03-2017-8357	SEPT. 2017 ESA FOR TRICK TRUCKS ELEVEN, INC.	CAA Mobile Source	1	03	CAA	203		09/21/2017	1
03-2017-8358	SEPT. 2017 ESA FOR W.T. SCHRIDER & SONS, INC. DBA TRICK TRUCKS 14	CAA Mobile Source	1	03	CAA	203		09/21/2017	1
03-2017-8359	SEPT. 2017 ESA FOR TRICK TRUCKS TEN, INC.	CAA Mobile Source	1	03	CAA	203		09/21/2017	1

$12,629	$5,000	$0	APO
$31,880	$10,000	$0	APO
$5,144	$400	$0	APO
$203,200	$0	$0	APO
$0	$0	$0	APO
$0	$0	$0	APO
$400	$0	$0	APO
$1,200	$0	$0	APO
$40,741	$1,663,825	$0	APO
$2,500	$1,100	$0	APO
$2,160	$6,300	$0	APO
$10,825	$400	$0	APO
$5,530	$500	$0	APO
$15,000	$2,000	$0	APO
$34,000	$10,000	$0	APO
$23,000	$2,100	$0	APO
$93,288	$10,000	$0	APO
$0	$7,183	$0	APO
$69,500	$1,250	$0	APO
$5,000	$66,072	$0	APO
$25,000	$2,000	$0	APO
$9,930	$500	$0	APO
$1,000	$26,000	$0	APO
$16,500	$85,730	$0	APO
$478,000	$1,410	$0	APO
$46,441	$2,000	$0	APO
$30,295	$2,000	$0	APO
$14,247	$2,000	$0	APO
$8,898	$2,000	$0	APO
$6,822	$2,000	$0	APO
$2,758	$2,000	$0	APO

03-2017-8366	EPA-LEAD MOBLIE SOURCE ENF. ACTION JULY 2017 SCHUCH HEAVY LIFT CORP.	CAA Mobile Source	1	03	CAA	203		07/24/2017	1
03-2017-9001	PSC METALS, INC (COE APO/CAFO)	CAA Stationary Source	1	03	CAA	608	02/07/2017	02/07/2017	2
04-2015-2042	WESTROCK MILL COMPANY, LLC	EPCRA non 313	1	04	EPCRA	304	11/22/2016	11/22/2016	1
04-2015-2904	WADE SAND & GRAVEL COMPANY, INC.	TSCA	1	04	TSCA	6-PCBS	05/23/2017	05/23/2017	1
04-2016-1000	NOLIN RURAL ELECTRIC COOPERATIVE	SDWA UIC	1	04	SDWA	1422/1423	02/02/2017	02/02/2017	1
04-2016-1005	ABARTA OIL & GAS COMPANY, INC.	SDWA UIC	1	04	SDWA	1422/1423	02/02/2017	02/02/2017	1
04-2016-1008	ROBINSON ENGINEERING & OIL COMPANY, INC.	SDWA UIC	1	04	SDWA	1422/1423	12/06/2016	12/06/2016	1
04-2016-1015	CENTRAL ENERGY GROUP LLC	SDWA UIC	1	04	SDWA	1422/1423	02/02/2017	02/02/2017	1
04-2016-1501	AIR PRODUCTS AND CHEMICALS, INC.	CAA Stationary Source	1	04	CAA	112	10/27/2016	10/27/2016	1
04-2016-2004	BONGARDS' SOUTH, LLC	Multi-Program	1	04	EPCRA	313	11/08/2016	11/08/2016	1
04-2016-2009	AMERICAN ITALIAN PASTA COMPANY	Multi-Program	1	04	EPCRA	313	11/08/2016	11/08/2016	1
04-2016-2012	ESCAMBIA OPERATING CO. LLC	EPCRA non 313	1	04	EPCRA	312	12/06/2016	12/06/2016	1
04-2016-2017	RUBBER POLYMER COMPANY, LLC	EPCRA non 313	1	04	EPCRA	312	11/22/2016	11/22/2016	1
04-2016-2018	WORTHINGTON CYLINDERS MISSISSIPPI, LLC	Multi-Program	1	04	EPCRA	313	03/28/2017	03/28/2017	1
04-2016-2022	COCA-COLA BOTTLING COMPANY UNITED, INC.	EPCRA non 313	1	04	EPCRA	304	01/10/2017	01/10/2017	1
04-2016-2024	UNITED DAIRY FARMERS, INC.	EPCRA non 313	1	04	EPCRA	312	03/02/2017	03/02/2017	1
04-2016-2025	UNITED PLATING, INC.	Multi-Program	1	04	EPCRA	313	05/25/2017	05/25/2017	2
04-2016-2026	SHELL CHEMICAL LP	EPCRA non 313	1	04	EPCRA	304	12/20/2016	12/20/2016	1
04-2016-2027	PILGRIM'S PRIDE CORPORATION	EPCRA non 313	1	04	EPCRA	304	11/22/2016	11/22/2016	1
04-2016-2028	DYSTAR L.P.	EPCRA non 313	1	04	EPCRA	304	12/08/2016	12/08/2016	1
04-2016-2029	BASF CORPORATION	EPCRA non 313	1	04	EPCRA	304	11/22/2016	11/22/2016	1
04-2016-2030	U. S. AGRI-CHEMICALS CORPORATION	EPCRA non 313	1	04	EPCRA	304	05/04/2017	05/04/2017	1
04-2016-2031	DOUBLE G COATINGS COMPANY, L. P.	CERCLA	1	04	CERCLA	103A	01/19/2017	01/19/2017	1
04-2016-2032	FIRST CHEMICAL CORPORATION	EPCRA non 313	1	04	EPCRA	304	11/22/2016	11/22/2016	1
04-2016-2033	ALLTECH, INC.	EPCRA non 313	1	04	EPCRA	304	03/07/2017	03/07/2017	1
04-2016-2034	KALIBURN, INC.	EPCRA 313	1	04	EPCRA	313	11/08/2016	11/08/2016	1
04-2016-2035	SISTER SCHUBERT'S HOMEMADE ROLLS, INC.	EPCRA 313	1	04	EPCRA	313	06/29/2017	06/29/2017	1
04-2016-2524	MEADORS CONSTRUCTION, INC.	TSCA	1	04	TSCA	402C	08/01/2017	08/01/2017	1
04-2016-2531	STRATEGIC MANAGEMENT PARTNERS D/B SIENNA HEIGHTS APARTMENTS	TSCA	1	04	TSCA	409	05/04/2017	05/04/2017	1
04-2016-2532	AUDUBON COMMUNITIES D/B/A BELLA APARTMENTS	TSCA	1	04	TSCA	409	03/16/2017	03/16/2017	1
04-2016-2533	MANUFACTURERS CHEMICALS, LLC	TSCA	1	04	TSCA	8	11/01/2016	11/01/2016	1
04-2016-2539	LIFETIME ENCLOSURES, INC.	TSCA	1	04	TSCA	402C	12/08/2016	12/08/2016	1
04-2016-2904	SBN BESSEMER	TSCA	1	04	TSCA	6-PCBS	11/04/2016	11/04/2016	1
04-2016-2905	LUPTON CITY, LLC	TSCA	1	04	TSCA	6-PCBS	11/22/2016	11/22/2016	1
04-2016-3013	UNITED PHOSPHURUS INC.	FIFRA	1	04	FIFRA	12A1E	02/21/2017	02/21/2017	1
04-2016-3014	DAVIS MANUFACTURING AND PACKAGING, INC.	FIFRA	1	04	FIFRA	12A1E	03/16/2017	03/16/2017	1
04-2016-3130	SOUTHERN STATES COOPERATIVE, INC.	FIFRA	1	04	FIFRA	12A2L	11/08/2016	11/08/2016	1
04-2016-3131	AQUA EZ, INC.	FIFRA	1	04	FIFRA	12A2L	11/08/2016	11/08/2016	1
04-2016-3134	THE WATERMAN	FIFRA	1	04	FIFRA	12A2L	01/26/2017	01/26/2017	1

$32,000	$3,000	$0	APO
$2,222	$0	$0	APO
$70,455	$100	$0	APO
$42,722	$75,000	$0	APO
$6,500	$43,587	$0	APO
$6,668	$400	$0	APO
$12,960	$5,000	$0	APO
$4,800	$200	$0	APO
$67,000	$2,200	$0	APO
$58,525	$100	$0	APO
$28,230	$100	$0	APO
$26,325	$100	$0	APO
$4,450	$100	$0	APO
$159,336	$100	$0	APO
$51,805	$100	$0	APO
$17,062	$500	$0	APO
$61,865	$100	$0	APO
$4,323	$100	$0	APO
$40,300	$100	$0	APO
$61,875	$100	$0	APO
$23,010	$100	$0	APO
$11,505	$100	$0	APO
$11,505	$100	$0	APO
$23,010	$100	$0	APO
$17,290	$100	$0	APO
$10,920	$100	$0	APO
$4,870	$100	$0	APO
$1,142	$100	$0	APO
$198	$2	$0	APO
$500	$100	$0	APO
$314,900	$22,000	$0	APO
$2,408	$100	$0	APO
$118,100	$62,500	$0	APO
$1,000	$50,000	$0	APO
$74,400	$10,000	$0	APO
$10,000	$145	$0	APO
$800	$100	$0	APO
$400	$100	$0	APO
$1,200	$0	$0	APO

04-2016-3136	WATER SERVICES, INC.	FIFRA	1	04	FIFRA	12A2L	03/13/2017	03/13/2017	1
04-2016-3138	MEMPHIS POOL SUPPLY, INC.	FIFRA	1	04	FIFRA	12A2L	01/19/2017	01/19/2017	1
04-2016-4012	THE BOARD OF REGENTS / THE UNIVERSITY SYSTEM OF GEORGIA (UNIVERSITY OF GEORGIA, ATHENS, GA CAMPUS)	RCRA HW	1	04	RCRA	3002	11/10/2016	11/10/2016	1
04-2016-4018	ANTENNAS FOR COMMUNICATIONS, OCALA, FL, INC.	RCRA HW	1	04	RCRA	3005	09/13/2017	09/13/2017	1
04-2016-4021	HOLCIM (US) INC., GEOCYCLE (US) LLC	RCRA HW	1	04	RCRA	3002	12/08/2016	12/08/2016	1
04-2016-4504	MAR-JAC POULTRY, INC.	CWA NPDES	1	04	CWA	301/402	10/27/2016	10/27/2016	1
04-2016-4517	BAE SYSTEMS ORDNANCE SYSTEMS, INC.	CWA NPDES	1	04	CWA	301/402	12/08/2016	12/08/2016	1
04-2016-4519	TRUENORTH TRANSPORT, LLC (VGP TRACKING #VPBB4280 FOR VESSEL NORFORK)	CWA NPDES	1	04	CWA	301/402	05/23/2017	05/23/2017	1
04-2016-4522	D&B CUSTOM POWDER COATINGS & HYDROGRAPHICS, INC.	CWA NPDES	1	04	CWA	301/307	11/08/2016	11/08/2016	1
04-2016-4524	WAVERLY, TN, CITY OF	CWA NPDES	1	04	CWA	301/402	10/18/2016	10/18/2016	1
04-2016-4525	TRIEST AG GROUP, INC.	CWA NPDES	1	04	CWA	301/402	12/01/2016	12/01/2016	1
04-2016-5006	CSX TRANSPORTATION, INC.	CWA 311	1	04	CWA	311B	05/16/2017	05/16/2017	1
04-2016-5008	VENTURA FOODS, LLC	CWA 311	1	04	CWA	311B	08/08/2017	08/08/2017	1
04-2016-5126	TRI STAR TRANSPORT, LLC	CWA 311	1	04	CWA	311B	01/27/2017	01/27/2017	1
04-2016-7004	KEY OIL COMPANY - LEITCHFIELD BULK PLANT2	CWA 311	1	04	CWA	311J	05/04/2017	05/04/2017	1
04-2016-7005	CENTER POINT TERMINAL CHICKASAW, LLC	CWA 311	1	04	CWA	311J	05/02/2017	05/02/2017	1
04-2016-8001	CARPENTER CO.	CAA 112r	1	04	CAA	112[R][7]	12/20/2016	12/20/2016	1
04-2016-8003	WAL-MART STORES, INC.	CAA 112r	1	04	CAA	112[R][7]	12/08/2016	12/09/2016	1
04-2016-8004	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	CAA 112r	1	04	CAA	112[R][7]	12/20/2016	12/20/2016	1
04-2016-8009	US AMINES (BUCKS) LLC	CAA 112r	1	04	CAA	112[R][7]	11/15/2016	11/22/2016	1
04-2016-8011	ESCAMBIA OPERATING CO. LLC	CAA 112r	1	04	CAA	112[R][7]	12/06/2016	12/06/2016	1
04-2016-8014	UNITED DAIRY FARMERS, INC.	CAA 112r	1	04	CAA	112[R][7]	03/02/2017	03/02/2017	1
04-2016-8015	PLAINS GAS SOLUTIONS, LLC	CAA 112r	1	04	CAA	112[R][7]	12/06/2016	12/06/2016	1
04-2016-8017	GLASGOW WATER COMPANY	CAA 112r	1	04	CAA	112[R][7]	06/08/2017	06/08/2017	2
04-2016-8018	ZECO, INC.	CAA 112r	1	04	CAA	112[R][7]	12/13/2016	12/13/2016	1
04-2016-8019	CORBIN UTILITIES COMMISSION	CAA 112r	1	04	CAA	112[R][7]	01/03/2017	01/03/2017	1
04-2016-8020	SAPUTO DAIRY FOODS USA, LLC	CAA 112r	1	04	CAA	112[R][7]	01/10/2017	01/10/2017	1
04-2016-8021	HELM FERTILIZER TERMINAL, INC.	CAA 112r	1	04	CAA	112[R][7]	01/10/2017	01/10/2017	1
04-2017-1500	UNITED STATES ARMY, SIGNAL CENTER AND FORT GORDON MILITARY BASE	CAA Stationary Source	1	04	CAA	PART63	07/25/2017	07/25/2017	1
04-2017-1576	PSC METALS, INC. (COE APO/CAFO)	CAA Stationary Source	1	04	CAA	608	02/07/2017	02/07/2017	9
04-2017-1577	RUBBERMAID INC & IGNITE USA LLC / NEWELL RUBBERMAID APO/CAFO	CAA Stationary Source	1	04	CAA	608	09/22/2017	09/22/2017	1
04-2017-1750	EIKON PARTNERS, LLC.	CAA Stationary Source	1	04	CAA	112B	05/16/2017	05/16/2017	1
04-2017-1751	DUSTIN HEWETT AND CLINT DIXON	CAA Stationary Source	1	04	CAA	112B	08/01/2017	08/01/2017	1
04-2017-1752	CARROLL COUNTY, GEORGIA	CAA Stationary Source	1	04	CAA	112B	09/19/2017	09/19/2017	1

$1,650	$100	$0	APO
$8,250	$100	$0	APO
$99,900	$1,024,951	$0	APO
$32,500	$5,000	$0	APO
$75,000	$0	$0	APO
$44,230	$0	$0	APO
$168,750	$0	$0	APO
$8,000	$0	$0	APO
$8,000	$0	$0	APO
$47,200	$0	$0	APO
$25,000	$0	$0	APO
$5,000	$2,631,936	$0	APO
$3,500	$0	$0	APO
$62,200	$25,234	$0	APO
$3,725	$3,000	$0	APO
$300	$500	$0	APO
$1,800	$100	$0	APO
$1,500	$250	$0	APO
$16,800	$2,000	$0	APO
$11,200	$1,500	$0	APO
$88,900	$30,000	$0	APO
$49,000	$20,000	$0	APO
$53,200	$25,000	$0	APO
$80,500	$15,000	$0	APO
$59,850	$500	$0	APO
$20,620	$3,000	$0	APO
$4,500	$3,000	$0	APO
$72,800	$50,000	$0	APO
$241,420	$1,957,432	$0	APO
$10,000	$0	$0	APO
$106,157	$150,000	$0	APO
$6,930	$100	$0	APO
$17,800	$1,100	$0	APO
$600	$100	$0	APO

04-2017-1753	NORSOUTH CONSTRUCTION CO. OF GEORGIA, INC. AND ACWORTH RECYCLING, LLC	CAA Stationary Source	1	04	CAA	112B	09/28/2017	09/28/2017	1
04-2017-1755	RED ROCK GLOBAL, LLC	CAA Stationary Source	1	04	CAA	112B	09/21/2017	09/21/2017	1
04-2017-2000	OCCIDENTAL CHEMICAL CORPORATION	EPCRA non 313	1	04	EPCRA	304	12/20/2016	12/20/2016	1
04-2017-2001	K. C. INDUSTRIES TRUCKING, L.L.C.	CERCLA	1	04	CERCLA	103A	03/09/2017	03/09/2017	1
04-2017-2002	ARIZONA CHEMICAL COMPANY LLC	EPCRA 313	1	04	EPCRA	313	12/13/2016	12/13/2016	1
04-2017-2003	POLYONE CORPORATION	Multi-Program	1	04	EPCRA	313	03/09/2017	03/09/2017	1
04-2017-2004	DEVRO, INC.	CERCLA	1	04	CERCLA	103A	03/28/2017	03/28/2017	1
04-2017-2005	KERRY INC.	EPCRA 313	1	04	EPCRA	313	03/28/2017	03/28/2017	1
04-2017-2006	VOLUSIA COUNTY, FLORIDA	CERCLA	1	04	CERCLA	103A	07/25/2017	07/25/2017	1
04-2017-2007	THE CHEMOURS COMPANY FC, LLC	EPCRA non 313	1	04	EPCRA	304	06/08/2017	06/08/2017	1
04-2017-2008	INDUSTRIAL PLATING COMPANY, INC.	CERCLA	1	04	CERCLA	103A	03/07/2017	03/07/2017	1
04-2017-2009	TECHNICAL COATINGS CORPORATION	EPCRA non 313	1	04	EPCRA	312	05/04/2017	05/04/2017	1
04-2017-2010	FL, CITY OF PLANT CITY	EPCRA non 313	1	04	EPCRA	304	09/19/2017	09/19/2017	1
04-2017-2011	STEELFAB, INC.	Multi-Program	1	04	EPCRA	313	08/01/2017	08/01/2017	1
04-2017-2012	PLYCEM USA LLC	EPCRA 313	1	04	EPCRA	313	05/23/2017	05/23/2017	1
04-2017-2016	BRENNTAG MID-SOUTH, INC.	EPCRA 313	1	04	EPCRA	313	09/22/2017	09/22/2017	1
04-2017-2500	ISLAND BUILDERS OF HILTON HEAD, INC.	TSCA	1	04	TSCA	402C	03/28/2017	03/28/2017	1
04-2017-2503	WINDOW WORLD OF MYRTLE BEACH, INC.	TSCA	1	04	TSCA	402C	02/16/2017	02/16/2017	1
04-2017-2504	EMERALD COAST CONSTRUCTORS, INC.	TSCA	1	04	TSCA	402C	01/26/2017	01/26/2017	1
04-2017-2506	H & W WINDOWS	TSCA	1	04	TSCA	406B	05/04/2017	05/04/2017	1
04-2017-2507	WINDOWS PLUS OF PENSACOLA	TSCA	1	04	TSCA	402C	02/21/2017	02/21/2017	1
04-2017-2508	HIGHLAND CONSTRUCTION & DEVELOPMENT, INC.	TSCA	1	04	TSCA	402A	12/08/2016	12/08/2016	1
04-2017-2509	SULPHURIC ACID TRADING COMPANY, INC.	TSCA	1	04	TSCA	8A	06/20/2017	06/20/2017	1
04-2017-2510	IMERYS CARBONATES USA, INC.	TSCA	1	04	TSCA	8	05/25/2017	05/25/2017	1
04-2017-2511	VEITH CONSTRUCTION, INC.	TSCA	1	04	TSCA	402C	02/21/2017	02/21/2017	1
04-2017-2512	PEACH STATE LABS, INC.	TSCA	1	04	TSCA	12	05/04/2017	05/04/2017	1
04-2017-2513	CLARIANT CORPORATION	TSCA	1	04	TSCA	8	05/04/2017	05/04/2017	1
04-2017-2514	PHOENIX CHEMICAL COMPANY, INC.	TSCA	1	04	TSCA	8	05/04/2017	05/04/2017	1
04-2017-2515	STRIVE PROPERTIES, LLC	TSCA	1	04	TSCA	402A	06/08/2017	06/08/2017	1
04-2017-2516	STERLING WINDOW SYSTEMS, INC.	TSCA	1	04	TSCA	402C	06/27/2017	06/27/2017	1
04-2017-2520	HAZELWOOD CONSTRUCTION COMPANY, INC.	TSCA	1	04	TSCA	402C	08/15/2017	08/15/2017	1
04-2017-2523	CHUCK BENNETT CONTRACTING, INC.	TSCA	1	04	TSCA	402C	09/07/2017	09/07/2017	1
04-2017-2525	BENNETT HOFFORD CONSTRUCTION COMPANY	TSCA	1	04	TSCA	402C	08/01/2017	08/01/2017	1
04-2017-2526	PAUL DAVIS SYSTEMS, INC. (PAUL DAVIS RESTORATION OF ORLANDO)	TSCA	1	04	TSCA	402C	08/08/2017	08/08/2017	1
04-2017-2527	BATH & KITCHEN GALLERY, INC.	TSCA	1	04	TSCA	402C	08/24/2017	08/24/2017	1
04-2017-2528	NEW SOUTH WINDOW SOLUTIONS	TSCA	1	04	TSCA	402C	09/29/2017	09/29/2017	1
04-2017-2529	DERBY DOOR AND WINDOW	TSCA	1	04	TSCA	402C	08/01/2017	08/01/2017	1
04-2017-2533	M. DOHMEN USA, INC.	TSCA	1	04	TSCA	8B	07/25/2017	07/25/2017	1
04-2017-2534	ARCADIA RESTORATION	TSCA	1	04	TSCA	402C	09/22/2017	09/22/2017	1

$3,000	$100	$0	APO
$4,000	$100	$0	APO
$8,629	$100	$0	APO
$2,213	$100	$0	APO
$4,480	$100	$0	APO
$48,905	$100	$0	APO
$11,505	$100	$0	APO
$200,718	$100	$0	APO
$17,290	$1,000	$0	APO
$23,010	$100	$0	APO
$13,300	$100	$0	APO
$10,350	$100	$0	APO
$51,805	$100	$0	APO
$487,380	$100	$0	APO
$20,100	$100	$0	APO
$15,591	$100	$0	APO
$760	$300	$0	APO
$390	$300	$0	APO
$1,974	$100	$0	APO
$5,558	$100	$0	APO
$5,550	$100	$0	APO
$1,197	$100	$0	APO
$20,485	$2,000	$0	APO
$20,485	$2,000	$0	APO
$970	$100	$0	APO
$7,225	$2,000	$0	APO
$346,715	$20,000	$0	APO
$170,520	$18,000	$0	APO
$808	$300	$0	APO
$2,268	$300	$0	APO
$408	$100	$0	APO
$1,017	$300	$0	APO
$1,142	$100	$0	APO
$2,594	$150	$0	APO
$2,102	$50	$0	APO
$652	$100	$0	APO
$383	$25	$0	APO
$28,039	$1,000	$0	APO
$540	$0	$0	APO

04-2017-2536	BEN TYLER BUILDING & REMODELING, INC.	TSCA	1	04	TSCA	402C	08/15/2017	08/15/2017	1
04-2017-2537	THE ENVIRONMENTAL INSTITUTE	TSCA	1	04	TSCA	402A	08/24/2017	08/24/2017	1
04-2017-2538	PAUL DAVIS RESTORATION OF NORTH FLORIDA	TSCA	1	04	TSCA	402C	09/28/2017	09/28/2017	1
04-2017-2543	METRO BUILDERS, INC.	TSCA	1	04	TSCA	402C	09/22/2017	09/22/2017	1
04-2017-2545	REALM 102, LLC DBA REALM APARTMENTS	TSCA	1	04	TSCA	409	09/19/2017	09/19/2017	1
04-2017-2900	KAISER AIRCRAFT INDUSTRIES, INC.	TSCA	1	04	TSCA	6-PCBS	08/01/2017	08/01/2017	1
04-2017-2901	CLARKSVILLE DEPARTMENT OF ELECTRICITY LIGHTBAND	TSCA	1	04	TSCA	6-PCBS	09/28/2017	09/28/2017	1
04-2017-3000	ARCHER ACE HARDWARE	FIFRA	1	04	FIFRA	12A2L	05/25/2017	05/25/2017	1
04-2017-3001	WILLISTON ACE HARDWARE	FIFRA	1	04	FIFRA	12A2L	06/14/2017	06/14/2017	1
04-2017-3002	NEWBERRY ACE HARDWARE & LUMBER	FIFRA	1	04	FIFRA	12A2L	06/14/2017	06/14/2017	1
04-2017-3003	CAROLINA PRECISION FIBERS, INC.	FIFRA	1	04	FIFRA	12A2L	01/19/2017	01/19/2017	1
04-2017-3004	KEVIN NEWELL DBA TICKS-N-ALL LLC	FIFRA	1	04	FIFRA	12A1A	02/16/2017	02/16/2017	1
04-2017-3005	DREXEL CHEMICAL COMPANY (NATIONAL CASE)	FIFRA	1	04	FIFRA	12A1A	03/07/2017	03/07/2017	1
04-2017-3006	WILLOWOOD USA, LLC	FIFRA	1	04	FIFRA	12A1E	06/27/2017	06/27/2017	1
04-2017-3007	DG HARDWARE, INC.	FIFRA	1	04	FIFRA	12A2L	09/13/2017	09/13/2017	2
04-2017-3008	MCRIGHT SERVICES, LLC DBA DELTAG FORMULATIONS	FIFRA	1	04	FIFRA	12A1A	06/27/2017	06/27/2017	1
04-2017-3009	GRANT EXTERMINATING COMPANY, INC.	FIFRA	1	04	FIFRA	12A1A	08/01/2017	08/01/2017	1
04-2017-3125	DJR ASSOCIATES, L.L.C DBA CHEMSTATION OF ALABAMA, GULF COAST, ATLANTA	FIFRA	1	04	FIFRA	12A2L	02/21/2017	02/21/2017	3
04-2017-3126	RICECO INTERNATIONAL, LLC	FIFRA	1	04	FIFRA	12A1E	03/09/2017	03/09/2017	1
04-2017-4000	LUXAPALILA VALLEY RAILROAD, INC.	RCRA HW	1	04	RCRA	3005	12/06/2016	12/06/2016	1
04-2017-4001	STEEL DUST RECYCLING, LLC	RCRA HW	1	04	RCRA	3005	12/08/2016	12/08/2016	1
04-2017-4002	SNF HOLDING COMPANY	RCRA HW	1	04	RCRA	3005	02/16/2017	02/16/2017	1
04-2017-4003	HOSPITAL AUTHORITY OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY	RCRA HW	1	04	RCRA	3005	09/29/2017	09/29/2017	1
04-2017-4004	VALMONT COMPOSITE STRUCTURES	RCRA HW	1	04	RCRA	3002	09/13/2017	09/13/2017	1
04-2017-4005	TRIAD INTERNATIONAL MAINTENANCE CORPORATION DBA HAECO AMERICAS AIRFRAME SERVICES	RCRA HW	1	04	RCRA	3002	04/06/2017	04/06/2017	1
04-2017-4006	FLORIDA INSTITUTE OF TECHNOLOGY	RCRA HW	1	04	RCRA	3002	06/29/2017	06/29/2017	1
04-2017-4007	NICOPURE LABS LLC	RCRA HW	1	04	RCRA	3005	08/01/2017	08/01/2017	1
04-2017-4008	HK RESEARCH CORPORATION	RCRA HW	1	04	RCRA	3005	08/31/2017	08/31/2017	1
04-2017-4009	EXCEL TSD OF TENNESSEE LLC	RCRA HW	1	04	RCRA	3005	09/29/2017	09/29/2017	1
04-2017-4010	TRIUMVIRATE ENVIRONMENTAL (FLORIDA), INC.	RCRA HW	1	04	RCRA	3008A	08/01/2017	08/01/2017	1
04-2017-4011	SOUTHERN STATES LLC	RCRA HW	1	04	RCRA	3005	09/19/2017	09/19/2017	1
04-2017-4012	ENERSYS DELAWARE, INC.	RCRA HW	1	04	RCRA	3005	09/19/2017	09/19/2017	1
04-2017-4016	ASCEND PERFORMANCE MATERIALS, LLC	RCRA HW	1	04	RCRA	3005	09/29/2017	09/29/2017	1
04-2017-4500	MOUNT OLIVE PICKLE COMPANY, INC.	CWA NPDES	1	04	CWA	301/402	03/30/2017	03/30/2017	1

$439	$300	$0	APO
$3,424	$0	$0	APO
$1,988	$2	$0	APO
$492	$100	$0	APO
$3,852	$2	$0	APO
$6,000	$18,045	$0	APO
$16,650	$160,000	$0	APO
$1,785	$2,500	$0	APO
$1,785	$2,500	$0	APO
$1,785	$2,500	$0	APO
$2,520	$100	$0	APO
$100	$100	$0	APO
$70,600	$0	$0	APO
$4,248	$5,000	$0	APO
$10,100	$100	$0	APO
$101,600	$43,011	$0	APO
$8,460	$0	$0	APO
$4,000	$100	$0	APO
$16,925	$5,000	$0	APO
$106,100	$18,250	$0	APO
$80,000	$66,400	$0	APO
$5,700	$200	$0	APO
$1,000	$19,312	$0	APO
$14,000	$500	$0	APO
$67,000	$198,354	$0	APO
$64,100	$31,130	$0	APO
$62,600	$5,000	$0	APO
$47,000	$3,200	$0	APO
$40,000	$30,000	$0	APO
$5,100	$100	$0	APO
$29,000	$5,000	$0	APO
$4,500	$4,500	$0	APO
$25,000	$2,500	$0	APO
$131,856	$0	$0	APO

04-2017-4501	LENNAR HOMES, LLC/CENTRAL FLORIDA DIV./CONCORD STATION	CWA NPDES	1	04	CWA	301/402	06/15/2017	06/15/2017	1
04-2017-4502	LENNAR HOMES, LLC/CENTRAL FLORIDA DIVISION/SUMMERFIELD CROSSING	CWA NPDES	1	04	CWA	301/402	06/15/2017	06/15/2017	1
04-2017-4503	LENNAR HOMES, LLC/CENTRAL FLORIDA DIV./HERITAGE SPRINGS AT TRINITY, NEW PORT RICHEY, FL	CWA NPDES	1	04	CWA	301/402	06/15/2017	06/15/2017	1
04-2017-4504	LENNAR HOMES, LLC/SOUTHWEST FLORIDA DIV.//RIVERSTRAND	CWA NPDES	1	04	CWA	301/402	06/15/2017	06/15/2017	1
04-2017-4505	LENNAR HOMES, LLC/SOUTHWEST FLORIDA DIVISION/BRIDGEWATER LAKEWOOD RANCH, FL	CWA NPDES	1	04	CWA	301/402	06/20/2017	06/20/2017	1
04-2017-4506	HALLMAN FOUNDRY LLC AND A. STUCKY COMPANY	CWA NPDES	1	04	CWA	301/402	09/05/2017	09/05/2017	1
04-2017-4507	RANDOLPH PACKING COMPANY	CWA NPDES	1	04	CWA	301/402	08/08/2017	08/08/2017	1
04-2017-4508	DUNBAR FOODS CORPORATION	CWA NPDES	1	04	CWA	301/402	09/19/2017	09/19/2017	1
04-2017-5001	VENTURE OIL & GAS, INC.	CWA 311	1	04	CWA	311B	05/04/2017	05/04/2017	1
04-2017-5126	SHRINERS HOSPITALS FOR CHILDREN	CWA 311	1	04	CWA	311B	09/21/2017	09/21/2017	1
04-2017-5501	D.R HORTON, INC. (TOHO PRESERVE)	CWA 404	1	04	CWA	404	08/17/2017	08/17/2017	1
04-2017-5505	LONG COUNTY, GEORGIA, BOARD OF EDUCATION	CWA 404	1	04	CWA	404	09/22/2017	09/22/2017	1
04-2017-5506	CITY OF LAKE WALES, POLK COUNTY, FLORIDA	CWA 404	1	04	CWA	404	09/13/2017	09/13/2017	1
04-2017-7000	AUSTIN POWDER MIDSOUTH, LLC	CWA 311	1	04	CWA	311J	05/04/2017	05/04/2017	1
04-2017-7001	PETCO PETROLEUM	CWA 311	1	04	CWA	311J	05/04/2017	05/04/2017	1
04-2017-7002	DEMOPOLIS YACHT BASIN	CWA 311	1	04	CWA	311J	05/16/2017	05/16/2017	1
04-2017-7003	PETROCI USA, INC.	CWA 311	1	04	CWA	311J	05/04/2017	05/04/2017	1
04-2017-8000	JARDEN ZINC PRODUCTS, LLC	CAA 112r	1	04	CAA	112[R][7]	05/04/2017	05/04/2017	1
04-2017-8002	DOMTAR PAPER COMPANY, LLC	CAA 112r	1	04	CAA	112[R][7]	12/20/2016	12/20/2016	1
04-2017-8003	ECHO LAKE FOODS, INC.	CAA 112r	1	04	CAA	112[R][7]	03/07/2017	03/07/2017	1
04-2017-8005	THE WATER WORKS AND SEWER BOARD OF THE CITY OF GADSDEN	CAA 112r	1	04	CAA	112[R][7]	03/09/2017	03/09/2017	1
04-2017-8006	MOSAIC CROP NUTRITION, LLC	CAA 112r	1	04	CAA	112[R][7]	03/14/2017	03/14/2017	1
04-2017-8007	PMC ORGANOMETALLIX, INC.	CAA 112r	1	04	CAA	112[R][7]	03/09/2017	03/09/2017	1
04-2017-8008	THE CITY OF FRANKLIN	CAA 112r	1	04	CAA	112[R][7]	06/29/2017	06/29/2017	1
04-2017-8009	ARKEMA, INC.	CAA 112r	1	04	CAA	112[R][7]	01/26/2017	01/26/2017	1
04-2017-8010	THE EGGO COMPANY	CAA 112r	1	04	CAA	112[R][7]	04/06/2017	04/06/2017	1
04-2017-8012	MIZKAN AMERICA, INC.	CAA 112r	1	04	CAA	112[R][7]	03/16/2017	03/16/2017	1
04-2017-8014	BLUES CITY BREWERY, LLC	CAA 112r	1	04	CAA	112[R][7]	04/11/2017	04/11/2017	1
04-2017-8016	PILGRIM'S PRIDE CORPORATION	CAA 112r	1	04	CAA	112[R][7]	06/08/2017	06/08/2017	1
04-2017-8017	PIGGLY WIGGLY ALABAMA DISTRIBUTING CO., INC.	CAA 112r	1	04	CAA	112[R][7]	09/19/2017	09/19/2017	1
04-2017-9800	WILLIAMS PITTS OIL COMPANY	RCRA UST	1	04	RCRA	9006D	10/05/2016	10/05/2016	1
04-2017-9801	JACKS FOOD MART	RCRA UST	1	04	RCRA	9006D	10/05/2016	10/05/2016	1
04-2017-9802	FLASH FOODS #259	RCRA UST	1	04	RCRA	9006D	12/19/2016	12/19/2016	1
04-2017-9803	EMPIRE GENERAL STORE	RCRA UST	1	04	RCRA	9006D	12/05/2016	12/05/2016	1
04-2017-9804	CLYDES MARKET #31	RCRA UST	1	04	RCRA	9006D	02/27/2017	02/27/2017	1
04-2017-9805	WOODLAND OIL BULK PLANT	RCRA UST	1	04	RCRA	9006D	02/27/2017	02/27/2017	1

$17,000	$1,700	$0	APO
$17,000	$19,400	$0	APO
$13,000	$2,900	$0	APO
$17,000	$0	$0	APO
$55,000	$0	$0	APO
$72,153	$0	$0	APO
$48,000	$0	$0	APO
$27,000	$0	$0	APO
$4,000	$70,453	$0	APO
$23,100	$0	$0	APO
$95,000	$0	$0	APO
$14,500	$0	$0	APO
$8,500	$0	$0	APO
$1,500	$2,000	$0	APO
$1,400	$4,000	$0	APO
$1,575	$700	$0	APO
$3,875	$10,000	$0	APO
$20,390	$2,000	$0	APO
$2,300	$100	$0	APO
$40,250	$38,600	$0	APO
$19,600	$2,000	$0	APO
$92,400	$8,000	$0	APO
$48,942	$1,000	$0	APO
$66,500	$0	$0	APO
$20,153	$1,000	$0	APO
$133,000	$4,750	$0	APO
$43,184	$1,450	$0	APO
$81,200	$500,000	$0	APO
$4,200	$3,000	$0	APO
$23,031	$13,050	$0	APO
$210	$3,143	$0	APO
$840	$480	$0	APO
$250	$0	$0	APO
$70	$7,285	$0	APO
$500	$3,192	$0	APO
$250	$0	$0	APO

04-2017-9806	MILAN SERVICE STATION	RCRA UST	1	04	RCRA	9006D	04/03/2017	04/03/2017	1
04-2017-9807	THUNDERBIRD OIL CO.	RCRA UST	1	04	RCRA	9006D	04/03/2017	04/03/2017	1
04-2017-9808	PETRO FOOD MART #169	RCRA UST	1	04	RCRA	9006D	03/31/2017	03/31/2017	1
04-2017-9809	ANDREWS BP (QUICK PANTRY 103)	RCRA UST	1	04	RCRA	9006D	04/28/2017	04/28/2017	1
04-2017-9810	CEDAR CROSSING GROCERY	RCRA UST	1	04	RCRA	9006D	05/09/2017	05/09/2017	1
04-2017-9811	SANTA CLAUS MINIT MART	RCRA UST	1	04	RCRA	9006D	05/09/2017	05/09/2017	1
04-2017-9812	ARABI TOBACCO MART	RCRA UST	1	04	RCRA	9006D	05/19/2017	05/19/2017	1
04-2017-9813	S&S FOOD MART 149	RCRA UST	1	04	RCRA	9006D	05/17/2017	05/17/2017	1
04-2017-9814	COOK PETROLEUM INC.	RCRA UST	1	04	RCRA	9006D	05/16/2017	05/16/2017	1
04-2017-9815	BOONE'S GROCERY	RCRA UST	1	04	RCRA	9006D	06/06/2017	06/06/2017	1
04-2017-9816	BOONE'S GROCERY	RCRA UST	1	04	RCRA	9006D	06/06/2017	06/06/2017	1
04-2017-9817	CAROLINA MINI MARKET	RCRA UST	1	04	RCRA	9006D	06/06/2017	06/06/2017	1
04-2017-9818	BP/FOOD MART/EL-CHEAPO FUEL STOP	RCRA UST	1	04	RCRA	9006D	06/06/2017	06/06/2017	1
04-2017-9819	CRUIZERS 240	RCRA UST	1	04	RCRA	9006D	06/08/2017	06/08/2017	1
04-2017-9820	MAC'S FOOD	RCRA UST	1	04	RCRA	9006D	06/15/2017	06/15/2017	1
04-2017-9821	POPS GENERAL STORE	RCRA UST	1	04	RCRA	9006D	06/20/2017	06/20/2017	1
04-2017-9822	CRUIZERS 220	RCRA UST	1	04	RCRA	9006D	06/28/2017	06/28/2017	1
04-2017-9823	PARKERS #46	RCRA UST	1	04	RCRA	9006D	06/19/2017	06/19/2017	1
04-2017-9824	TAMMYS	RCRA UST	1	04	RCRA	9006D	07/10/2017	07/10/2017	1
04-2017-9825	LARK BUILDERS, INC.	RCRA UST	1	04	RCRA	9006D	07/28/2017	07/28/2017	1
04-2017-9826	DENNIS SPORT SHOP	RCRA UST	1	04	RCRA	9006D	09/21/2017	09/21/2017	1
05-2016-0068	CAMTEK INC	EPCRA 313	1	05	EPCRA	313	08/30/2016	02/21/2017	1
05-2016-1919	FOREST LAKE CONTRACTING	CWA 404	1	05	CWA	404	11/02/2016	01/09/2017	1
05-2016-4701	CARGILL SALT SAINT CLAIR	SDWA UIC	1	05	SDWA	1422/1423	11/10/2016	11/10/2016	1
05-2017-0003	HOMEGUARD DISTRIBUTORS, INC. CAFO (IMPORT)	FIFRA	1	05	FIFRA	12A1E	10/21/2016	10/21/2016	1
05-2017-0004	LOVELAND PRODUCTS, INC. CAFO (IMPORT)	FIFRA	1	05	FIFRA	12A1E	10/27/2016	10/28/2016	1
05-2017-0005	LENTZ FERTILIZER INC. CAFO (IMPORT)	FIFRA	1	05	FIFRA	12A2L	10/27/2016	10/27/2016	1
05-2017-0012	OHIGRO, INC. (CAFO)	FIFRA	1	05	FIFRA	12A2L	12/23/2016	12/23/2016	1
05-2017-0013	3M COMPANY	FIFRA	1	05	FIFRA	12A1A	04/10/2017	04/10/2017	1
05-2017-0014	WASECA QUALITY SIDING AND WINDOWS, INC.	TSCA	1	05	TSCA	402C	01/04/2017	01/04/2017	1
05-2017-0015	MERIAL, INC. (CAFO)	FIFRA	1	05	FIFRA	12A1E	02/03/2017	02/03/2017	1
05-2017-0016	BASF CORPORATION (CAFO)	FIFRA	1	05	FIFRA	12A2S	02/07/2017	02/07/2017	1
05-2017-0017	GALAXY CIRCUITS INC	EPCRA 313	1	05	EPCRA	313	02/07/2017	02/07/2017	1
05-2017-0019	CENTRAL EXTERMINATING	FIFRA	1	05	FIFRA	12A2G	02/03/2017	02/03/2017	1
05-2017-0020	MAKTESHIM AGAN OF NORTH AMERICA DBA ADAMA	FIFRA	1	05	FIFRA	12A2S	02/07/2017	02/07/2017	1
05-2017-0021	THE BELLEPOINT COMPANY LLC	TSCA	1	05	TSCA	402C	02/03/2017	02/03/2017	1
05-2017-0022	ALL CHEMICAL LLC	FIFRA	1	05	FIFRA	12A1E	03/01/2017	03/01/2017	1
05-2017-0024	CUL-MAC INDUSTRIES	FIFRA	1	05	FIFRA	12A1B	03/24/2017	03/24/2017	1
05-2017-0025	EXACT PACKAGING, INC. (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	04/06/2017	04/06/2017	1
05-2017-0026	EARTH LABORATORIES	FIFRA	1	05	FIFRA	12A1E	12/23/2016	12/23/2016	1
05-2017-0027	LAOTTO FARM SUPPLES ESA/FO	FIFRA	1	05	FIFRA	12A2L	04/14/2017	04/14/2017	1
05-2017-0028	BOND CHEMICALS, INC. ESA/FO	FIFRA	1	05	FIFRA	12A2L	04/12/2017	04/12/2017	1
05-2017-0029	HAWKINS	FIFRA	1	05	FIFRA	12A1E	04/12/2017	04/12/2017	1

$840	$264	$0	APO
$1,050	$247	$0	APO
$250	$0	$0	APO
$490	$800	$0	APO
$990	$14,845	$0	APO
$500	$3,791	$0	APO
$210	$6,736	$0	APO
$420	$480	$0	APO
$250	$3,638	$0	APO
$490	$0	$0	APO
$80	$0	$0	APO
$780	$9,000	$0	APO
$570	$5,723	$0	APO
$580	$350	$0	APO
$490	$192	$0	APO
$500	$2,796	$0	APO
$290	$3,115	$0	APO
$490	$2,567	$0	APO
$490	$9,000	$0	APO
$490	$0	$0	APO
$490	$4,047	$0	APO
$7,090	$0	$0	APO
$2,500	$0	$0	APO
$70,000	$0	$0	APO
$8,251	$0	$0	APO
$8,251	$0	$0	APO
$3,402	$0	$0	APO
$15,000	$0	$0	APO
$8,251	$0	$0	APO
$4,000	$0	$0	APO
$8,251	$0	$0	APO
$8,251	$0	$0	APO
$16,090	$0	$0	APO
$2,835	$0	$0	APO
$8,251	$0	$0	APO
$12,500	$300	$0	APO
$500	$0	$0	APO
$40,582	$0	$0	APO
$800	$0	$0	APO
$5,792	$0	$0	APO
$400	$0	$0	APO
$400	$0	$0	APO
$53,100	$0	$0	APO

05-2017-0030	BOLDUC AND SONS, INC ESA	FIFRA	1	05	FIFRA	12A2L	04/21/2017	04/21/2017	1
05-2017-0031	COUNTYLINE COOPERATIVE, INC. ESA	FIFRA	1	05	FIFRA	12A2L	04/21/2017	04/21/2017	1
05-2017-0032	FAS-PAK, INCORPORATED ESA	FIFRA	1	05	FIFRA	12A2L	04/19/2017	04/19/2017	1
05-2017-0033	FORM-A-FEED, INCORPORATED ESA	FIFRA	1	05	FIFRA	12A2L	04/19/2017	04/19/2017	1
05-2017-0034	MT. VERNON ELEVATOR CO. ESA	FIFRA	1	05	FIFRA	12A2L	04/19/2017	04/19/2017	1
05-2017-0035	MIRON MASONRY CAFO	TSCA	1	05	TSCA	402A	05/22/2017	05/22/2017	1
05-2017-0036	DATA SERVICE SOLUTIONS, INC. ESA	FIFRA	1	05	FIFRA	12A2L	04/27/2017	04/27/2017	1
05-2017-0037	C-W VALLEY COOP (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/04/2017	05/04/2017	1
05-2017-0038	CHEM-TECH INTERNATIONAL, INC. (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/04/2017	05/04/2017	1
05-2017-0039	DEEPLAND SUPPLY (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/04/2017	05/04/2017	1
05-2017-0040	SHELBY COUNTY COOPERATIVE (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/04/2017	05/04/2017	1
05-2017-0041	BRANDT CONSOLIDATED, INC.	FIFRA	1	05	FIFRA	12A2L	05/04/2017	05/04/2017	1
05-2017-0042	MID AMERICA DISTRIBUTING, LLC CAFO	FIFRA	1	05	FIFRA	12A2S	05/10/2017	05/10/2017	1
05-2017-0043	POOL AND SPA WAREHOUSE	FIFRA	1	05	FIFRA	12A1A	05/22/2017	05/22/2017	1
05-2017-0044	YORBA ORGANICS CAFO	FIFRA	1	05	FIFRA	12A1A	05/22/2017	05/22/2017	1
05-2017-0045	SOUTH CENTRAL SEED & SUPPLY (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/22/2017	05/22/2017	1
05-2017-0046	MULTI-PACK SOLUTIONS, LLC (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/22/2017	05/22/2017	1
05-2017-0047	SCOT LABORATORIES (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/22/2017	05/22/2017	1
05-2017-0048	DOZENS OF DEALS, INC. (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/22/2017	05/22/2017	1
05-2017-0049	SEELER INDUSTRIES, INC. (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/22/2017	05/22/2017	1
05-2017-0050	GREAT LAKES IPM, INC. (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	06/01/2017	06/01/2017	1
05-2017-0051	HICKSVILLE GRAIN COMPANY (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	06/01/2017	06/01/2017	1
05-2017-0052	GOODWILL MANUFACTURING, INC.(ESA/FO)	FIFRA	1	05	FIFRA	12A2L	06/01/2017	06/01/2017	1
05-2017-0053	ARCADIA CHEMICAL, LLC (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/10/2017	05/10/2017	1
05-2017-0054	ELBOW LAKE CO-OP GRAIN (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	06/07/2017	06/07/2017	1
05-2017-0055	MEADOWLAND FARMERS COOPERATIVE (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	06/08/2017	06/08/2017	5
05-2017-0056	WESTERN CONSOLIDATED COOPERATIVE (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	06/08/2017	06/08/2017	5
05-2017-0057	MULTI-PACK, LLC (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	05/08/2017	06/08/2017	1
05-2017-0068	THINK PAINTING (ESA)	TSCA	1	05	TSCA	402C	06/26/2017	06/26/2017	1
05-2017-0069	MATHIAS SEED & CHEMICAL (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	07/31/2017	07/31/2017	1
05-2017-0070	TRI-STATE GROWERS SUPPLY, LLC (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	06/30/2017	06/30/2017	1
05-2017-0071	BROOKSIDE AGRA, LLC (CAFO)	FIFRA	1	05	FIFRA	12A1A	08/09/2017	08/09/2017	1
05-2017-0072	MCWEB PACKAGING CORPORATION (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	08/09/2017	08/09/2017	1
05-2017-0073	CHRISTIAN COUNTY FARMERS SUPPLY CO. (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	08/17/2017	08/17/2017	5
05-2017-0074	MID-WOOD, INC. CAFO	FIFRA	1	05	FIFRA	12A2L	08/17/2017	08/17/2017	3
05-2017-0075	COLLEGE WORKS PAINTING, INC. DBA CWPILL, INC. (CAFO)	TSCA	1	05	TSCA	402C	08/17/2017	08/17/2017	1
05-2017-0076	JD PEST CONTROL (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	09/01/2017	09/01/2017	1
05-2017-0077	SANIKLEEN, LLC (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	09/01/2017	09/01/2017	1

$300	$0	$0	APO
$800	$0	$0	APO
$800	$0	$0	APO
$800	$0	$0	APO
$400	$0	$0	APO
$100	$0	$0	APO
$400	$0	$0	APO
$800	$0	$0	APO
$400	$0	$0	APO
$300	$0	$0	APO
$400	$0	$0	APO
$1,600	$0	$0	APO
$13,243	$0	$0	APO
$1,000	$0	$0	APO
$100	$0	$0	APO
$800	$0	$0	APO
$800	$0	$0	APO
$800	$0	$0	APO
$300	$0	$0	APO
$800	$0	$0	APO
$400	$0	$0	APO
$1,600	$0	$0	APO
$800	$0	$0	APO
$300	$0	$0	APO
$400	$0	$0	APO
$3,200	$0	$0	APO
$4,000	$0	$0	APO
$400	$0	$0	APO
$200	$0	$0	APO
$400	$0	$0	APO
$300	$0	$0	APO
$21,240	$0	$0	APO
$400	$0	$0	APO
$12,000	$0	$0	APO
$16,191	$0	$0	APO
$12,480	$0	$0	APO
$300	$0	$0	APO
$1,200	$0	$0	APO

05-2017-0078	PETER J WALSTRA (ESA/FO)	FIFRA	1	05	FIFRA	12A2L	09/01/2017	09/01/2017	1
05-2017-0079	EDENZ GARDENING CENTER LAPEER	FIFRA	1	05	FIFRA	12A1A	09/01/2017	09/01/2017	1
05-2017-0153	RMR SOLUTIONS LLC (CAFO)	FIFRA	1	05	FIFRA	12A1A	09/01/2017	09/01/2017	1
05-2017-0154	ISLE OF DOGS CORPORATION (CAFO)	FIFRA	1	05	FIFRA	12A1A	08/09/2017	08/09/2017	1
05-2017-0306	UNITED TRANSPORTATION GROUP, INC	CWA NPDES	1	05	CWA	301/402	10/13/2016	01/03/2017	1
05-2017-2000	CITY OF TOLEDO	RCRA UST	1	05	RCRA	9006D	11/18/2016	11/18/2016	1
05-2017-2001	B&F MARATHON	RCRA UST	2	05	RCRA	9006D	12/12/2016	12/12/2016	1
05-2017-2002	MARATHON OGDEN DUNES	RCRA UST	2	05	RCRA	9006D	12/12/2016	12/12/2016	1
05-2017-2003	MAES MART/MOBIL MARATHON	RCRA UST	1	05	RCRA	9006D	12/12/2016	12/12/2016	1
05-2017-2004	RAINBOW RESORT	RCRA UST	1	05	RCRA	9006A	02/17/2017	02/17/2017	1
05-2017-2006	SHELL OIL PRODUCTS US	RCRA UST	1	05	RCRA	9006D	06/01/2017	06/01/2017	1
05-2017-2007	ARMY CORPS OF ENGINEERS LOCK DAM 01	RCRA UST	1	05	RCRA	9006D	06/08/2017	06/08/2017	1
05-2017-2008	CAMBRIDGE MUNICIPAL AIRPORT	RCRA UST	1	05	RCRA	9006D	04/17/2017	04/17/2017	1
05-2017-2009	REDBY ONE STOP	RCRA UST	1	05	RCRA	9006D	06/13/2017	06/13/2017	1
05-2017-2010	TEAL'S MARKET	RCRA UST	1	05	RCRA	9006D	07/31/2017	07/31/2017	1
05-2017-2011	MCARDLE'S RESORT	RCRA UST	1	05	RCRA	9006D	09/07/2017	09/07/2017	1
05-2017-2012	DEV PETROLEUM	RCRA UST	1	05	RCRA	9006D	09/29/2017	09/29/2017	1
05-2017-2013	SADDIE AND SAMMY'S	RCRA UST	1	05	RCRA	9006A	09/28/2017	09/28/2017	1
05-2017-4702	SUNOCO PARTNERS MARKETING & TERMINAL, LP	SDWA UIC	1	05	SDWA	1421	05/15/2017	07/17/2017	1
05-2017-5002	MARATHON PETROLEUM - APO/CAFO	CAA Stationary Source	1	05	CAA	111	10/17/2016	10/17/2016	1
05-2017-5004	IMPERIAL ZINC - APO/CAFO	CAA Stationary Source	1	05	CAA	110	11/09/2016	11/09/2016	1
05-2017-5005	BIG RIVER RESOURCES GALVA - APO/CAFO	CAA Stationary Source	1	05	CAA	110	11/09/2016	11/09/2016	1
05-2017-5008	WELSCH READY-MIX INC - APO/CAFO	CAA Stationary Source	1	05	CAA	110	12/28/2016	12/28/2016	1
05-2017-5012	STEEL DYNAMICS - APO/CAFO	CAA Stationary Source	1	05	CAA	112D	12/30/2016	12/30/2016	1
05-2017-5017	ALLNEX USA INC.	CAA Stationary Source	1	05	CAA	112D	01/31/2017	01/31/2017	1
05-2017-5018	EES COKE BATTERY, LLC	CAA Stationary Source	1	05	CAA	112	01/31/2017	01/31/2017	1
05-2017-5020	AKZO NOBEL SURFACE CHEMISTRY - APO/CAFO	CAA Stationary Source	1	05	CAA	112	02/17/2017	02/17/2017	1
05-2017-5021	FERRARA PAN - APO/CAFO	CAA Stationary Source	1	05	CAA	110	02/28/2017	02/28/2017	1
05-2017-5026	OWENS CORNING ROOFING AND ASPHALT - APO/CAFO	CAA Stationary Source	1	05	CAA	502	03/27/2017	03/27/2017	1
05-2017-5028	ENTHONE - APO/CAFO	CAA Stationary Source	1	05	CAA	112	03/30/2017	03/30/2017	1
05-2017-5029	RUST-OLUEM - APO/CAFO	CAA Stationary Source	1	05	CAA	110	03/30/2017	03/30/2017	1
05-2017-5033	FORD MOTOR CO DEARBORN ASSEMBLY - APO/CAFO	CAA Stationary Source	1	05	CAA	110	07/31/2017	07/31/2017	1
05-2017-5034	NLMK - APO/CAFO	CAA Stationary Source	1	05	CAA	110	06/14/2017	06/14/2017	1
05-2017-5035	DECORATIVE PANELS - APO/CAFO	CAA Stationary Source	1	05	CAA	112D	06/14/2017	06/14/2017	1
05-2017-5037	INTEGRITY BIOFUELS - APO/CAFO	CAA Stationary Source	1	05	CAA	111	06/23/2017	06/23/2017	1
05-2017-5038	CONSOLIDATED GRAIN & BARGE - APO/CAFO	CAA Stationary Source	1	05	CAA	502	06/30/2017	06/30/2017	1
05-2017-5039	PARAGON METAL FABRICATORS - APO/CAFO	CAA Stationary Source	1	05	CAA	110	07/06/2017	07/06/2017	1
05-2017-5042	JOHNSON CONTROLS BATTERY GROUP - APO/CAFO	CAA Stationary Source	1	05	CAA	112	07/20/2017	07/20/2017	1
05-2017-5043	WEST BAY EXPLORATION COMPANY - LANTIS 30	CAA Stationary Source	1	05	CAA	502	07/10/2017	07/10/2017	1

$1,200	$0	$0	APO
$17,160	$0	$0	APO
$100,000	$0	$0	APO
$10,000	$0	$0	APO
$1,000	$0	$0	APO
$1,050	$869	$0	APO
$1,970	$0	$0	APO
$840	$0	$0	APO
$630	$0	$0	APO
$1,700	$0	$0	APO
$490	$0	$0	APO
$250	$0	$0	APO
$490	$200	$0	APO
$500	$500	$0	APO
$490	$490	$0	APO
$490	$0	$0	APO
$490	$0	$0	APO
$210	$0	$0	APO
$140,000	$140,000	$0	APO
$110,000	$0	$0	APO
$25,000	$0	$0	APO
$23,915	$0	$0	APO
$20,000	$0	$0	APO
$432,554	$0	$0	APO
$50,000	$0	$0	APO
$154,000	$0	$0	APO
$35,000	$0	$0	APO
$158,500	$0	$0	APO
$90,000	$0	$0	APO
$55,000	$0	$0	APO
$181,000	$1,450,000	$0	APO
$389,000	$876,000	$0	APO
$375,027	$0	$0	APO
$140,000	$0	$0	APO
$24,130	$0	$0	APO
$62,500	$0	$0	APO
$2,250	$0	$0	APO
$20,000	$0	$0	APO
$76,300	$0	$0	APO

05-2017-5046	POET BIOREFINING PORTLAND - APO/CAFO	CAA Stationary Source	1	05	CAA	110	08/04/2017	08/04/2017	1
05-2017-5047	BUNTING BEARINGS - APO/CAFO	CAA Stationary Source	1	05	CAA	110	09/13/2017	09/13/2017	2
05-2017-5049	QUAKER CITY CASTINGS - APO/CAFO	CAA Stationary Source	1	05	CAA	110	09/13/2017	09/13/2017	1
05-2017-5051	LITHOGRAPHIC INDUSTRIES - APO/CAFO	CAA Stationary Source	1	05	CAA	110	09/25/2017	09/25/2017	1
05-2017-5061	MEYER INDUSTRIAL CONTAINER - APO/CAFO	CAA Stationary Source	1	05	CAA	110	09/25/2017	09/25/2017	1
05-2017-5062	MINNESOTA VALLEY ALFALFA PRODUCERS - APO/CAFO	CAA Stationary Source	1	05	CAA	110	09/29/2017	09/29/2017	1
05-2017-5063	3M COTTAGE GROVE INCINERATOR - APO/CAFO	CAA Stationary Source	1	05	CAA	112C	09/29/2017	09/29/2017	1
05-2017-6001	CITY OF BLAINE - CONSENT AGREEMENT FINAL ORDER	CWA 404	1	05	CWA	404	08/02/2016	04/21/2017	1
05-2017-6003	BENNETT BUILDERS CONSENT AGREEMENT AND FINAL ORDER	CWA 404	1	05	CWA	404	08/04/2017	08/04/2017	1
05-2017-7388	COBRA GAS & OIL CORPORATION (ESA	CAA 112r	1	05	CAA	112[R][7]	10/04/2016	10/04/2016	1
05-2017-7390	OVERTON CHICAGO GEAR CORPORATION (CHICAGO IL) CAFO	CERCLA	1	05	CERCLA	104E3	11/09/2016	11/09/2016	1
05-2017-7391	METRO COLD STORAGE AND EASTERN COLD STORAGE (DETROIT MI) CAFO	CERCLA	1	05	CERCLA	103A	11/09/2016	11/09/2016	2
05-2017-7392	PVS TECHNOLOGIES, INC. (DETROIT MI) ESA CAA 112(R)(7) RMP	CAA 112r	1	05	CAA	112[R][7]	12/23/2016	12/23/2016	1
05-2017-7393	ALTON STEEL, INC. (ALTON, IL) CAFO	CWA 311	1	05	CWA	311J	01/17/2017	01/17/2017	1
05-2017-7394	BECK ALUMINUM ALLOYS, LTD. (RACINE WI) CAFO	CERCLA	1	05	CERCLA	103A	12/01/2016	12/01/2016	1
05-2017-7395	HULS BROS. TRUCKING, INC. (SAINT JOSPEH MN) ESA	EPCRA non 313	1	05	EPCRA	312	02/07/2017	02/07/2017	1
05-2017-7396	CONSUMERS COOP ASSOCIATION (LITCHFIELD MN) ESA	EPCRA non 313	1	05	EPCRA	312	02/07/2017	02/07/2017	1
05-2017-7397	INGREDION INCORPORATED (BEDFORD PARK IL) CAFO	CWA 311	1	05	CWA	311J	12/07/2016	02/07/2017	1
05-2017-7398	RIVERVIEW HEALTHCARE (CROOKSTON MN) ESA	EPCRA non 313	1	05	EPCRA	312	02/13/2017	02/13/2017	1
05-2017-7399	DON'S BUS SERVICE (ALBERTVILLE MN) ESA	EPCRA non 313	1	05	EPCRA	312	02/13/2017	02/13/2017	1
05-2017-7400	COMO PARK CONSERVATORY (SAINT PAUL MN) ESA	EPCRA non 313	1	05	EPCRA	312	02/13/2017	02/13/2017	1
05-2017-7401	DIANNE'S FINE DESSERTS (LE CENTER MN) ESA	EPCRA non 313	1	05	EPCRA	312	02/21/2017	02/21/2017	1
05-2017-7402	DESPATCH INDUSTRIES (LAKEVILLE MN) ESA	EPCRA non 313	1	05	EPCRA	312	02/17/2017	02/17/2017	1
05-2017-7403	BEDFORD CITY UTILITIES (BEDFORD IN) CAFO	CAA 112r	1	05	CAA	112[R][7]	03/01/2017	03/01/2017	1
05-2017-7404	COLDWATER BOARD OF PUBLIC UTILITIES WTP (COLDWATER MI) ESA	CAA 112r	1	05	CAA	112[R][7]	02/08/2017	02/08/2017	1
05-2017-7405	BASF CORPORATION (WYANDOTTE MI) CAFO	CERCLA	1	05	CERCLA	103A	03/08/2017	03/08/2017	1
05-2017-7406	CALEDONIA HAULERS, INC. (CALEDONIA MN) CAFO EPCRA	EPCRA non 313	1	05	EPCRA	312	02/17/2017	02/17/2017	1
05-2017-7407	ADVANCED MICRONUTRIENT PRODUCTS, INC. A/K/A REESE MICRONUTRIENT ESA	CAA 112r	1	05	CAA	112[R][7]	03/16/2017	03/16/2017	1
05-2017-7408	SAFETY-KLEEN SYSTEMS, INC. (EAST CHICAGO IN) CAFO	CERCLA	1	05	CERCLA	103A	03/08/2017	03/08/2017	1
05-2017-7409	WASTE MANAGEMENT OF MINNESOTA (BURNSVILLE MN) ESA	EPCRA non 313	1	05	EPCRA	312	03/14/2017	03/14/2017	1
05-2017-7410	STRATAS FOODS LLC (QUINCY IL) CAFO	CAA 112r	1	05	CAA	112[R][7]	03/24/2017	03/24/2017	1

$128,878	$75,000	$0	APO
$41,000	$0	$0	APO
$26,781	$0	$0	APO
$50,000	$0	$0	APO
$25,226	$80	$0	APO
$13,684	$0	$0	APO
$50,000	$0	$0	APO
$20,000	$0	$0	APO
$35,000	$0	$0	APO
$1,200	$0	$0	APO
$18,470	$0	$0	APO
$75,000	$0	$0	APO
$8,800	$0	$0	APO
$19,929	$0	$0	APO
$12,230	$0	$0	APO
$5,000	$0	$0	APO
$5,000	$0	$0	APO
$99,500	$0	$0	APO
$5,000	$0	$0	APO
$5,000	$0	$0	APO
$5,000	$0	$0	APO
$5,000	$0	$0	APO
$5,000	$0	$0	APO
$20,000	$0	$0	APO
$7,200	$0	$0	APO
$16,588	$0	$0	APO
$12,749	$0	$0	APO
$1,800	$0	$0	APO
$39,384	$0	$0	APO
$5,000	$0	$0	APO
$43,500	$0	$0	APO

05-2017-7411	ILLINOIS ROAD CONTRACTORS, INC. - MEREDOSIA TERMINAL (MEREDOSIA IL) ESA	CAA 112r	1	05	CAA	112[R][7]	04/17/2017	04/17/2017	1
05-2017-7412	BRENT INDUSTRIES INC. (TOLEDO OH) ESA	EPCRA non 313	1	05	EPCRA	312	04/24/2017	04/24/2017	1
05-2017-7413	METALWORKING LUBRICANTS COMPANY - CAFO	CWA 311	1	05	CWA	311J	03/02/2017	04/21/2017	1
05-2017-7414	THE ANDERSONS INC. - WISCONSIN RAPIDS TERMINAL ESA	CAA 112r	1	05	CAA	112[R][7]	04/24/2017	04/24/2017	1
05-2017-7415	CITY OF MAHTOMEDI, MINNESOTA CAFO	CERCLA	1	05	CERCLA	103A	04/10/2017	04/10/2017	1
05-2017-7416	GRECIAN DELIGHT FOODS, INC. - ESA	CAA 112r	1	05	CAA	112[R][7]	04/28/2017	04/28/2017	1
05-2017-7417	YMCA (ST. PAUL MN) ESA	EPCRA non 313	1	05	EPCRA	312	04/28/2017	04/28/2017	1
05-2017-7418	ASPHALT CUTBACKS, INC.	CWA 311	1	05	CWA	311J	04/03/2017	05/22/2017	1
05-2017-7419	REAL ALLOY SPECIFICATION, INC. (COLDWATER MI) ESA	CAA 112r	1	05	CAA	112[R][7]	05/22/2017	05/22/2017	1
05-2017-7420	LEONHARDT PLATING COMPANY (CINCINNATI OH) CAFO	EPCRA non 313	1	05	EPCRA	312	05/22/2017	05/22/2017	1
05-2017-7422	CAFO - CARGILL MEAT SOLUTIONS CORP, SWIFT PORK COMPANY	CAA 112r	1	05	CAA	112[R][7]	06/02/2017	06/02/2017	1
05-2017-7424	VIKING CHEMICAL COMPANY CAFO	CAA 112r	1	05	CAA	112[R][7]	06/07/2017	06/07/2017	1
05-2017-7425	CONSOLIDATED PRECISION PRODUCTS CAFO	EPCRA non 313	1	05	EPCRA	312	05/22/2017	05/22/2017	1
05-2017-7426	SOKOL AND COMPANY, INC. CAFO	EPCRA non 313	1	05	EPCRA	312	06/16/2017	06/16/2017	1
05-2017-7427	COUNTRYMARK REFINERY AND LOGISTIC LLC	CWA 311	1	05	CWA	311B	06/23/2017	06/23/2017	1
05-2017-7428	SMITH OIL & PROPANE (ST. JOHNS MI) ESA	EPCRA non 313	1	05	EPCRA	312	06/26/2017	06/26/2017	1
05-2017-7429	OSELKA'S SNUG HARBOR MARINA (NEW BUFFALO MI) ESA	EPCRA non 313	1	05	EPCRA	312	06/26/2017	06/26/2017	1
05-2017-7430	KRITZER OIL CO. - BULK PLANT (WASECA MN) ESA	EPCRA non 313	1	05	EPCRA	312	06/26/2017	06/26/2017	1
05-2017-7431	BURNETTE FOODS, INC. (HARTFORD MI) ESA	EPCRA non 313	1	05	EPCRA	312	07/13/2017	07/13/2017	1
05-2017-7432	DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION DBA CP (BROWNSVILLE MN) CAFO	CWA 311	1	05	CWA	311B	05/23/2017	07/13/2017	1
05-2017-7433	CITY OF BLOOMINGTON WTP (HUDSON IL) ESA	CAA 112r	1	05	CAA	112[R][7]	07/20/2017	07/20/2017	1
05-2017-7434	EES COKE BATTERY, LLC (RIVER ROUGE MI) CWA 311(B)(6)(B)(II)	CWA 311	1	05	CWA	311B	06/06/2017	07/31/2017	1
05-2017-7435	PRAIRIE FARMS DAIRY (PEORIA, BATTLE CREEK) CAFO	CAA 112r	1	05	CAA	112[R][7]	08/09/2017	08/09/2017	2
05-2017-7436	ATLAS OIL COMPANY (NILES MI) EPCRA ESA	EPCRA non 313	1	05	EPCRA	312	09/25/2017	09/25/2017	1
05-2017-7438	MAHLE BEHR USA, INC. (TROY MI) CERCLA AND EPCRA CAFO	CERCLA	1	05	CERCLA	103A	08/23/2017	08/23/2017	1
05-2017-7440	ARCHWAY MARKETTING SERVICES (ROGERS, MN) CAFO	EPCRA non 313	1	05	EPCRA	323	09/19/2017	09/19/2017	1
05-2017-7441	ATLAS OIL COMPANY (NILES MI) EPCRA 312 ESA	EPCRA non 313	1	05	EPCRA	312	09/25/2017	09/25/2017	1
05-2017-7442	SUNOCO PARTNERS MARKETING & TERMINAL LP RIVER ROUGE ESA	CAA 112r	1	05	CAA	112[R][7]	05/22/2017	05/22/2017	1
05-2017-9901	NATURAL GAS PIPELING CO OF AMERICA, LLC	RCRA HW	1	05	RCRA	3002	12/23/2016	12/23/2016	1
05-2017-9902	REGAL FINISHING COMPANY	RCRA HW	1	05	RCRA	3002	01/10/2017	01/10/2017	1
05-2017-9903	EES COKE BATTERY / DTE ENERGY	RCRA HW	1	05	RCRA	3002	01/25/2017	01/25/2017	1
05-2017-9904	LAWRENCE INDUSTRIES.	RCRA HW	1	05	RCRA	3002	02/07/2017	02/07/2017	1

$2,000	$0	$0	APO
$5,000	$0	$0	APO
$49,651	$0	$0	APO
$1,600	$0	$0	APO
$29,283	$0	$0	APO
$5,820	$0	$0	APO
$5,000	$0	$0	APO
$0	$0	$0	APO
$3,300	$0	$0	APO
$49,545	$0	$0	APO
$79,165	$0	$0	APO
$8,500	$0	$0	APO
$45,000	$0	$0	APO
$7,754	$0	$0	APO
$21,873	$0	$0	APO
$5,000	$0	$0	APO
$5,000	$0	$0	APO
$5,000	$0	$0	APO
$5,000	$0	$0	APO
$69,873	$0	$0	APO
$2,400	$0	$0	APO
$165,000	$0	$0	APO
$270,000	$0	$0	APO
$5,000	$0	$0	APO
$54,000	$0	$0	APO
$37,916	$0	$0	APO
$5,000	$0	$0	APO
$3,600	$0	$0	APO
$20,000	$10,000	$0	APO
$25,922	$0	$0	APO
$45,261	$0	$0	APO
$16,000	$16,000	$0	APO

05-2017-9905	TEXTRON AVIATION, INC.	RCRA HW	1	05	RCRA	3002	02/07/2017	02/07/2017	1
05-2017-9906	APISCENT LABS, LLC.	RCRA HW	1	05	RCRA	3002	02/13/2017	02/13/2017	1
05-2017-9907	COLONIAL SURFACE SOLUTIONS	RCRA HW	1	05	RCRA	3002	04/06/2017	04/06/2017	1
05-2017-9908	PRECISION COATINGS INC.	RCRA HW	1	05	RCRA	3002	04/19/2017	04/19/2017	1
05-2017-9909	PIONEER METAL FINISHING	RCRA HW	1	05	RCRA	3002	04/19/2017	04/19/2017	1
05-2017-9910	OUTLOOK GROUP CORP	RCRA HW	1	05	RCRA	3002	05/02/2017	05/02/2017	1
05-2017-9911	II-VI EPIWORKS	RCRA HW	1	05	RCRA	3002	06/20/2017	06/20/2017	1
05-2017-9912	PIONEER METAL FINISHING	RCRA HW	1	05	RCRA	3002	06/27/2017	06/27/2017	1
05-2017-9913	PIONEER METAL FINISHING	RCRA HW	1	05	RCRA	3002	06/27/2017	06/27/2017	1
05-2017-9914	REPUBLIC STEEL COLD FINISHED PLANT	RCRA HW	1	05	RCRA	3002	07/24/2017	07/24/2017	1
05-2017-9916	COMPLETE METAL FINISHING, INC.	RCRA HW	1	05	RCRA	3002	08/09/2017	08/09/2017	1
05-2017-9918	NOVA CHEMICAL, INC.	RCRA HW	1	05	RCRA	3002	07/07/2017	07/07/2017	1
05-2017-9919	SAMVARDHANA MOTHERSON REFLECTEC AUTOMOTIVE SYSTEMS	RCRA HW	1	05	RCRA	3002	08/17/2017	08/17/2017	1
06-2016-0914	SLOAN VALVE COMPANY	RCRA HW	1	06	RCRA	3002	03/01/2016	11/01/2016	1
06-2016-0936	BAYLOR UNIVERSITY	RCRA HW	1	06	RCRA	3002	10/24/2016	10/24/2016	1
06-2016-0937	WEAHTERFORD ARTIFICIAL LIFT SYSTEMS, LLC	RCRA HW	1	06	RCRA	3002	11/02/2016	11/02/2016	7
06-2016-0938	WEATHERFORD ARTIFICIAL LIFT SYSTEMS, LLC	RCRA HW	1	06	RCRA	3002	11/02/2016	11/02/2016	1
06-2016-0941	VETCO GRAY, INC.	RCRA HW	1	06	RCRA	3002	10/11/2016	10/11/2016	1
06-2016-0946	HOUSTON PLATING AND COATINGS, LLC	RCRA HW	1	06	RCRA	3002	11/03/2016	11/03/2016	2
06-2016-0947	HOUSTON PLATING AND COATINGS, LLC	RCRA HW	1	06	RCRA	3002	11/03/2016	11/03/2016	1
06-2016-0951	HARRISON ELECTROPOLISHING, L.P.	RCRA HW	1	06	RCRA	3002	10/13/2016	10/13/2016	1
06-2016-0952	THE RITZ-CARLTON HOTEL COMPANY, L.L.C.	RCRA HW	1	06	RCRA	3002	11/03/2016	11/03/2016	1
06-2016-0953	DAL-TILE CORPORATION	RCRA HW	1	06	RCRA	3002	10/24/2016	10/24/2016	1
06-2016-0954	WEATHERFORD LABORATORIES, INC.	RCRA HW	1	06	RCRA	3002	11/02/2016	11/02/2016	1
06-2016-0955	WEATHERFORD U.S., L.P.	RCRA HW	1	06	RCRA	3002	11/02/2016	11/02/2016	1
06-2016-0957	DEPOSTITION TECHNOLOGY	RCRA HW	1	06	RCRA	3002	11/16/2016	11/16/2016	1
06-2016-1201	VILLAGE OF DOWNSVILLE WATER SYSTEM	SDWA PWS	1	06	SDWA	1412/1414	01/22/2016	10/18/2016	1
06-2016-1202	RRA HINDS WILDCAT WATER SYSTEM	SDWA PWS	1	06	SDWA	1412/1414	04/25/2016	10/18/2016	2
06-2016-1206	RRA GUTHRIE DUMONT WATER SYSTEM	SDWA PWS	1	06	SDWA	1412/1414	04/25/2016	10/18/2016	1
06-2016-1207	RRA TRUSCOTT GILLILAND WATER SYSTEM	SDWA PWS	1	06	SDWA	1412/1414	04/25/2016	10/18/2016	1
06-2016-1227	PINE RIVER MDCA	SDWA PWS	2	06	SDWA	1412/1414	08/12/2016	02/16/2017	3
06-2016-1704	MESQUITE, CITY OF	CWA NPDES	1	06	CWA	301/402	02/05/2016	02/07/2017	1
06-2016-1737	GLOBAL OKLAHOMA PRODUCTION LLC (FLAT ROCK UNIT) (NE 4-20-12)	CWA NPDES	1	06	CWA	301	02/24/2016	01/11/2017	1
06-2016-1761	PLAQUEMNES PARISH GOVERNEMENT (BELLE CHASSE)	CWA NPDES	1	06	CWA	301/402	09/28/2016	12/29/2016	1
06-2016-1763	PLAQUEMINES PARISH GOVERNMENT (PORT SULPHUR)	CWA NPDES	1	06	CWA	301/402	09/28/2016	12/29/2016	1
06-2016-1764	PLAQUEMINES PARISH GOVERNMENT (BOOTHVILLE)	CWA NPDES	1	06	CWA	301/402	09/28/2016	12/29/2016	1
06-2016-1766	PLAQUEMINES PARISH GOVERNMENT (BURAS)	CWA NPDES	1	06	CWA	301/402	09/28/2016	12/29/2016	1
06-2016-1771	CITY OF OAKDALE	CWA NPDES	1	06	CWA	301/402	10/07/2016	12/29/2016	1
06-2016-1772	CITY OF MONROE	CWA NPDES	1	06	CWA	301/402	10/14/2016	12/29/2016	1

$20,175	$49,782	$0	APO
$25,000	$0	$0	APO
$57,520	$0	$0	APO
$223,800	$0	$0	APO
$5,000	$5,000	$0	APO
$10,845	$0	$0	APO
$51,457	$0	$0	APO
$11,000	$0	$0	APO
$5,000	$0	$0	APO
$5,000	$0	$0	APO
$30,000	$0	$0	APO
$1,000	$0	$0	APO
$197,000	$13,500	$0	APO
$630,000	$20,000	$0	APO
$11,330	$10,000	$0	APO
$267,300	$70,000	$0	APO
$20,400	$10,000	$0	APO
$94,000	$5,000	$0	APO
$120,100	$20,000	$0	APO
$22,700	$10,000	$0	APO
$19,000	$10,000	$0	APO
$22,660	$10,000	$0	APO
$53,900	$10,000	$0	APO
$39,000	$10,000	$0	APO
$8,500	$10,000	$0	APO
$57,798	$10,000	$0	APO
$500	$0	$0	APO
$15,000	$0	$0	APO
$19,000	$0	$0	APO
$15,000	$0	$0	APO
$800	$1,000	$0	APO
$8,333	$0	$0	APO
$9,500	$0	$0	APO
$1,000	$1,000	$0	APO
$1,000	$1,000	$0	APO
$1,000	$1,000	$0	APO
$1,000	$1,000	$0	APO
$1,000	$1,000	$0	APO
$1,000	$1,000	$0	APO

06-2016-1776	COTTONWOOD SPRINGS DAIRY	CWA NPDES	1	06	CWA	301/402	09/13/2016	02/07/2017	1
06-2016-1803	TRIVESTCO ENERGY COMPANY (SMITH-GRELL LEASE)	CWA NPDES	1	06	CWA	301	08/17/2016	12/21/2016	1
06-2016-1807	WARREN AMERICAN OIL COMPANY, LLC (CONNIE LEASE)	CWA NPDES	1	06	CWA	301	07/27/2016	11/08/2016	1
06-2016-1808	SCOUT ENERGY PARTNERS I-A, LP (MASON LEASE)	CWA NPDES	1	06	CWA	301	07/26/2016	02/24/2017	1
06-2016-1814	JAIME OIL, INC. (EZZELL B-2 & PERDUE #1)	CWA NPDES	1	06	CWA	301	08/04/2016	08/31/2017	2
06-2016-1817	MCCANN RESOURCES, INC.(BOWRING LEASE)	CWA NPDES	1	06	CWA	301	08/30/2016	03/09/2017	1
06-2016-1819	CHAPARRAL ENERGY, LLC (SBU 1401 AND NBU 40-16)	CWA NPDES	1	06	CWA	301	08/08/2016	03/29/2017	2
06-2016-1820	EAST TEXAS SALT WATER DISPOSAL COMPANY (ANDERSON & HOPKINS)	CWA NPDES	1	06	CWA	301	08/19/2016	09/06/2017	2
06-2016-1837	CASTELLA, INC. (KEVORKIAN)	CWA NPDES	1	06	CWA	301	08/09/2016	03/01/2017	1
06-2016-2702	LDP ARCHITECTS	CWA 404	1	06	CWA	404	11/02/2016	11/02/2016	1
06-2016-3361	FORMOSA PLASTICS RMP CAFO	CAA 112r	1	06	CAA	112[R][7]	02/07/2017	02/07/2017	1
06-2016-3422	AXIALL RMP CAFO	CAA 112r	1	06	CAA	112[R][7]	10/04/2016	10/04/2016	1
06-2016-3424	AMERICAS STYRENICS, LLC	CAA Stationary Source	1	06	CAA	111	03/22/2017	03/22/2017	1
06-2016-3502	FARMERVILLE TOWN OF WASTEWATER TREATMENT PLANT	CAA 112r	1	06	CAA	112[R][7]	10/27/2016	10/27/2016	1
06-2016-4316	NORTH STAR ENERGY PRODUCTION, LLC_EAST INGALLS REDFORK UNIT LEASE	CWA 311	1	06	CWA	311J	01/10/2017	01/10/2017	1
06-2016-4318	NORTH STAR ENERGY PRODUCTION, LLC	CWA 311	1	06	CWA	311J	01/10/2017	01/10/2017	1
06-2016-4320	EARL OIL, INC.	CWA 311	1	06	CWA	311J	10/04/2016	04/13/2017	1
06-2016-4321	CIRCLE 9 RESOURCES, LLC (SCHOOL LAND 66 SWD FACILITY)	CWA 311	1	06	CWA	311J	10/11/2016	10/11/2016	1
06-2016-4324	CIRCLE 9 RESOURCES, LLC	CWA 311	1	06	CWA	311J	10/27/2016	10/27/2016	1
06-2016-4325	CIRCLE 9 RESOURCES, LLC	CWA 311	1	06	CWA	311J	10/17/2016	10/27/2016	1
06-2016-4326	CENTRAL CRUDE, INC.	CWA 311	1	06	CWA	311J	10/27/2016	10/27/2016	1
06-2016-4327	PETROMERICA OPERATING, LLC	CWA 311	1	06	CWA	311J	10/27/2016	10/27/2016	1
06-2016-4805	CENTER POINT TERMINAL - PORT ALLEN	CWA 311	1	06	CWA	311J	06/08/2017	06/08/2017	1
06-2016-4810	CLAYTON WILLIAMS ENERGY, INC.	CWA 311	1	06	CWA	311J	04/13/2017	04/13/2017	1
06-2016-4814	NUSTAR LOGISTICS, LP	CWA 311	1	06	CWA	311J	06/08/2017	06/08/2017	1
06-2016-4817	HILCORP ENERGY COMPANY	CWA 311	1	06	CWA	311J	10/27/2016	10/27/2016	1
06-2016-4818	BAKER HUGHES OILFIELD OPERATIONS, INC.	CWA 311	1	06	CWA	311J	11/17/2016	11/17/2016	1
06-2016-4852	PSC INDUSTRIAL OUTSOURCING	CWA 311	1	06	CWA	311B	05/17/2017	05/17/2017	1
06-2017-0300	FLAME ENGINEERING, INC.	FIFRA	1	06	FIFRA	12A2L	05/25/2017	05/25/2017	1
06-2017-0310	PAN ASIAN CHEMICALS	FIFRA	1	06	FIFRA	12A1E	02/09/2017	02/09/2017	1
06-2017-0321	JOTUN PAINTS	FIFRA	1	06	FIFRA	12A1A	07/11/2017	07/11/2017	1
06-2017-0500	LONGWOOD ELASTOMERS, INC.	EPCRA 313	1	06	EPCRA	313	11/02/2016	11/02/2016	1
06-2017-0501	QUALICO STEEL CO. INC.	EPCRA 313	1	06	EPCRA	313	12/20/2016	12/20/2016	1
06-2017-0502	FALCON STEEL - HALTOM	EPCRA 313	1	06	EPCRA	313	11/14/2016	11/14/2016	1
06-2017-0503	DRAGON PRODUCTS, LTD	EPCRA 313	1	06	EPCRA	313	02/07/2017	02/07/2017	2
06-2017-0504	DURA-TECH PROCESSES, INC.	EPCRA 313	1	06	EPCRA	313	04/17/2017	04/17/2017	1
06-2017-0505	PIONEER FROZEN FOODS, INC.	EPCRA 313	1	06	EPCRA	313	06/30/2017	06/30/2017	1

$3,000	$0	$0	APO
$10,000	$0	$0	APO
$15,000	$0	$0	APO
$6,000	$0	$0	APO
$4,000	$0	$0	APO
$8,000	$0	$0	APO
$7,000	$0	$0	APO
$10,000	$0	$0	APO
$4,000	$0	$0	APO
$2,250	$0	$0	APO
$277,200	$0	$0	APO
$167,172	$0	$0	APO
$27,500	$100,000	$0	APO
$57,925	$0	$0	APO
$1,125	$3,656	$0	APO
$1,475	$4,793	$0	APO
$1,525	$49,562	$0	APO
$2,225	$10,000	$0	APO
$1,100	$5,000	$0	APO
$650	$5,000	$0	APO
$1,250	$100,000	$0	APO
$1,275	$10,000	$0	APO
$9,000	$9,000	$0	APO
$7,901	$7,901	$0	APO
$4,500	$4,500	$0	APO
$12,619	$410	$0	APO
$6,369	$337	$0	APO
$87,600	$87,600	$0	APO
$4,000	$800	$0	APO
$6,200	$1,240	$0	APO
$7,800	$1,500	$0	APO
$151,200	$22,560	$0	APO
$173,076	$34,531	$0	APO
$120,000	$16,575	$0	APO
$187,000	$23,942	$0	APO
$30,100	$12,892	$0	APO
$19,810	$3,683	$0	APO

06-2017-0506	SYNTHETIC OILS & LUBRICANTS OF TEXAS DBA SOLTEX	EPCRA 313	1	06	EPCRA	313	04/27/2017	04/27/2017	1
06-2017-0507	ROCORE SOUTHWEST INC.	EPCRA 313	1	06	EPCRA	313	06/06/2017	06/06/2017	1
06-2017-0508	WEATHERFORD ARTIFICIAL LIFT SYSTEMS, LLC	EPCRA 313	1	06	EPCRA	313	06/22/2017	06/22/2017	1
06-2017-0509	FORGED COMPONENTS	EPCRA 313	1	06	EPCRA	313	09/21/2017	09/21/2017	3
06-2017-0510	POWDER METALLURGY CO., INC.	EPCRA 313	1	06	EPCRA	313	06/13/2017	06/13/2017	1
06-2017-0511	GULBRANDSEN	EPCRA 313	1	06	EPCRA	313	06/06/2017	06/06/2017	1
06-2017-0512	LIBERTY FORGE, INC.	EPCRA 313	1	06	EPCRA	313	06/01/2017	06/01/2017	1
06-2017-0513	OCI BEAUMONT	EPCRA 313	1	06	EPCRA	313	07/12/2017	07/12/2017	1
06-2017-0514	LUCITE INTERNATIONAL	EPCRA 313	1	06	EPCRA	313	09/27/2017	09/27/2017	1
06-2017-0515	ECO	EPCRA 313	1	06	EPCRA	313	08/24/2017	08/24/2017	2
06-2017-0903	SAN ANTONIO TESTING LABORATORY, INC.	RCRA HW	1	06	RCRA	3002	02/07/2017	02/07/2017	1
06-2017-0904	MEMORIAL HERMANN HEALTH SYSTEM	RCRA HW	1	06	RCRA	3002	02/22/2017	02/22/2017	4
06-2017-0905	BP EXPLORATION & PRODUCTION, INC.	RCRA HW	1	06	RCRA	3002	02/07/2017	02/07/2017	7
06-2017-0906	CHI ST. VINCENT HOT SPRINGS	RCRA HW	1	06	RCRA	3002	01/04/2017	01/04/2017	1
06-2017-0909	E. W. JOHNSON COMPANY, INC.	RCRA HW	1	06	RCRA	3002	12/13/2016	12/13/2016	1
06-2017-0910	MACY'S RETAIL HOLDINGS, INC.	RCRA HW	1	06	RCRA	3002	09/26/2017	09/26/2017	10
06-2017-0911	PENNZOIL-QUAKER STATE COMPANY	RCRA HW	1	06	RCRA	3008A	09/28/2017	09/28/2017	1
06-2017-0912	ST. JOSEPH REGIONAL HEALTH CENTER	RCRA HW	1	06	RCRA	3002	01/18/2017	01/18/2017	1
06-2017-0913	TEXAS LEHIGH CEMENT COMPANY LP	RCRA HW	1	06	RCRA	3002	12/20/2016	12/20/2016	1
06-2017-0914	TUBAL-CAIN GAS FREE SERVICES, INC.	RCRA HW	1	06	RCRA	3002	01/12/2017	01/12/2017	1
06-2017-0915	TUBAL-CAIN MARINE SERVICES, INC.	RCRA HW	1	06	RCRA	3002	01/12/2017	01/12/2017	1
06-2017-0916	TEXAS COUPLINGS, L.P.	RCRA HW	1	06	RCRA	3002	02/07/2017	02/07/2017	1
06-2017-0929	WESTERN REFINING SOUTHWERST, INC.	RCRA HW	1	06	RCRA	3008A	07/17/2017	07/19/2017	1
06-2017-0931	TEXAS ONCOLOGY, P.A.	RCRA HW	1	06	RCRA	3002	06/07/2017	06/07/2017	8
06-2017-0933	THE GREEN PROJECT, INC.	RCRA HW	1	06	RCRA	3002	08/09/2017	08/09/2017	1
06-2017-0936	PROFESSIONAL COMPOUNDING CENTERS OF AMERICA, INC.	RCRA HW	1	06	RCRA	3002	08/09/2017	08/09/2017	1
06-2017-0938	G & H DIVERSIFIED MFG., L.P.	RCRA HW	1	06	RCRA	3002	08/09/2017	08/09/2017	1
06-2017-0943	TDC, L.L.C.	RCRA HW	1	06	RCRA	3002	08/24/2017	08/24/2017	1
06-2017-0944	CHEMQUEST CHEMICALS, LLC	RCRA HW	1	06	RCRA	3002	09/26/2017	09/26/2017	1
06-2017-0949	UNITED STATES COAST GUARD	RCRA HW	1	06	RCRA	3008A	09/28/2017	09/28/2017	1
06-2017-0950	U.S. DEPARTMENT OF VETERANS AFFAIRS	RCRA HW	1	06	RCRA	3002	09/26/2017	09/26/2017	1
06-2017-1227	ST MARTIN PARISH WW DISTRICT 4	SDWA PWS	1	06	SDWA	1412/1414	08/01/2016	08/16/2017	1
06-2017-1702	SAMSON LONE STAR, LLC (RUTH CENTRAL LEASE)	CWA NPDES	1	06	CWA	301	11/21/2016	02/28/2017	1
06-2017-1703	REBEL PRODUCING, LLC (US MAR LEASE AND AA JERRY LEASE)	CWA NPDES	1	06	CWA	301	11/30/2016	09/27/2017	2
06-2017-1710	CIRCLE 9 RESOURCES, LLC (SCHOOL LAND 66)	CWA NPDES	1	06	CWA	301	12/13/2016	07/10/2017	1
06-2017-1723	RAMAH, CITY OF	CWA NPDES	1	06	CWA	301/402	04/07/2017	04/25/2017	1
06-2017-2709	RIO RANCHO PUBLIC WORKS DEPT.	CWA 404	1	06	CWA	404	08/07/2017	08/07/2017	1
06-2017-3301	BASF TOTAL PETRO RMP CAFO	CAA 112r	1	06	CAA	112[R][7]	03/14/2017	03/14/2017	1
06-2017-3302	MOSAIC GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	11/03/2016	11/03/2016	1
06-2017-3306	FREEDMAN FOODS CAFO	CAA 112r	1	06	CAA	112R	01/12/2017	01/12/2017	1

$13,334	$5,525	$0	APO
$43,791	$11,050	$0	APO
$24,080	$3,683	$0	APO
$60,000	$31,308	$0	APO
$1,470	$921	$0	APO
$13,000	$5,525	$0	APO
$10,000	$22,100	$0	APO
$56,367	$7,367	$0	APO
$67,500	$5,525	$0	APO
$36,120	$5,525	$0	APO
$10,768	$10,000	$0	APO
$248,497	$50,000	$0	APO
$446,519	$10,000	$0	APO
$105,000	$5,000	$0	APO
$57,192	$5,000	$0	APO
$375,000	$130,000	$0	APO
$226,015	$22,601	$0	APO
$77,000	$10,000	$0	APO
$72,512	$10,000	$0	APO
$192,000	$2,000	$0	APO
$63,000	$2,000	$0	APO
$10,000	$10,000	$0	APO
$106,260	$10,000	$0	APO
$43,900	$5,000	$0	APO
$5,000	$10,000	$0	APO
$94,000	$10,000	$0	APO
$65,000	$10,000	$0	APO
$33,990	$10,000	$0	APO
$53,000	$50,000	$0	APO
$0	$32,500	$0	APO
$20,000	$10,000	$0	APO
$7,500	$0	$0	APO
$10,000	$0	$0	APO
$1,600	$0	$0	APO
$8,500	$0	$0	APO
$5,000	$0	$0	APO
$1,000	$25,000	$0	APO
$70,000	$0	$0	APO
$70,000	$0	$0	APO
$30,000	$0	$0	APO

06-2017-3308	GATX MAINTENANCE FACILITY RMP CAFO	CAA 112r	1	06	CAA	112[R][7]	12/08/2016	12/08/2016	1
06-2017-3309	TABULA RASA/ESSAU CAFO	CAA 112r	1	06	CAA	112[R][1]	12/06/2016	12/06/2016	1
06-2017-3310	SYNGENTA CROP RMP CAFO	CAA 112r	1	06	CAA	112[R][7]	12/20/2016	12/20/2016	1
06-2017-3315	BUTTERBALL GDC CAFO	CAA 112r	1	06	CAA	112R	07/31/2017	07/31/2017	1
06-2017-3319	ALON USA, LP RMP CAFO	CAA 112r	1	06	CAA	112R	09/05/2017	09/05/2017	1
06-2017-3321	PRYOR CHEM CO GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	01/12/2017	01/12/2017	1
06-2017-3323	KOCH FERTILIZER ENID GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	12/21/2016	12/21/2016	1
06-2017-3326	FLINT HILLS RESOURCES HOUSTON CHEMICAL	CAA Stationary Source	1	06	CAA	111	01/23/2017	01/23/2017	1
06-2017-3327	HEXION DEER PARK GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	08/30/2017	08/30/2017	1
06-2017-3329	ROHM AND HAAS DEER PARK	CAA Stationary Source	1	06	CAA	112D	01/12/2017	01/23/2017	1
06-2017-3331	LCY ELASTOMERS	CAA Stationary Source	1	06	CAA	173	03/08/2017	03/08/2017	1
06-2017-3334	SHELL TECH CENTER (GLOBAL) GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	02/13/2017	02/13/2017	1
06-2017-3335	MOTIVA PORT ARTHUR CAFO	CAA 112r	1	06	CAA	112[R][7]	03/29/2017	03/29/2017	1
06-2017-3336	REDDY ICE GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	03/09/2017	03/09/2017	1
06-2017-3337	TERRA NITROGEN GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	09/07/2017	09/07/2017	1
06-2017-3338	PILGRIMS PRIDE CORP GDC CAFO	CAA 112r	1	06	CAA	112R	03/14/2017	03/14/2017	1
06-2017-3340	CITY OF ALEXANDRIA WATER CAFO	CAA 112r	1	06	CAA	112[R][1]	05/24/2017	05/24/2017	1
06-2017-3342	DISCOVERY PRODUCER GDC CAFO	CAA 112r	1	06	CAA	112R	06/26/2017	06/26/2017	1
06-2017-3343	VALERO REFINING MERAUX RMP CAFO	CAA 112r	1	06	CAA	112[R][7]	04/20/2017	04/20/2017	1
06-2017-3349	TYSON FOODS GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	10/18/2016	10/18/2016	1
06-2017-3350	KOCH FERTILIZER ENID GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	09/26/2017	09/26/2017	1
06-2017-3354	BLANCHARD REFINING GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	05/16/2017	05/16/2017	1
06-2017-3356	CONAGRA FOODS GDC CAFO	CAA 112r	1	06	CAA	112[R][1]	04/27/2017	04/27/2017	1
06-2017-3358	COTT BEVERAGES CAFO	CAA 112r	1	06	CAA	112[R][1]	05/11/2017	05/11/2017	1
06-2017-3361	TPC GROUP PORT NECHES OPERATIONS CAFO	CAA Stationary Source	1	06	CAA	111	07/12/2017	07/12/2017	1
06-2017-3362	WESTLAKE CHEM GDC OPCE CAFO	CAA 112r	1	06	CAA	112[R][1]	08/16/2017	08/16/2017	1
06-2017-3503	ROBSTOWN WASTEWATER PLANT	CAA 112r	1	06	CAA	112[R][7]	05/01/2017	05/01/2017	1
06-2017-3504	CHAMPAGNOLLE WATER TREATMENT PLANT	CAA 112r	1	06	CAA	112[R][7]	06/27/2017	06/27/2017	1
06-2017-3505	CITY OF DONNA WATER FILTRATION PLANT	CAA 112r	1	06	CAA	112[R][7]	04/19/2017	04/19/2017	1
06-2017-3506	CITY OF DONNA WWTP	CAA 112r	1	06	CAA	112[R][7]	04/19/2017	04/19/2017	1
06-2017-3512	GEORGE'S FURTHER PROCESSING PLANT	CAA 112r	1	06	CAA	112[R][7]	09/13/2017	09/13/2017	1
06-2017-3517	WYLIE WATER PROCESSING PLANT	CAA 112r	1	06	CAA	112[R][7]	09/13/2017	09/13/2017	1
06-2017-3518	PAMPA WATER TREATMENT PLANT	CAA 112r	1	06	CAA	112[R][7]	09/13/2017	09/13/2017	1
06-2017-4301	WHITE OPERATING COMPANY_KERLYN-WRIGHT NO. 1 TANK BATTERY	CWA 311	1	06	CWA	311J	01/10/2017	01/10/2017	1
06-2017-4302	PINNACLE OPERATING COMPANY, LLC	CWA 311	1	06	CWA	311J	02/15/2017	02/15/2017	1
06-2017-4303	SHAMROCK CONSOLIDATED TANK BATTERY	CWA 311	1	06	CWA	311J	02/15/2017	02/15/2017	1
06-2017-4304	PACER ENERGY MARKETING, LLC	CWA 311	1	06	CWA	311J	02/16/2017	02/27/2017	1
06-2017-4305	GLOBAL OK PRODUCTION, LLC	CWA 311	1	06	CWA	311J	05/31/2017	05/31/2017	1

$44,800	$0	$0	APO
$44,500	$0	$0	APO
$124,000	$0	$0	APO
$36,214	$0	$0	APO
$46,875	$0	$0	APO
$37,500	$0	$0	APO
$25,000	$0	$0	APO
$89,000	$2,339,000	$0	APO
$36,214	$0	$0	APO
$400,000	$85,000	$0	APO
$82,000	$26,500	$0	APO
$36,000	$0	$0	APO
$56,000	$0	$0	APO
$40,000	$0	$0	APO
$36,214	$0	$0	APO
$40,000	$0	$0	APO
$20,000	$377,098	$0	APO
$22,491	$0	$0	APO
$182,000	$0	$0	APO
$106,894	$0	$0	APO
$36,215	$0	$0	APO
$80,000	$0	$0	APO
$35,600	$0	$0	APO
$35,631	$0	$0	APO
$72,187	$95,000	$0	APO
$36,215	$0	$0	APO
$1,800	$0	$0	APO
$2,460	$0	$0	APO
$1,680	$0	$0	APO
$1,680	$0	$0	APO
$600	$0	$0	APO
$2,700	$0	$0	APO
$1,200	$0	$0	APO
$900	$1,500	$0	APO
$1,750	$300	$0	APO
$2,200	$4,000	$0	APO
$750	$750	$0	APO
$1,800	$1,800	$0	APO

06-2017-4306	SUNOCO LOGISTICS PARTNERS, LP	CWA 311	1	06	CWA	311J	03/13/2017	03/13/2017	1
06-2017-4307	TESSERA ENERGY, LCC	CWA 311	1	06	CWA	311J	06/01/2017	06/01/2017	1
06-2017-4308	CANYON EXPLORATION COMPANY	CWA 311	1	06	CWA	311J	06/15/2017	06/15/2017	1
06-2017-4309	GRAHAM OIL COMPANY	CWA 311	1	06	CWA	311J	05/18/2017	05/18/2017	1
06-2017-4310	RANDY & JAN WALKER OIL COMPANY, LLC	CWA 311	1	06	CWA	311J	04/24/2017	04/24/2017	1
06-2017-4311	URBAN OIL & GAS GROUP, LLC	CWA 311	1	06	CWA	311J	05/11/2017	05/11/2017	1
06-2017-4312	G.C. BICKHAM OPERATING, INC.	CWA 311	1	06	CWA	311J	06/29/2017	06/29/2017	1
06-2017-4313	RED FORK ENERGY	CWA 311	1	06	CWA	311J	06/29/2017	06/29/2017	1
06-2017-4314	CITATION OIL & GAS CORPORATION	CWA 311	1	06	CWA	311J	06/16/2017	06/16/2017	1
06-2017-4316	WHITE PALACE ENERGY	CWA 311	1	06	CWA	311J	07/31/2017	07/31/2017	1
06-2017-4318	CARNES PETRO CORPORATION	CWA 311	1	06	CWA	311J	08/07/2017	08/07/2017	1
06-2017-4319	SALLEE OIL CORPORATION	CWA 311	1	06	CWA	311J	08/29/2017	08/29/2017	1
06-2017-4323	KENNETH DOC LOWE	CWA 311	1	06	CWA	311J	09/12/2017	09/12/2017	1
06-2017-4501	URBAN OIL AND GAS / PACE HOMESTEAD LEASE #13579 CTB	CWA 311	1	06	CWA	311B	12/07/2016	12/07/2016	1
06-2017-4502	CHAPARRAL ENERGY, LLC / NBU 103-9 TANK BATTERY	CWA 311	1	06	CWA	311B	12/07/2016	12/07/2016	1
06-2017-4503	MCGOWAN WORKING PARTNERS / HOLLY RIDGE OIL FIELD (WELL: GLOVER HEIRS A4)	CWA 311	1	06	CWA	311B	11/17/2016	11/17/2016	1
06-2017-4504	BENCHMARK OIL & GAS / MOSE GRANGER LEASE	CWA 311	1	06	CWA	311B	11/17/2016	11/17/2016	1
06-2017-4505	AMERICAN NATURAL ENERGY CORP / PIPELINE 29.77102, -90.28589	CWA 311	1	06	CWA	311B	04/13/2017	04/13/2017	1
06-2017-4506	CITATILON OIL AND GAS / 34.37075; -97.48653	CWA 311	1	06	CWA	311B	12/06/2016	12/06/2016	1
06-2017-4507	INDIGO MINERALS, LLC	CWA 311	1	06	CWA	311B	07/11/2017	07/11/2017	1
06-2017-4801	TEXAS PETROLEUM INVESTMENT COMPANY	CWA 311	1	06	CWA	311J	06/22/2017	06/22/2017	1
06-2017-4802	BAKER HUGHES - OIL FIELD OPERATIONS, INC.	CWA 311	1	06	CWA	311J	08/21/2017	08/21/2017	1
06-2017-4804	WHITE OAK OPERATING COMPANY	CWA 311	1	06	CWA	311J	07/27/2017	07/27/2017	1
06-2017-4806	CALUMET REFINING, LLC	CWA 311	1	06	CWA	311J	09/12/2017	09/12/2017	1
06-2017-4807	TOCE ENERGY, LLC	CWA 311	1	06	CWA	311J	08/17/2017	08/17/2017	1
06-2017-4808	APOLLO ENERGY OPERATING COMPANY	CWA 311	1	06	CWA	311J	09/12/2017	09/12/2017	1
06-2017-9001	PSC METALS INC (COE APO/CAFO)(NC)	CAA Stationary Source	1	06	CAA	608	02/07/2017	02/07/2017	1
07-2014-0076	DANIEL J MCGOWAN	CWA 404	1	07	CWA	404	03/06/2014	03/20/2017	1
07-2017-0001	JEFF HOGE CONCRETE, LLC	CWA 311	1	07	CWA	311J	10/05/2016	10/05/2016	1
07-2017-0002	ARROWHEAD INTERMODAL SERVICES, LLC	CWA 311	1	07	CWA	311J	10/05/2016	10/05/2016	1
07-2017-0005	CRAIG SUPPLY COMPANY	CAA 112r	1	07	CAA	112[R][7]	10/17/2016	10/17/2016	1
07-2017-0006	LTE ENERGY	CWA 311	1	07	CWA	311J	10/17/2016	10/17/2016	1
07-2017-0007	CLOUD MANUFACTURING, LLC	CAA 112r	1	07	CAA	112[R][7]	10/17/2016	10/17/2016	1
07-2017-0008	FARMERS MILL, INC	CAA 112r	1	07	CAA	112[R][7]	10/17/2016	10/17/2016	1
07-2017-0010	TOIL INC LUTHER WILLIS LEASE	CWA 311	1	07	CWA	311J	10/24/2016	10/24/2016	1
07-2017-0013	AIROSOL COMPANY, INC	FIFRA	1	07	FIFRA	12A2N	11/01/2016	11/01/2016	1
07-2017-0014	ROCK NL TRUCKING, INC	CWA 311	1	07	CWA	311J	11/07/2016	11/07/2016	1
07-2017-0015	CENTRAL PRIAIRIE CO-OP - LYONS FACILITY	CAA 112r	1	07	CAA	112[R][7]	11/07/2016	11/07/2016	1
07-2017-0016	AGRI STAR MEAT & POULTRY, LLC	CWA NPDES	1	07	CWA	301/402	11/15/2016	11/15/2016	1

$450	$450	$0	APO
$2,925	$2,925	$0	APO
$600	$0	$0	APO
$750	$750	$0	APO
$850	$850	$0	APO
$1,325	$1,325	$0	APO
$1,725	$1,725	$0	APO
$2,875	$2,875	$0	APO
$600	$600	$0	APO
$600	$0	$0	APO
$2,975	$2,975	$0	APO
$900	$5,200	$0	APO
$1,775	$120	$0	APO
$4,500	$39,000	$0	APO
$3,500	$25,000	$0	APO
$500	$89,000	$0	APO
$5,000	$518,000	$0	APO
$500	$1,250	$0	APO
$5,000	$16,201	$0	APO
$5,000	$300,000	$0	APO
$36,918	$0	$0	APO
$15,450	$0	$0	APO
$14,548	$14,500	$0	APO
$12,143	$0	$0	APO
$7,992	$7,992	$0	APO
$29,659	$0	$0	APO
$1,111	$0	$0	APO
$35,000	$0	$0	APO
$2,275	$2,275	$0	APO
$2,275	$2,500	$0	APO
$4,800	$500	$0	APO
$1,725	$5,850	$0	APO
$1,280	$1,280	$0	APO
$7,400	$14,500	$0	APO
$525	$525	$0	APO
$800	$0	$0	APO
$2,275	$300	$0	APO
$4,240	$6,190	$0	APO
$43,000	$0	$0	APO

07-2017-0017	AIROSOL COMPANY, INCORPORATED	CWA 311	1	07	CWA	311J	11/15/2016	11/15/2016	1
07-2017-0030	SNACKS	RCRA UST	1	07	RCRA	9003[C][3]-[4]	12/05/2016	12/05/2016	1
07-2017-0031	OSI INDUSTRIES, LLC	CAA 112r	1	07	CAA	112[R][7]	12/05/2016	12/05/2016	1
07-2017-0032	DOW AGROSCIENCES LLC	FIFRA	1	07	FIFRA	12A1E	12/05/2016	12/05/2016	1
07-2017-0033	LAYMON OIL II, NUSZ LEASE	CWA 311	1	07	CWA	311J	12/07/2016	12/07/2016	1
07-2017-0034	LAYMON OIL II, PETERSON LEASE	CWA 311	1	07	CWA	311J	12/07/2016	12/07/2016	1
07-2017-0035	PACER ENERGY MARKETING	CWA 311	1	07	CWA	311J	12/07/2016	12/07/2016	1
07-2017-0036	FEED ENERGY COMPANY	CWA 311	1	07	CWA	311J	12/07/2016	12/07/2016	1
07-2017-0039	CONSTRUCTION AND ABATEMENT SERVICES, INC	TSCA	1	07	TSCA	402C	11/28/2016	11/28/2016	1
07-2017-0040	EQUISTAR CHEMICALS, LP	CAA 112r	1	07	CAA	112[R][7]	12/13/2016	12/13/2016	1
07-2017-0042	BOARD OF GOVERNORS OF TRUMAN STATE UNIVERSITY	RCRA HW	1	07	RCRA	3005	12/19/2016	12/19/2016	1
07-2017-0043	NORTH CASCADE ROAD DEVELOPERS, LLC	CWA NPDES	1	07	CWA	301/402	12/27/2016	12/27/2016	1
07-2017-0046	STEVE REWERTS, DOING BUSSINESS AS STEVE'S CONSTRUCTION	TSCA	1	07	TSCA	409	01/03/2017	01/03/2017	1
07-2017-0047	BASF CORPORATION	FIFRA	1	07	FIFRA	12A1E	01/03/2017	01/03/2017	1
07-2017-0049	UNION PACIFIC RAILROAD COMPANY	CWA 311	1	07	CWA	311B	01/04/2017	01/04/2017	1
07-2017-0050	JULIE AND ALAN SOMMER	TSCA	1	07	TSCA	402C	01/10/2017	01/10/2017	1
07-2017-0051	EMPLOYER ADVANTAGE, LLC; THE	TSCA	1	07	TSCA	402C	01/10/2017	01/10/2017	1
07-2017-0056	NUFARM AMERICAS, INC	FIFRA	1	07	FIFRA	12A1E	01/18/2017	01/18/2017	1
07-2017-0057	FRICK'S QUALITY MEATS, INC	CAA 112r	1	07	CAA	112[R][7]	01/18/2017	01/18/2017	1
07-2017-0058	SEVERY COOP BULK PETROLEUM	CWA 311	1	07	CWA	311J	01/18/2017	01/18/2017	1
07-2017-0060	GLOBAL FUELS, LLC	CWA 311	1	07	CWA	311J	01/18/2017	01/18/2017	1
07-2017-0061	COMPLETE XTERIOR	TSCA	1	07	TSCA	402C	01/23/2017	01/23/2017	1
07-2017-0062	HEATHWOOD OIL COMPANY, INC	CWA 311	1	07	CWA	311J	01/18/2017	01/18/2017	1
07-2017-0063	MARIA C SOTO PARES	TSCA	1	07	TSCA	402C	01/25/2017	01/25/2017	1
07-2017-0064	K&W UNDERGROUND, INC	CWA 311	1	07	CWA	311J	01/25/2017	01/25/2017	1
07-2017-0071	RELCO LOCOMOTIVES, INC	RCRA HW	1	07	RCRA	3005	02/06/2017	02/06/2017	1
07-2017-0072	CRESTWOOD PAINTING, LLC	TSCA	1	07	TSCA	402C	02/07/2017	02/07/2017	1
07-2017-0073	D A BATES PAINTING, INC	TSCA	1	07	TSCA	402C	02/07/2017	02/07/2017	1
07-2017-0074	URBAN IMPROVEMENT CONSTRUCTION, LLC	TSCA	1	07	TSCA	402C	02/08/2017	02/08/2017	1
07-2017-0077	MAKHTESHIM AGAN OF NORTH AMERICA, INC	FIFRA	1	07	FIFRA	12A1E	02/13/2017	02/13/2017	1
07-2017-0078	ARBORSYSTEMS, INC	FIFRA	1	07	FIFRA	12A1A	02/13/2017	02/13/2017	1
07-2017-0079	CENTRAL MISSOURI AGRISERVICE, LLC	CWA 404	1	07	CWA	404	02/14/2017	02/14/2017	1
07-2017-0080	PYRAMID CONTRACTORS, INC	CWA 311	1	07	CWA	311J	02/15/2017	02/15/2017	1
07-2017-0082	PENDER GRAIN, INC	FIFRA	1	07	FIFRA	12A2G	02/21/2017	02/21/2017	1
07-2017-0086	OHP, INC	FIFRA	1	07	FIFRA	12A1A	02/28/2017	02/28/2017	1
07-2017-0087	BAYER CROPSCIENCE LP	FIFRA	1	07	FIFRA	12A1E	02/28/2017	02/28/2017	1
07-2017-0089	ADVANTES DEVELOPMENT LLC	TSCA	1	07	TSCA	402C	03/07/2017	03/07/2017	1
07-2017-0090	RUNNING FOXES PETROLEUM, INC	CWA 311	1	07	CWA	311J	03/07/2017	03/07/2017	1
07-2017-0091	RUNNING FOXES PETROLEUM, INC	CWA 311	1	07	CWA	311J	03/07/2017	03/07/2017	1
07-2017-0092	WIEBE FARMS, INC	CWA NPDES	1	07	CWA	301/402	03/08/2017	03/08/2017	1
07-2017-0093	DREXEL CHEMICAL COMPANY (NC)	FIFRA	1	07	FIFRA	12A1A	03/07/2017	03/07/2017	1

$3,150	$3,150	$0	APO
$420	$150	$0	APO
$4,400	$42,059	$0	APO
$22,536	$500	$0	APO
$2,825	$2,825	$0	APO
$2,825	$2,825	$0	APO
$2,475	$7,000	$0	APO
$1,925	$12,000	$0	APO
$18,578	$0	$0	APO
$4,600	$0	$0	APO
$7,000	$1,000	$0	APO
$50,000	$30,670	$0	APO
$200	$0	$0	APO
$41,040	$500	$0	APO
$24,000	$100,000	$0	APO
$1,000	$0	$0	APO
$7,784	$0	$0	APO
$4,757	$0	$0	APO
$6,800	$10,000	$0	APO
$3,425	$9,500	$0	APO
$1,475	$1,475	$0	APO
$13,578	$0	$0	APO
$725	$3,000	$0	APO
$0	$0	$0	APO
$1,500	$1,200	$0	APO
$30,000	$0	$0	APO
$1,245	$0	$0	APO
$293	$0	$0	APO
$4,200	$0	$0	APO
$6,748	$500	$0	APO
$3,598	$0	$0	APO
$166,914	$70,085	$0	APO
$1,500	$0	$0	APO
$4,492	$0	$0	APO
$11,997	$0	$0	APO
$4,621	$500	$0	APO
$1,000	$0	$0	APO
$900	$1,000	$0	APO
$975	$4,000	$0	APO
$35,000	$0	$0	APO
$70,600	$0	$0	APO

07-2017-0099	WICHITA STATE UNIVERSITY	RCRA HW	1	07	RCRA	3008A	03/08/2017	03/08/2017	1
07-2017-0100	CITY OF PARSONS, KANSAS	CWA NPDES	1	07	CWA	301/402	05/08/2017	05/08/2017	1
07-2017-0101	CENTRIC PROJECTS	TSCA	1	07	TSCA	402C	04/05/2017	04/05/2017	1
07-2017-0102	AMERICAN WATER ENTERPRISES INC	CWA NPDES	1	07	CWA	405	09/26/2017	09/26/2017	1
07-2017-0103	CALICO HOMES, LLC	TSCA	1	07	TSCA	402C	03/22/2017	03/22/2017	1
07-2017-0104	ZIPCO CONTRACTING, INC	TSCA	1	07	TSCA	402C	04/24/2017	04/24/2017	1
07-2017-0105	RUBICON CORPORATION	TSCA	1	07	TSCA	402C	04/25/2017	04/25/2017	1
07-2017-0108	FORTERRA CONCRETE PRODUCTS	CWA NPDES	1	07	CWA	301/402	09/25/2017	09/25/2017	1
07-2017-0109	BETTIS ASPHALT AND CONSTRUCTION, INC	CWA NPDES	1	07	CWA	301/402	06/22/2017	06/22/2017	1
07-2017-0113	PIERCE LUMBER INC	CWA NPDES	1	07	CWA	301/402	05/22/2017	05/22/2017	1
07-2017-0115	ALLIANCE CERTIFIED RESTORATION LLC	TSCA	1	07	TSCA	409	06/26/2017	06/26/2017	1
07-2017-0119	GFG AG SERVICES	CAA 112r	1	07	CAA	112[R][7]	05/31/2017	05/31/2017	1
07-2017-0120	QUIKTRIP #587	RCRA UST	1	07	RCRA	9003[C][3]-[4]	05/23/2017	05/23/2017	1
07-2017-0121	SUPER SAVER	RCRA UST	1	07	RCRA	9003[C][3]-[4]	05/24/2017	05/24/2017	1
07-2017-0122	BRYAN J TIMMERMEYER	TSCA	1	07	TSCA	409	05/22/2017	05/22/2017	1
07-2017-0131	LANDUS COOPERATIVE	CAA 112r	1	07	CAA	112[R][7]	06/22/2017	06/22/2017	1
07-2017-0133	DARLING INGREDIENTS, INC	CAA 112r	1	07	CAA	112[R][7]	06/12/2017	06/12/2017	1
07-2017-0135	BULL MOOSE TUBE CO	CWA NPDES	1	07	CWA	301/402	09/25/2017	09/25/2017	1
07-2017-0141	BELFONTE ICE CREAM COMPANY	EPCRA non 313	1	07	EPCRA	304	05/31/2017	05/31/2017	1
07-2017-0143	HAL MYERS CONSTRUCTION INC	TSCA	1	07	TSCA	402C	08/01/2017	08/01/2017	1
07-2017-0146	MISSOURI SMELTING TECHNOLOGY, INC	CWA NPDES	1	07	CWA	301/402	08/01/2017	08/01/2017	1
07-2017-0147	ROC ENTERPRISES, LLC	FIFRA	1	07	FIFRA	12A1E	05/16/2017	05/16/2017	1
07-2017-0151	SIVYER STEEL CORPORATION	RCRA HW	1	07	RCRA	3005	05/31/2017	05/31/2017	1
07-2017-0152	WEXFORD LABS, INC	RCRA HW	1	07	RCRA	3005	06/22/2017	06/22/2017	1
07-2017-0153	PB LEINER USA CORPORATION	CAA 112r	1	07	CAA	112[R][7]	05/17/2017	05/17/2017	1
07-2017-0155	CSM BAKERY PRODUCTS NA, INC	CAA 112r	1	07	CAA	112[R][7]	06/19/2017	06/19/2017	1
07-2017-0205	IOWA PREMIUM	CAA 112r	1	07	CAA	112[R][7]	08/28/2017	08/28/2017	1
07-2017-0207	BENTON'S READY MIXED CONCRETE'S INC	CWA NPDES	1	07	CWA	301/402	08/14/2017	08/14/2017	1
07-2017-0209	JASPER PRODUCTS, INC	CAA 112r	1	07	CAA	112[R][7]	07/31/2017	07/31/2017	1
07-2017-0210	QUALITY FOOD PROCESSORS LLC	EPCRA non 313	1	07	EPCRA	312	07/31/2017	07/31/2017	1
07-2017-0211	PRAIRIE FARMS DAIRY INC (NATIONAL CASE)	CAA 112r	1	07	CAA	112[R][7]	08/01/2017	08/01/2017	1
07-2017-0213	J.R. SIMPLOT COMPANY	CAA 112r	1	07	CAA	112[R][7]	08/30/2017	08/30/2017	1
07-2017-0216	LIGURIA FOODS INC	CAA 112r	1	07	CAA	112[R][7]	08/01/2017	08/01/2017	1
07-2017-0219	RONALD FRICKE LIVESTOCK	CWA NPDES	1	07	CWA	301/402	09/12/2017	09/12/2017	1
07-2017-0222	BIRNER ST. LOUIS DBA RENEWAL BY ANDERSEN OF ST. LOUIS	TSCA	1	07	TSCA	409	08/07/2017	08/07/2017	1
07-2017-0300	M&R HOLDINGS, LLC	CWA NPDES	1	07	CWA	301/402	03/13/2017	03/13/2017	1
07-2017-0301	NATURAL BIODIESEL PLANT LLC	CWA 311	1	07	CWA	311J	03/13/2017	03/13/2017	1
07-2017-0303	POOLE CHEMICAL CO, INC	CAA 112r	1	07	CAA	112[R][7]	03/13/2017	03/13/2017	1
07-2017-0304	JAMES OIL COMPANY, LLC	CWA 311	1	07	CWA	311J	03/21/2017	03/21/2017	1
07-2017-0305	AGRILAND FS, INC	CWA 311	1	07	CWA	311J	03/21/2017	03/21/2017	1
07-2017-0306	FARMERS COOPERATIVE - BEATRICE	CAA 112r	1	07	CAA	112[R][7]	03/27/2017	03/27/2017	1
07-2017-0307	MORROW CONTRACTING AND CONSTRUCTION, LLC	TSCA	1	07	TSCA	402C	03/27/2017	03/27/2017	1

$98,578	$20,648	$0	APO
$20,000	$0	$0	APO
$1,000	$0	$0	APO
$28,800	$0	$0	APO
$3,906	$0	$0	APO
$21,835	$0	$0	APO
$861	$0	$0	APO
$9,022	$0	$0	APO
$10,000	$3,269	$0	APO
$12,000	$0	$0	APO
$4,891	$0	$0	APO
$10,080	$6,000	$0	APO
$250	$19,232	$0	APO
$740	$2,208	$0	APO
$1,000	$0	$0	APO
$5,400	$3,000	$0	APO
$3,240	$3,240	$0	APO
$11,909	$0	$0	APO
$29,448	$883	$0	APO
$0	$0	$0	APO
$7,313	$0	$0	APO
$7,552	$500	$0	APO
$0	$500	$0	APO
$4,502	$200	$0	APO
$23,031	$4,000	$0	APO
$7,500	$50,000	$0	APO
$14,745	$20,000	$0	APO
$27,630	$0	$0	APO
$7,300	$107,000	$0	APO
$5,000	$5,000	$0	APO
$46,000	$0	$0	APO
$1,680	$312	$0	APO
$80,470	$9,500	$0	APO
$25,186	$0	$0	APO
$2,588	$0	$0	APO
$8,350	$0	$0	APO
$850	$750	$0	APO
$48,117	$60,745	$0	APO
$4,200	$4,200	$0	APO
$700	$500	$0	APO
$1,680	$2,000	$0	APO
$3,718	$0	$0	APO

07-2017-0308	RED GIANT OIL COMPANY AKA SERLE PETROLEUM	RCRA HW	1	07	RCRA	3008A	03/27/2017	03/27/2017	1
07-2017-0310	SILVER OAK, INC DBA ALICE PATRICIA HOME RESIDENTIAL DEVELOPMENT	CWA NPDES	1	07	CWA	301/402	03/31/2017	03/31/2017	1
07-2017-0311	DARNELL'S COUNTRY CONVENIENCE	CWA 311	1	07	CWA	311J	04/03/2017	04/03/2017	1
07-2017-0314	MIDWEST SERVICE COMPANY	FIFRA	1	07	FIFRA	12A2N	04/11/2017	04/11/2017	1
07-2017-0315	ADAMS FERTILIZER INC	FIFRA	1	07	FIFRA	12A2N	04/11/2017	04/11/2017	1
07-2017-0316	HAAG OIL COMPANY, LLC	CWA 311	1	07	CWA	311J	04/11/2017	04/11/2017	1
07-2017-0317	TROY, MISSOURI	CWA NPDES	1	07	CWA	301/402	04/11/2017	04/11/2017	1
07-2017-0319	CUSTOM EXPRESS RENOVATIONS, INC	TSCA	1	07	TSCA	402C	04/11/2017	04/11/2017	1
07-2017-0325	ACCURATE LAND COMPANY, INC ACADIA SUBDIVISION PLAT 1 AND PLAT 2	CWA NPDES	1	07	CWA	301/402	04/25/2017	04/25/2017	1
07-2017-0327	GIBBON PACKING, LLC	CWA NPDES	1	07	CWA	301/402	05/01/2017	05/01/2017	1
07-2017-0328	ROCK COUNTY AGRONOMY SERVICES	CAA 112r	1	07	CAA	112[R][7]	05/08/2017	05/08/2017	1
07-2017-0329	ICM BIOFUELS, LLC	CWA 311	1	07	CWA	311J	05/08/2017	05/08/2017	1
07-2017-0330	BUCKEYE SOUTH ST LOUIS TERMINAL, LLC	CWA 311	1	07	CWA	311J	05/08/2017	05/08/2017	1
07-2017-0331	AGRILAND FS, INC	CWA 311	1	07	CWA	311J	05/08/2017	05/08/2017	1
07-2017-0334	HEINEN BROTHERS AGRA	FIFRA	1	07	FIFRA	12A2N	05/16/2017	05/16/2017	1
07-2017-0335	NATIONAL COLD STORAGE, INC	CAA 112r	1	07	CAA	112[R][1]	05/17/2017	05/17/2017	1
07-2017-0336	IOWA CITY READY MIX, INC	CWA NPDES	1	07	CWA	301/402	05/30/2017	05/30/2017	1
07-2017-0337	LINCOLNWAY ENERGY, LLC	CWA 311	1	07	CWA	311J	06/05/2017	06/05/2017	1
07-2017-0339	SCHILDBERG CONSTRUCTION COMPANY	CWA NPDES	1	07	CWA	301/402	06/20/2017	06/20/2017	2
07-2017-0340	HUBBELL METROPOLITAN DEVELOPMENT FUND I, LLC	CWA NPDES	1	07	CWA	301/402	07/10/2017	07/10/2017	1
07-2017-0341	CITY OF WAUKEE, IOWA	CWA NPDES	1	07	CWA	301/402	07/24/2017	07/24/2017	1
07-2017-0345	DANA AND LORI SCHULTZ	TSCA	1	07	TSCA	409	09/12/2017	09/12/2017	1
07-2017-0348	HELENA CHEMICAL COMPANY	CAA 112r	1	07	CAA	112[R][7]	08/30/2017	08/30/2017	1
07-2017-0350	ACRO DISHWASHING SERVICE INC	FIFRA	1	07	FIFRA	12A2B	09/19/2017	09/19/2017	1
07-2017-0353	ALLIED GAS AND CHEMICAL COMPANY	CAA 112r	1	07	CAA	112[R][1]	07/25/2017	07/25/2017	1
07-2017-0361	NUFARM AMERICAS INC.	FIFRA	1	07	FIFRA	12A1E	09/28/2017	09/28/2017	1
07-2017-0372	RECKITT BENCKISER LLC	FIFRA	1	07	FIFRA	12A2L	08/30/2017	08/30/2017	1
07-2017-0456	MONSANTO COMPANY	FIFRA	1	07	FIFRA	12A1E	09/11/2017	09/11/2017	1
07-2017-0468	BROOKS GREASE SERVICE INC	CWA 311	1	07	CWA	311J		09/28/2017	1
07-2017-0471	BERTCH CABINET MANUFACTURING, INC	RCRA HW	1	07	RCRA	3008A		09/20/2017	1
07-2017-3002	VILLAGE OF PENDER, NEBRASKA	CWA NPDES	1	07	CWA	301/402	03/13/2017	03/13/2017	1
07-2017-9001	PSC METALS INC (COE APO/CAFO)(NC)	CAA Stationary Source	1	07	CAA	608	02/07/2017	02/07/2017	6
08-2017-0003	NOBLE ENERGY INC.	CAA Stationary Source	1	08	CAA	111	10/24/2016	10/24/2016	19
08-2017-0005	KANYON SPECIALTY CONTRACTORS, INC.	CWA NPDES	1	08	CWA	301/402	11/07/2016	11/07/2016	1
08-2017-0009	BIG-D CONSTRUCTION CORPORATION	CWA NPDES	1	08	CWA	301/402	12/09/2016	12/09/2016	1
08-2017-0010	HUGHES GENERAL CONTRACTORS, INC.	CWA NPDES	1	08	CWA	301/402	12/09/2016	12/09/2016	1
08-2017-0011	WAGNER CONSTRUCTION	CWA NPDES	1	08	CWA	301/402	11/21/2016	11/21/2016	1
08-2017-0014	LIME PAINTING, LLC	TSCA	1	08	TSCA	402C	12/23/2016	12/23/2016	1
08-2017-0015	SOLID GROUND HOMES, LLC	TSCA	1	08	TSCA	402C	12/06/2016	12/06/2016	1
08-2017-0016	REX OIL COMPANY INC	CWA 311	1	08	CWA	311B	11/28/2016	11/28/2016	1

$34,580	$5,000	$0	APO
$5,000	$4,567	$0	APO
$725	$2,500	$0	APO
$800	$0	$0	APO
$400	$0	$0	APO
$31,134	$0	$0	APO
$100,000	$0	$0	APO
$0	$0	$0	APO
$11,000	$5,550	$0	APO
$204,577	$0	$0	APO
$8,560	$5,094	$0	APO
$1,950	$267,500	$0	APO
$1,550	$7,000	$0	APO
$1,075	$5,000	$0	APO
$1,600	$0	$0	APO
$54,588	$0	$0	APO
$78,000	$0	$0	APO
$1,625	$2,000	$0	APO
$18,292	$11,048	$0	APO
$21,386	$2,600	$0	APO
$17,127	$3,507	$0	APO
$2,754	$0	$0	APO
$55,104	$101,906	$0	APO
$9,642	$500	$0	APO
$3,760	$5,800	$0	APO
$9,902	$0	$0	APO
$6,436	$0	$0	APO
$10,500	$125,000	$0	APO
$25,000	$0	$0	APO
$48,425	$0	$0	APO
$7,900	$0	$0	APO
$6,667	$0	$0	APO
$23,136	$76,000	$0	APO
$5,100	$2,450	$0	APO
$9,250	$250	$0	APO
$15,000	$10,800	$0	APO
$5,900	$7,526	$0	APO
$19,950	$300	$0	APO
$18,000	$300	$0	APO
$32,000	$1,233,361	$0	APO

08-2017-0022	WESTLAND CONSTRUCTION	CWA NPDES	1	08	CWA	301/402	12/23/2016	12/23/2016	1
08-2017-0029	QC ENERGY RESOURCES	CWA 311	1	08	CWA	311B	02/02/2017	02/02/2017	1
08-2017-0033	FIELD #4 LLC AND CONSTRUCTORS WEST INC	CWA NPDES	1	08	CWA	301	11/21/2016	11/21/2016	1
08-2017-0035	ROBERT GREGG SEASE	CWA 404	1	08	CWA	404	03/07/2017	03/07/2017	1
08-2017-0039	FORTE DISTINCTIVE HOMES LLC	TSCA	1	08	TSCA	402A	03/28/2017	03/28/2017	1
08-2017-0040	THE GROW DEPOT	FIFRA	1	08	FIFRA	12A1A	03/09/2017	03/09/2017	1
08-2017-0044	MOUNTAIN STATES CONSTRUCTION LLC	TSCA	1	08	TSCA	402C	04/03/2017	04/03/2017	1
08-2017-0051	ONEOK ROCKIES MIDSTREAM LLC	CWA 311	1	08	CWA	311J	04/19/2017	04/19/2017	1
08-2017-0055	BASIN WESTERN INC	CWA 311	1	08	CWA	311B	04/26/2017	04/26/2017	1
08-2017-0058	REGAL CONSTRUCTION INC	TSCA	1	08	TSCA	402A	07/18/2017	07/18/2017	1
08-2017-0059	EP ENERGY E&P COMPANY BABCOCK 2-12 B4 WELL	CERCLA	1	08	CERCLA	103A	05/09/2017	05/09/2017	1
08-2017-0065	MERIT ENERGY	CWA 311	1	08	CWA	311J	07/11/2017	07/11/2017	1
08-2017-0068	HAMLET HOMES CORPORATION	CWA NPDES	1	08	CWA	301/402	08/17/2017	08/17/2017	1
08-2017-0069	BIG WEST OIL, LLC AND FLYING J PETROLEUMS, INC.	RCRA HW	1	08	RCRA	3004	08/17/2017	08/17/2017	3
08-2017-0070	DENVER DESIGN BUILD LLC	TSCA	1	08	TSCA	402C	06/27/2017	06/27/2017	1
08-2017-0071	HOLLY STILES	TSCA	1	08	TSCA	402C	04/25/2017	04/25/2017	1
08-2017-0072	JW BUILDERS INC	TSCA	1	08	TSCA	402C	08/03/2017	08/03/2017	1
08-2017-0075	JMAC RESOURCES INC	CWA 311	1	08	CWA	311B	06/27/2017	06/27/2017	1
08-2017-0080	PERRY HOMES UTAH INC	CWA NPDES	1	08	CWA	301/402	08/17/2017	08/17/2017	1
08-2017-0081	BIOXY USA LLC	FIFRA	1	08	FIFRA	12A1A	09/07/2017	09/07/2017	1
08-2017-0082	FIELDSTONE HOMES LLC	CWA NPDES	1	08	CWA	301/402	09/14/2017	09/14/2017	1
08-2017-0083	PETROLEUM WHOLESALE LP	CWA 311	1	08	CWA	311J	09/11/2017	09/11/2017	1
08-2017-0084	PETROLEUM WHOLESALE LP SUNMART	CWA 311	1	08	CWA	311J	09/11/2017	09/11/2017	1
08-2017-0085	KGN ASSET MANAGEMENT LLC	TSCA	1	08	TSCA	402A	03/25/2017	03/25/2017	1
08-2017-0090	JOHNSONS AERO AG INC.	FIFRA	1	08	FIFRA	12A2G	07/13/2017	07/13/2017	1
08-2017-0091	RENTOKIL NORTH AMERICA INC.	FIFRA	1	08	FIFRA	12A2G	08/29/2017	08/29/2017	1
08-2017-0099	MORGRO, INC.	FIFRA	1	08	FIFRA	12A1E	09/28/2017	09/28/2017	1
09-2017-0001	TRANSWORLD CONSTRUCTION, INC ESA	TSCA	1	09	TSCA	406B	10/26/2016	10/26/2016	1
09-2017-0501	KNIGHT TRANSPORTATION, INC.	CAA Stationary Source	1	09	CAA	110	03/13/2017	03/13/2017	1
09-2017-0502	C.R. ENGLAND, INC.	CAA Stationary Source	1	09	CAA	110	03/23/2017	03/23/2017	1
09-2017-0503	WERNER ENTERPRISES, INC.	CAA Stationary Source	1	09	CAA	110	03/27/2017	03/27/2017	1
09-2017-0504	U.S. GENERAL SERVICES ADMINISTRATION FLEET REGION 9	CAA Stationary Source	1	09	CAA	110	07/26/2017	07/26/2017	1
09-2017-0505	WALMART TRANSPORTATION, LLC RE: CALIFORNIA TRUCK & BUS RULE	CAA Stationary Source	1	09	CAA	110	09/15/2017	09/15/2017	1
09-2017-0600	STARK INTERNATIONAL, INC	CAA Mobile Source	1	09	CAA	203	11/18/2016	11/18/2016	1
09-2017-0601	GOPLUS CORP.	CAA Mobile Source	1	09	CAA	203	01/30/2017	01/30/2017	1
09-2017-0602	SPIRA4U CO., LTD	CAA Mobile Source	1	09	CAA	203	11/22/2016	11/22/2016	1
09-2017-0603	VICTORIO MONARREZ ESA	CAA Mobile Source	1	09	CAA	203	01/10/2017	01/10/2017	1
09-2017-0604	EQUIPSOURCE LLC DBA LIFAN POWER	CAA Mobile Source	1	09	CAA	203	01/23/2017	01/23/2017	1
09-2017-0605	CHINA MOTORPARTS IMPORT, INC	CAA Mobile Source	1	09	CAA	203	02/02/2017	02/02/2017	1
09-2017-0606	BOOM INTERNATIONAL HOLDINGS(USA),INC	CAA Mobile Source	1	09	CAA	203	02/16/2017	02/16/2017	1

$7,200	$2,378	$0	APO
$12,825	$300,000	$0	APO
$15,000	$0	$0	APO
$75,000	$0	$0	APO
$1,000	$300	$0	APO
$27,500	$0	$0	APO
$200	$300	$0	APO
$8,250	$23,000	$0	APO
$17,000	$700,000	$0	APO
$12,438	$300	$0	APO
$9,952	$0	$0	APO
$33,000	$300,000	$0	APO
$7,750	$1,200	$0	APO
$260,000	$0	$0	APO
$4,400	$300	$0	APO
$1,700	$300	$0	APO
$200	$300	$0	APO
$3,500	$250,000	$0	APO
$4,250	$445	$0	APO
$6,300	$0	$0	APO
$27,500	$0	$0	APO
$11,000	$20,000	$0	APO
$39,000	$40,000	$0	APO
$30,000	$300	$0	APO
$1,000	$0	$0	APO
$2,000	$0	$0	APO
$7,500	$0	$0	APO
$8,000	$300	$0	APO
$72,000	$0	$0	APO
$64,000	$0	$0	APO
$65,000	$0	$0	APO
$485,000	$0	$0	APO
$100,000	$0	$0	APO
$5,000	$0	$0	APO
$17,600	$0	$0	APO
$6,500	$0	$0	APO
$1,200	$0	$0	APO
$1,600	$0	$0	APO
$5,600	$0	$0	APO
$30,000	$0	$0	APO

09-2017-0607	REBAS, INC DBA TOYOTA LIFT OF SANTA BARBARA	CAA Mobile Source	1	09	CAA	203	02/13/2017	02/13/2017	1
09-2017-0608	BRILLIANT STONE ENTERPRISES INC. DBA KIN ROAD USA	CAA Mobile Source	1	09	CAA	203	02/16/2017	02/16/2017	1
09-2017-0609	LINEMART, INC ESA	CAA Mobile Source	1	09	CAA	203	03/02/2017	03/02/2017	1
09-2017-0610	AHA MOTORSPORTS INC ESA	CAA Mobile Source	1	09	CAA	203	03/20/2017	03/20/2017	1
09-2017-0611	RICKY POWER SPORTS, LLC	CAA Mobile Source	1	09	CAA	203	04/06/2017	04/06/2017	1
09-2017-0612	PARCEL PACK EXPRESS	CAA Mobile Source	1	09	CAA	203	05/10/2017	05/10/2017	1
09-2017-1000	SOUTHERN COUNTIES OIL CO DBA SC FUELS	CWA 311	1	09	CWA	311J	11/18/2016	11/18/2016	1
09-2017-1001	ASIG AT LA/ONTARIO INTERNATIONAL AIRPORT	CWA 311	1	09	CWA	311J	04/24/2017	04/24/2017	1
09-2017-1002	LOVE'S #538 RETAIL MOTOR FUEL OUTLET	CWA 311	1	09	CWA	311J	04/17/2017	04/17/2017	1
09-2017-1004	AMERICAN BIODIESEL, INC DBA COMMUNITY FUELS	CWA 311	1	09	CWA	311J	06/27/2017	06/27/2017	1
09-2017-1005	THE E-LAND GROUP, MICRONESIA RESORT, INC. (KENSINGTON HOTEL SAIPAN)	CWA 311	1	09	CWA	311J	08/23/2017	08/23/2017	1
09-2017-1006	PACIFIC ENVIRONMENTAL CORPORATION	CWA 311	1	09	CWA	311J	09/07/2017	09/07/2017	1
09-2017-1500	CANYON PLASTICS, INC	CWA NPDES	1	09	CWA	301/402	01/18/2017	01/18/2017	1
09-2017-1507	DIRECT PAK, INC.	CWA NPDES	1	09	CWA	301	08/23/2017	08/23/2017	1
09-2017-2002	SOCO GROUP SAN DIEGO RIVER SPILL	CWA 311	1	09	CWA	311B	08/11/2017	08/11/2017	1
09-2017-2003	WESTERN STATES PACKAGING	CWA NPDES	1	09	CWA	301/402	08/03/2017	08/03/2017	1
09-2017-3500	PITMAN FARMS, INC	Multi-Program	1	09	CAA	112[R][7]	02/02/2017	02/02/2017	1
09-2017-3501	ZUCKERMAN HERITAGE, INC FOR DELTA FARMS PACKING, INC.	CAA 112r	1	09	CAA	112[R][7]	08/08/2017	08/08/2017	1
09-2017-3502	TUSCORORA GEOTHERMAL	CAA 112r	2	09	CAA	112[R][7]	08/08/2017	08/08/2017	1
09-2017-3503	UNILEVER NA DISTRIBUTION CENTER	CAA 112r	1	09	CAA	112[R][7]	09/07/2017	09/07/2017	1
09-2017-3504	QUADREN CRYOGENIC PROCESSING LTD.	CAA 112r	1	09	CAA	112[R][7]	09/21/2017	09/21/2017	1
09-2017-3505	BASHAS' DISTRIBUTION CENTER	CAA 112r	1	09	CAA	112[R][7]	09/21/2017	09/21/2017	1
09-2017-3506	SYSCO ARIZONA, INC.	CAA 112r	1	09	CAA	112[R][7]	09/21/2017	09/21/2017	1
09-2017-3507	AMERICOLD ONTARIO	CAA 112r	1	09	CAA	112[R][7]	09/28/2017	09/28/2017	1
09-2017-4002	J.R. SIMPLOT COMPANY	FIFRA	1	09	FIFRA	12A2S	03/22/2017	03/22/2017	5
09-2017-4003	MAKHTESHIM AGAN OF NORTH AMERICA, INC. DBA ADAMA	FIFRA	1	09	FIFRA	12A2S	03/22/2017	03/22/2017	1
09-2017-4004	GAR TOOTELIAN, INC.	FIFRA	1	09	FIFRA	12A1E	04/11/2017	04/11/2017	1
09-2017-4005	ROCKWOOD CHEMICAL CO.	FIFRA	1	09	FIFRA	12A2S	05/10/2017	05/10/2017	1
09-2017-4006	WONDER FARM, INC.	FIFRA	1	09	FIFRA	12A2G	05/10/2017	05/10/2017	1
09-2017-4007	SAN JOAQUIN SULPHUR CO.	FIFRA	1	09	FIFRA	12A1E	06/27/2017	06/27/2017	1
09-2017-4010	NUFARM AMERICAS, INC.	FIFRA	1	09	FIFRA	12A1E	05/10/2017	05/10/2017	1
09-2017-4016	ENSYSTEX II, INC. (R9 IMPORT)	FIFRA	1	09	FIFRA	12A1A	09/06/2017	09/06/2017	1
09-2017-5001	AEROTURBINE, INC.	RCRA HW	1	09	RCRA	3005	07/11/2017	07/11/2017	1
09-2017-6501	US NAVY - JOINT BASE PEARL HARBOR-HICKAM	SDWA UIC	1	09	SDWA	1422/1423	04/04/2017	04/04/2017	1
09-2017-6502	ALOHA PETROLEUM	SDWA UIC	1	09	SDWA	1422/1423	05/11/2017	05/11/2017	1
09-2017-6503	MATHESON TRI-GAS, INC (KAPOLEI, HI)	SDWA UIC	1	09	SDWA	1422/1423	08/17/2017	08/17/2017	1
09-2017-6504	MAUI VARIETIES INVESTMENTS, INC.	SDWA UIC	1	09	SDWA	1422/1423	09/28/2017	09/28/2017	1
09-2017-6505	KEITH WARD	SDWA UIC	1	09	SDWA	1422/1423	09/28/2017	09/28/2017	1
09-2017-6506	FILEMINDERS OF HAWAII, LLC AND HAWAII MMGD LLC	SDWA UIC	1	09	SDWA	1422/1423	09/29/2017	09/29/2017	1

$5,800	$0	$0	APO
$3,800	$0	$0	APO
$2,100	$0	$0	APO
$2,060	$0	$0	APO
$5,000	$0	$0	APO
$1,000	$0	$0	APO
$75,000	$0	$0	APO
$2,350	$8,000	$0	APO
$3,150	$6,000	$0	APO
$7,500	$50,000	$0	APO
$1,325	$4,000	$0	APO
$550	$4,000	$0	APO
$19,000	$9,300	$0	APO
$42,900	$33,875	$0	APO
$59,387	$0	$0	APO
$25,000	$5,000	$0	APO
$242,980	$8,372,735	$0	APO
$2,000	$6,500	$0	APO
$1,600	$7,500	$0	APO
$2,000	$8,500	$0	APO
$800	$5,000	$0	APO
$8,300	$32,399	$0	APO
$13,500	$45,000	$0	APO
$2,340	$1,000	$0	APO
$98,960	$0	$0	APO
$16,400	$0	$0	APO
$32,960	$0	$0	APO
$50,929	$0	$0	APO
$26,730	$0	$0	APO
$25,127	$0	$0	APO
$9,400	$0	$0	APO
$15,733	$0	$0	APO
$100,000	$30,000	$0	APO
$94,212	$0	$0	APO
$57,500	$0	$0	APO
$88,374	$198,250	$0	APO
$134,000	$47,000	$0	APO
$1,000	$55,600	$0	APO
$122,000	$114,670	$0	APO

09-2017-7001	SMITHLUM & FRIEND, INC. DBA POWERSTAR ENERGY SOLUTIONS	TSCA	1	09	TSCA	402A	12/13/2016	12/13/2016	1
09-2017-7002	BEST VALUE HOME IMPROVEMENTS	TSCA	1	09	TSCA	406B	01/06/2017	01/06/2017	1
09-2017-7004	SIMPLY BUILDING, INC	TSCA	1	09	TSCA	406B	05/03/2017	05/03/2017	1
09-2017-7005	SAMIRIAN CHEMICALS, INC.	TSCA	1	09	TSCA	8A	06/01/2017	06/01/2017	1
09-2017-7006	HAVEN HOMES, INC.	TSCA	1	09	TSCA	409	07/14/2017	07/14/2017	1
09-2017-7007	K KITTLE LLC DBA REBATH & 5 DAY KITCHENS	TSCA	1	09	TSCA	409	07/14/2017	07/14/2017	1
09-2017-7008	RICOH ELECTRONICS INC.	TSCA	1	09	TSCA	8A	08/11/2017	08/11/2017	1
09-2017-7009	HOLLAND AND HARLEY CONSTRUCTION, INC.	TSCA	1	09	TSCA	409	08/08/2017	08/08/2017	1
10-2016-0088	WILLIAM C NELSON JR AND THE ESTATE OF BARBARA NELSON - CONSENT AGREEMENT AND FINAL ORDER	CWA 404	1	10	CWA	404	07/27/2017	07/27/2017	1
10-2016-0111	ROBERT PAUL RICE - CONSENT AGREEMENT AND FINAL ORDER (FF)	CWA NPDES	1	10	CWA	301	06/17/2016	12/09/2016	1
10-2016-0116	ALASKA BOAT COMPANY LLC - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	06/20/2016	11/30/2016	1
10-2017-0002	PENINSULA TRUCK LINES INC - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	12/09/2016	12/09/2016	1
10-2017-0003	SUNG KEUN KIM	RCRA UST	1	10	RCRA	9003	12/15/2016	12/15/2016	1
10-2017-0007	SKAGIT PUD #1 WATER TREATMENT PLANT	CAA 112r	1	10	CAA	112[R][7]	11/30/2016	11/30/2016	1
10-2017-0015	HARTLEY MOTORS, INC.	SDWA UIC	1	10	SDWA	1422/1423	12/06/2016	12/06/2016	1
10-2017-0016	CIRCLE K STORES, INC., 6029 - ESA PILOT	RCRA UST	1	10	RCRA	9003	01/05/2017	01/05/2017	1
10-2017-0017	CIRCLE K STORES, INC, 6036 - ESA PILOT	RCRA UST	1	10	RCRA	9003	01/05/2017	01/05/2017	1
10-2017-0020	SILVASTAR FOREST PRODUCTS LLC - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	12/23/2016	12/23/2016	1
10-2017-0023	WOODGRAIN MILLWORK INC - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	02/02/2017	02/02/2017	1
10-2017-0024	WILSON OIL INC D/B/A WILCOX & FLEGEL OIL CO LONGVIEW TERMINAL - CONSENT AGREEMENT & FINAL ORDER	CWA 311	1	10	CWA	311J	01/23/2017	01/23/2017	1
10-2017-0025	ELECTROFINISHING, INC.	RCRA HW	1	10	RCRA	3002	03/01/2017	03/01/2017	1
10-2017-0026	IKO PACIFIC INC - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	01/04/2017	01/04/2017	1
10-2017-0029	MARTIN NYGAARD AND NYGAARD LAND LLC - CONSENT AGREEMENT AND FINAL ORDER	CWA 404	1	10	CWA	404	01/23/2017	01/23/2017	1
10-2017-0030	DAVIS INDUSTRIES, INC	EPCRA non 313	1	10	EPCRA	312	01/12/2017	01/12/2017	1
10-2017-0032	LARRY BOYER LAND AND CATTLE	FIFRA	1	10	FIFRA	12A2G	12/09/2016	12/09/2016	1
10-2017-0033	OREGON SCIENTIFIC, INC.	FIFRA	1	10	FIFRA	12A2N	03/13/2017	03/13/2017	1
10-2017-0034	AIR-TIGHT REMODELING	TSCA	1	10	TSCA	402C	03/13/2017	03/13/2017	1
10-2017-0035	OLYMPIC CHEVRON	RCRA UST	1	10	RCRA	9003	11/16/2016	11/16/2016	1
10-2017-0038	ASPEN HOMES - EXPEDITED SETTLEMENT AGREEMENT	CWA NPDES	1	10	CWA	301	07/13/2017	07/13/2017	1
10-2017-0039	STERITECH, INC.	FIFRA	1	10	FIFRA	12A2L	04/26/2017	04/26/2017	1

$11,429	$0	$0	APO
$38,990	$300	$0	APO
$24,105	$300	$0	APO
$10,000	$0	$0	APO
$148,618	$0	$0	APO
$19,810	$0	$0	APO
$245,990	$0	$0	APO
$14,210	$300	$0	APO
$10,000	$0	$0	APO
$3,600	$0	$0	APO
$43,000	$30,100	$0	APO
$36,800	$8,204	$0	APO
$6,390	$500	$0	APO
$1,600	$1,600	$0	APO
$5,600	$5,000	$0	APO
$2,550	$150	$0	APO
$3,400	$1,500	$0	APO
$34,500	$2,050	$0	APO
$60,000	$7,000	$0	APO
$44,069	$300,000	$0	APO
$5,000	$500	$0	APO
$29,000	$3,000	$0	APO
$62,924	$0	$0	APO
$5,000	$604	$0	APO
$1,760	$5,000	$0	APO
$4,320	$0	$0	APO
$2,903	$500	$0	APO
$420	$10,000	$0	APO
$11,000	$500	$0	APO
$1,440	$500	$0	APO

10-2017-0042	JOSEPH O'MEARA, JOSEPH O'MEARA LIVING TRUST AND KILLARNEY WEST GOLF COURSE INC - CAFO	CWA 404	1	10	CWA	404	04/14/2017	04/14/2017	1
10-2017-0043	METRIE INC - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	03/13/2017	03/13/2017	1
10-2017-0046	BIGGE CRANE AND RIGGING COMPANY - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	03/31/2017	03/31/2017	1
10-2017-0047	WOOD BROTHERS TRUCKING & CONSTRUCTION & JASON CARNAHAN - N BASIN SUBDIVISION/COLBURN PROPERTY - ESA	CWA NPDES	1	10	CWA	301	04/18/2017	04/18/2017	2
10-2017-0048	UNITED PACIFIC # 5465	RCRA UST	1	10	RCRA	9003	01/11/2017	01/11/2017	1
10-2017-0049	SIERRA PACIFIC INDUSTRIES - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	04/05/2017	04/05/2017	1
10-2017-0051	KETCHIKAN GATEWAY BOROUGH MOUNTAIN POINT AND FOREST PARK WWTF'S - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	03/28/2017	03/28/2017	2
10-2017-0052	POEHLS CONSTRUCTION	TSCA	1	10	TSCA	402C	04/20/2017	04/20/2017	1
10-2017-0053	ALASKA REGIONAL HOSPITAL	RCRA HW	1	10	RCRA	3002	03/31/2017	03/31/2017	1
10-2017-0054	CORVIAS MILITARY LIVING AT EIELSON AIR FORCE BASE (FF)	RCRA HW	1	10	RCRA	3002	03/09/2017	03/09/2017	1
10-2017-0055	EIELSON AIR FORCE BASE (FF)	RCRA HW	1	10	RCRA	3002	03/16/2017	03/16/2017	1
10-2017-0056	S & P CONSTRUCTION	TSCA	1	10	TSCA	402C	07/24/2017	07/24/2017	1
10-2017-0057	PENDLETON FLOUR MILLS	CAA 112r	1	10	CAA	112[R][7]	05/01/2017	05/01/2017	1
10-2017-0058	TWIN CITY FOODS INC.	CAA 112r	1	10	CAA	112[R][7]	03/31/2017	03/31/2017	1
10-2017-0059	LIGHTHOUSE HOMES AND REMODELING	TSCA	1	10	TSCA	402C	03/31/2017	03/31/2017	1
10-2017-0060	MD RESTORATION AND CONSTRUCTION, INC.	TSCA	1	10	TSCA	402C	03/16/2017	03/16/2017	1
10-2017-0061	ASPEN CONSTRUCTION AND DESIGN, LLC	TSCA	1	10	TSCA	402C	04/17/2017	04/17/2017	1
10-2017-0063	ALL AMERICAN PROPANE, INC.	EPCRA non 313	1	10	EPCRA	312	03/28/2017	03/28/2017	1
10-2017-0064	JOINT BASE ELMENDORF-RICHARDSON (FF)	RCRA HW	1	10	RCRA	3008A	02/22/2017	02/22/2017	1
10-2017-0066	HIGH DESERT BUILDING SERVICES, LLC	TSCA	1	10	TSCA	402C	05/01/2017	05/01/2017	1
10-2017-0067	RAINFOREST RENOVATION	TSCA	1	10	TSCA	402C	03/16/2017	03/16/2017	1
10-2017-0069	GENE R CHEESEMAN AND GR CHEESEMAN CONSTRUCTION LLC - CONSENT AGREEMENT AND FINAL ORDER	CWA 404	1	10	CWA	404	05/04/2017	05/04/2017	1
10-2017-0070	ARCTIC SHELL	RCRA UST	1	10	RCRA	9003	01/10/2017	01/10/2017	1
10-2017-0071	RAINSWEET, INC. EAST PLANT	CAA 112r	1	10	CAA	112[R][7]	05/31/2017	05/31/2017	1
10-2017-0073	CITY OF WAPATO	RCRA UST	1	10	RCRA	9003	02/09/2017	02/09/2017	1
10-2017-0074	WILBUR-ELLIS COMPANY (CENTRAL FERRY, WA)	CAA 112r	1	10	CAA	112[R][7]	04/11/2017	04/11/2017	1
10-2017-0075	WILBUR-ELLIS COMPANY (WALLA WALLA, WA)	CAA 112r	1	10	CAA	112[R][7]	04/11/2017	04/11/2017	1
10-2017-0076	GENERAL AIRCRAFT	FIFRA	1	10	FIFRA	12A2G	03/13/2017	03/13/2017	1
10-2017-0079	LOCALCONSTRUCT ADVISORS LLC, ET AL - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	07/10/2017	07/10/2017	1

$8,042	$0	$0	APO
$82,000	$4,900	$0	APO
$48,000	$6,950	$0	APO
$7,500	$3,000	$0	APO
$250	$500	$0	APO
$28,000	$6,000	$0	APO
$9,250	$1,000	$0	APO
$200	$300	$0	APO
$6,000	$500	$0	APO
$4,500	$0	$0	APO
$24,900	$0	$0	APO
$50	$0	$0	APO
$1,200	$0	$0	APO
$2,000	$0	$0	APO
$400	$600	$0	APO
$200	$200	$0	APO
$200	$200	$0	APO
$5,000	$604	$0	APO
$81,310	$0	$0	APO
$2,000	$2,000	$0	APO
$200	$200	$0	APO
$12,500	$0	$0	APO
$630	$5,300	$0	APO
$3,960	$350,000	$0	APO
$1,970	$10,100	$0	APO
$12,100	$0	$0	APO
$15,000	$0	$0	APO
$1,080	$0	$0	APO
$20,500	$4,600	$0	APO

10-2017-0080	VERDIS AND ALAMO EXCAVATING - EXPEDITED SETTLEMENT AGREEMENT	CWA NPDES	1	10	CWA	301	07/13/2017	07/13/2017	1
10-2017-0081	MCCALL HEATING	RCRA UST	1	10	RCRA	9003	12/08/2016	12/08/2016	1
10-2017-0082	VIBRA SPECIALTY HOSPITAL OF PORTLAND	RCRA UST	1	10	RCRA	9003	02/23/2017	02/23/2017	1
10-2017-0083	BRETTHAUER OIL CO	RCRA UST	1	10	RCRA	9003	03/01/2017	03/01/2017	1
10-2017-0084	NORTH PACIFIC SEAFOODS INC.	CAA 112r	1	10	CAA	112[R][7]	09/27/2017	09/27/2017	1
10-2017-0085	MILL CREEK WATER TREATMENT PLANT	CAA 112r	1	10	CAA	112[R][7]	04/26/2017	04/26/2017	1
10-2017-0086	UNITED PACIFIC #5459	RCRA UST	1	10	RCRA	9003	03/06/2017	03/06/2017	1
10-2017-0087	CHRISTENSEN, INC.	EPCRA non 313	1	10	EPCRA	312	04/17/2017	04/17/2017	5
10-2017-0089	MUKILTEO POWDER COATING, INC., D/B/A PRODUCTION PLATING INC.	EPCRA non 313	1	10	EPCRA	312	04/11/2017	04/11/2017	1
10-2017-0090	ROY BRILEY PROPERTY SERVICES	TSCA	1	10	TSCA	402C	06/26/2017	06/26/2017	1
10-2017-0091	SIMI ROOFING AND CONSTRUCTION	TSCA	1	10	TSCA	402C	05/09/2017	05/09/2017	1
10-2017-0094	JACKSONS STORE #22 MIDDLETON - EXPEDITED SPCC SETTLEMENT AGREEMENT	CWA 311	1	10	CWA	311J	05/11/2017	05/11/2017	1
10-2017-0097	SUTERRA LLC	FIFRA	1	10	FIFRA	12A1E	07/27/2017	07/27/2017	1
10-2017-0099	MCMINNVILLE CHEVRON	RCRA UST	1	10	RCRA	9003	03/30/2017	03/30/2017	1
10-2017-0100	CITY OF LAKE OSWEGO	RCRA UST	1	10	RCRA	9003	03/30/2017	03/30/2017	1
10-2017-0101	SAFEWAY DISTRIBUTION CENTER	RCRA UST	1	10	RCRA	9003	03/30/2017	03/30/2017	1
10-2017-0102	SCENTSY, INC.	EPCRA non 313	1	10	EPCRA	312	05/01/2017	05/01/2017	1
10-2017-0103	DYNO BATTERY INC.	EPCRA 313	1	10	EPCRA	313	05/24/2017	05/24/2017	1
10-2017-0107	THE JERRY BROWN CO INC - CONSENT AGREEMENT AND FINAL ORDER	CWA 311	1	10	CWA	311B	05/22/2017	07/10/2017	1
10-2017-0108	3 D PLASTICS INC.	EPCRA 313	1	10	EPCRA	313	06/08/2017	06/08/2017	1
10-2017-0109	HD POWER SYSTEMS, INC	CAA Mobile Source	1	10	CAA	213	08/16/2017	08/16/2017	1
10-2017-0110	UNIVERSITY OF ALASKA FAIRBANKS	RCRA HW	1	10	RCRA	3002	08/31/2017	08/31/2017	1
10-2017-0111	STEPPING STONE BUILDERS, INC.	SDWA UIC	1	10	SDWA	1422/1423	07/05/2017	07/05/2017	1
10-2017-0112	MT BAKER PRODUCTS INC - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	07/13/2017	07/13/2017	1
10-2017-0113	NORTON SOUND ECONOMIC DEVELOPMENT CORPORATION - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	07/10/2017	07/10/2017	1
10-2017-0115	ANESTI AUDEH	RCRA UST	1	10	RCRA	9003	06/08/2017	06/08/2017	1
10-2017-0116	AMERICAN RETAIL SERVICES, LLC - ESA PILOT	RCRA UST	1	10	RCRA	9003	07/05/2017	07/05/2017	1
10-2017-0117	WALLOWA COUNTY GRAIN GROWERS	FIFRA	1	10	FIFRA	12A2L	07/18/2017	07/18/2017	1
10-2017-0118	THE GLASS NOOK INC	TSCA	1	10	TSCA	402C	05/24/2017	05/24/2017	1
10-2017-0120	E.B. MEYER INC.	FIFRA	1	10	FIFRA	12A2L	07/18/2017	07/18/2017	1
10-2017-0121	OREGON SCHOOL FOR THE DEAF	RCRA UST	1	10	RCRA	9003	05/08/2017	05/08/2017	1
10-2017-0122	TYREE OIL - M STREET CARDLOCK	RCRA UST	1	10	RCRA	9003	05/08/2017	05/08/2017	1
10-2017-0124	AMERISTAR MEATS, INC.	EPCRA non 313	1	10	EPCRA	312	07/13/2017	07/13/2017	1
10-2017-0125	WESTERN FRUIT EXPRESS COMPANY	EPCRA non 313	1	10	EPCRA	312	07/13/2017	07/13/2017	1
10-2017-0127	AV CENTER	RCRA UST	1	10	RCRA	9003	05/04/2017	05/04/2017	1
10-2017-0128	7-ELEVEN #2362-27612C	RCRA UST	1	10	RCRA	9003	05/04/2017	05/04/2017	1

$2,400	$500	$0	APO
$80	$300	$0	APO
$490	$25	$0	APO
$210	$400	$0	APO
$45,743	$28,540	$0	APO
$3,060	$0	$0	APO
$490	$50	$0	APO
$65,670	$0	$0	APO
$87,028	$604	$0	APO
$400	$500	$0	APO
$200	$600	$0	APO
$2,075	$193,226	$0	APO
$9,900	$500	$0	APO
$250	$250	$0	APO
$80	$50	$0	APO
$980	$2,500	$0	APO
$30,225	$604	$0	APO
$8,500	$0	$0	APO
$9,900	$0	$0	APO
$25,600	$0	$0	APO
$35,000	$4,000	$0	APO
$7,000	$500	$0	APO
$36,500	$5,000	$0	APO
$52,700	$12,500	$0	APO
$51,050	$3,269	$0	APO
$16,438	$0	$0	APO
$12,780	$1,000	$0	APO
$800	$800	$0	APO
$3,760	$600	$0	APO
$300	$300	$0	APO
$250	$400	$0	APO
$80	$50	$0	APO
$38,000	$604	$0	APO
$36,215	$604	$0	APO
$490	$500	$0	APO
$490	$500	$0	APO

10-2017-0129	SUNROC CORPORATION AND BARBER VALLEY DEVELOPMENT - EXPEDITED SETTLEMENT AGREEMENT	CWA NPDES	1	10	CWA	301/402	07/31/2017	07/31/2017	1
10-2017-0130	VANGUARD EMS, INC.	EPCRA 313	1	10	EPCRA	313	07/31/2017	07/31/2017	1
10-2017-0131	CHS INC. - WALLA WALLA	CAA 112r	1	10	CAA	112[R][7]	08/03/2017	08/03/2017	1
10-2017-0132	CITY OF WILDER, IDAHO - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	09/18/2017	09/18/2017	1
10-2017-0134	MICROBASICS	FIFRA	1	10	FIFRA	12A1A	06/13/2017	06/13/2017	1
10-2017-0135	LIL PANTRY - ROSEBURG	RCRA UST	1	10	RCRA	9003	05/22/2017	05/22/2017	1
10-2017-0136	ALL WAYS UNDER PRESSURE LLC	TSCA	1	10	TSCA	402C	08/07/2017	08/07/2017	1
10-2017-0137	NOR PAC PET PRODUCTS, LLC	FIFRA	1	10	FIFRA	12A2L	08/21/2017	08/21/2017	1
10-2017-0138	MELROSE COUNTRY STORE	RCRA UST	1	10	RCRA	9003	05/31/2017	05/31/2017	1
10-2017-0139	AV CENTER	RCRA UST	1	10	RCRA	9003	05/30/2017	05/30/2017	1
10-2017-0140	TRILOGY DEVELOPMENT INC AND LIBERTY DEVELOPMENT INC - EXPEDITED SETTLEMENT AGREEMENT	CWA NPDES	1	10	CWA	301/402	09/13/2017	09/13/2017	1
10-2017-0141	CITY OF PLUMMER, IDAHO - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	09/18/2017	09/18/2017	1
10-2017-0143	BIG STATE LOGISTICS INC (BIRCH LAKE) - CONSENT AGREEMENT AND FINAL ORDER	CWA 311	1	10	CWA	311B	09/05/2017	09/05/2017	1
10-2017-0144	BIG STATE LOGISTICS INC (PAXSON LAKE) - CONSENT AGREEMENT AND FINAL ORDER	CWA 311	1	10	CWA	311B	09/05/2017	09/05/2017	1
10-2017-0145	BIG STATE LOGISTICS INC (TSINA RIVER) - CONSENT AGREEMENT AND FINAL ORDER	CWA 311	1	10	CWA	311B	09/05/2017	09/05/2017	1
10-2017-0146	RUSSELL VESSEY	CAA Stationary Source	1	10	CAA	110	08/31/2017	08/31/2017	1
10-2017-0147	EC PHILLIPS AND SON INC. KETCHIKAN	CAA 112r	1	10	CAA	112[R][7]	08/30/2017	08/30/2017	1
10-2017-0149	SNUG HARBOR SEAFOODS INC - KENAI RIVER DOCK - EXPEDITED SPCC SETTLEMENT AGREEMENT	CWA 311	1	10	CWA	311J	09/12/2017	09/12/2017	1
10-2017-0150	FAA SEATTLE AIR ROUTE TRAFFIC CONTROL CENTER (FF)	RCRA UST	1	10	RCRA	9003	07/10/2017	07/10/2017	1
10-2017-0153	AXIOM ELECTRONICS LLC	EPCRA 313	1	10	EPCRA	313	08/24/2017	08/24/2017	1
10-2017-0154	BBC BIOCHEMICAL CORPORATION	EPCRA 313	1	10	EPCRA	313	09/13/2017	09/13/2017	1
10-2017-0158	BLACK BUTTE CONSTRUCTION INC.	TSCA	1	10	TSCA	402C	09/13/2017	09/13/2017	1
10-2017-0159	DIAMOND HOMES LLC	TSCA	1	10	TSCA	402C	08/17/2017	08/17/2017	1
10-2017-0161	LEADER CREEK FISHERIES, INC.	CAA 112r	1	10	CAA	112[R][7]	09/25/2017	09/25/2017	1
10-2017-0162	SEACAST, INC.	RCRA HW	1	10	RCRA	3002	08/24/2017	08/24/2017	1
10-2017-0163	UNITED STATES COAST GUARD, KODIAK SUPPORT UNIT (FF)	RCRA HW	1	10	RCRA	3002	09/12/2017	09/12/2017	1
10-2017-0164	RCO INTERNATIONAL INC.	FIFRA	1	10	FIFRA	12A1E	09/27/2017	09/27/2017	1
10-2017-0166	EMERALD SERVICES, INC.	RCRA HW	1	10	RCRA	3007A	09/08/2017	09/08/2017	1
10-2017-0175	MAY TRUCKING CO.	RCRA UST	1	10	RCRA	9003	07/31/2017	07/31/2017	1
10-2017-0176	KLOOSTERBOER DUTCH HARBOR LLC	EPCRA non 313	1	10	EPCRA	304	09/27/2017	09/27/2017	1
10-2017-0177	CASCADE SYSTEMS TECHNOLOGY LLC	EPCRA 313	1	10	EPCRA	313	09/25/2017	09/25/2017	1
10-2017-0178	WESTERN AG	FIFRA	1	10	FIFRA	12A1C	09/15/2017	09/15/2017	1

$1,650	$1,250	$0	APO
$21,900	$0	$0	APO
$8,500	$5,525	$0	APO
$8,900	$3,600	$0	APO
$11,120	$3,000	$0	APO
$80	$25	$0	APO
$1,666	$1,200	$0	APO
$300	$300	$0	APO
$250	$50	$0	APO
$490	$5,000	$0	APO
$2,500	$4,000	$0	APO
$2,500	$600,000	$0	APO
$24,000	$0	$0	APO
$9,000	$0	$0	APO
$10,000	$0	$0	APO
$192	$0	$0	APO
$5,760	$24,000	$0	APO
$2,275	$0	$0	APO
$250	$300	$0	APO
$52,570	$0	$0	APO
$37,730	$0	$0	APO
$5,418	$0	$0	APO
$7,199	$0	$0	APO
$11,940	$175,000	$0	APO
$15,790	$250	$0	APO
$45,000	$263,012	$0	APO
$25,400	$14,000	$0	APO
$125,800	$0	$0	APO
$490	$100	$0	APO
$10,008	$10,008	$0	APO
$15,260	$0	$0	APO
$24,000	$24,000	$0	APO

10-2017-0180	DEHARTS AUKE BAY STORE	RCRA UST	1	10	RCRA	9003	08/23/2017	08/23/2017	1
10-2017-0181	WESTSIDE SERVICE	RCRA UST	1	10	RCRA	9003	08/23/2017	08/23/2017	1
10-2017-0182	TEMSCO HELICOPTERS	RCRA UST	1	10	RCRA	9003	08/23/2017	08/23/2017	1
10-2017-0183	FISHERMAN'S BEND	RCRA UST	1	10	RCRA	9003	08/23/2017	08/23/2017	1
10-2017-8353	MCCORMICK INTERNATIONAL USA, INC	CAA Mobile Source	1	10	CAA	213	04/26/2017	04/26/2017	1
10-2018-0002	LARRY'S AUTO AND TRUCK PARTS INC - CONSENT AGREEMENT AND FINAL ORDER	CWA NPDES	1	10	CWA	301/402	09/29/2017	09/29/2017	1
EF-2014-8119	PEACE INDUSTRY	CAA Mobile Source	1	EF	CAA	203	09/28/2016	12/23/2016	1
EF-2014-8119	PEACE INDUSTRY	CAA Mobile Source	2	EF	CAA	203	09/28/2016	12/22/2016	1
EF-2015-8123	KING YUKON, IMO NUMBER: 9391828	APPS Mobile Source	1	EF	APPS	1907	01/10/2017	01/10/2017	1
EF-2016-8260	HOUSTON REFINING	CAA Mobile Source	1	EF	CAA	211	12/07/2016	12/22/2016	1
EF-2016-8274	SUZUKI	CAA Mobile Source	1	EF	CAA	203	08/01/2016	11/08/2016	1
EF-2017-8271	PLEASURECRAFT MARINE ENGINE	CAA Mobile Source	1	EF	CAA	213	11/04/2016	11/04/2016	1
EF-2017-8273	ATLANTIC TRADING AND MARKETING	CAA Mobile Source	1	EF	CAA	211	05/12/2017	05/24/2017	1
EF-2017-8278	KOCH SUPPLY AND TRADING	CAA Mobile Source	1	EF	CAA	211	08/30/2017	09/27/2017	1
EF-2017-8298	KION NORTH AMERICA	CAA Mobile Source	1	EF	CAA	213	10/13/2016	10/13/2016	1
EF-2017-8327	BOOST DIESEL REPAIR	CAA Mobile Source	1	EF	CAA	203	08/22/2017	08/22/2017	1
EF-2017-8328	RYAN'S DIESEL SERVICE	CAA Mobile Source	1	EF	CAA	203	08/14/2017	08/14/2017	1
EF-2017-8331	CITYSERVICEVALCON	CAA Mobile Source	1	EF	CAA	211	05/23/2017	05/23/2017	1
EF-2017-8332	DELAWARE CITY REFINING COMPANY; PBF HOLDING COMPANY	CAA Mobile Source	1	EF	CAA	211	05/23/2017	05/23/2017	1
EF-2017-8333	HOLLYFRONTIER REFINING & MARKETING	CAA Mobile Source	1	EF	CAA	211	05/23/2017	05/23/2017	1
EF-2017-8334	MAGELLAN ASSET SERVICES	CAA Mobile Source	1	EF	CAA	211	05/23/2017	05/23/2017	1
EF-2017-8335	MURPHY OIL CORPORATION	CAA Mobile Source	1	EF	CAA	211	05/23/2017	05/23/2017	1
EF-2017-8336	PBF HOLDING COMPANY	CAA Mobile Source	1	EF	CAA	211	05/23/2017	05/23/2017	1
EF-2017-8337	SHELL CHEMICAL LP-MOBILE	CAA Mobile Source	1	EF	CAA	211	05/23/2017	05/23/2017	1
EF-2017-8338	SHELL OIL COMPANY	CAA Mobile Source	1	EF	CAA	211	05/23/2017	05/23/2017	1
EF-2017-8339	TOLEDO REFINING COMPANY	CAA Mobile Source	1	EF	CAA	211	05/23/2017	05/23/2017	1
EF-2017-8340	BP PRODUCTS NORTH AMERICA	CAA Mobile Source	1	EF	CAA	211		05/23/2017	1
EF-2017-8341	CHEVRON USA	CAA Mobile Source	1	EF	CAA	211		05/23/2017	1
EF-2017-8342	GEORGE E. WARREN	CAA Mobile Source	1	EF	CAA	211		05/23/2017	1
EF-2017-8343	MOTIVA ENTERPRISES	CAA Mobile Source	1	EF	CAA	211		05/23/2017	1
EF-2017-8344	PHILLIPS 66	CAA Mobile Source	1	EF	CAA	211		05/23/2017	1
EF-2017-8345	SUNOCO (R&M)	CAA Mobile Source	1	EF	CAA	211		05/23/2017	1
EF-2017-8346	VALERO ENERGY CORPORATION	CAA Mobile Source	1	EF	CAA	211		05/23/2017	1
EF-2017-8347	CITGO PETROLEUM CORPORATION	CAA Mobile Source	1	EF	CAA	211		05/23/2017	1
EF-2017-8365	VAN HOOL	CAA Mobile Source	1	EF	CAA	203	09/12/2017	09/20/2017	1
EF-2017-8367	MARATHON PETROLEUM	CAA Mobile Source	1	EF	CAA	211	08/30/2017	08/30/2017	1
EF-2017-8368	SUNCOR ENERGY USA	CAA Mobile Source	1	EF	CAA	211	08/30/2017	08/30/2017	1
EF-2017-8369	VITOL	CAA Mobile Source	1	EF	CAA	211	08/30/2017	08/30/2017	1
EF-2017-8370	CHEVRON USA	CAA Mobile Source	1	EF	CAA	211		08/30/2017	1
EF-2017-8371	CITGO PETROLEUM	CAA Mobile Source	1	EF	CAA	211		08/30/2017	1
EF-2017-8372	GEORGE E. WARREN	CAA Mobile Source	1	EF	CAA	211		08/30/2017	1

$80	$100	$0	APO
$250	$300	$0	APO
$250	$300	$0	APO
$250	$300	$0	APO
$25,800	$16,350	$0	APO
$10,000	$1,000	$0	APO
$120,000	$0	$0	APO
$1,485,582	$0	$0	APO
$15,179	$0	$0	APO
$434,500	$0	$0	APO
$2,054,924	$0	$0	APO
$225,000	$0	$0	APO
$1,280,000	$0	$0	APO
$650,000	$0	$0	APO
$200,000	$0	$0	APO
$100	$0	$0	APO
$19,950	$0	$0	APO
$6,653	$61,873	$0	APO
$50,000	$465,000	$0	APO
$9,565	$88,953	$0	APO
$13,600	$126,480	$0	APO
$4,769	$44,350	$0	APO
$250,000	$2,459,147	$0	APO
$5,862	$54,519	$0	APO
$40,687	$378,386	$0	APO
$250,000	$2,371,500	$0	APO
$0	$632,514	$0	APO
$0	$682,838	$0	APO
$0	$440,011	$0	APO
$0	$92,030	$0	APO
$0	$532,166	$0	APO
$0	$388,149	$0	APO
$0	$1,722,074	$0	APO
$0	$4,849	$0	APO
$575,000	$0	$0	APO
$42,165	$1,050,106	$0	APO
$170,000	$1,666,000	$0	APO
$35,000	$343,000	$0	APO
$0	$3,018,846	$0	APO
$0	$1,450,397	$0	APO
$0	$423,752	$0	APO

HQ-2016-5017	AMERICAN COVERS, INC., D/B/A HANDSTANDS	FIFRA	1	HQ	FIFRA	12A2B	08/24/2016	10/06/2016	1
HQ-2016-5020	SUMITOMO CHEMICAL COMPANY, LTD.	FIFRA	1	HQ	FIFRA	12A2B	09/30/2016	10/13/2016	1
HQ-2016-5021	BAYER CROPSCIENCE LP	FIFRA	1	HQ	FIFRA	12A2Q	01/23/2017	02/03/2017	1
HQ-2016-5022	ECCO USA, INC	FIFRA	1	HQ	FIFRA	12A1A	11/16/2016	11/16/2016	1
HQ-2017-0001	WHOLE FOODS MARKET GROUP INC.	RCRA HW	1	HQ	RCRA	3002	04/07/2017	04/07/2017	4
HQ-2017-5001	TRI-ISO TRYLINE GROUP LLC F/K/A THE TRYLINE GROUP	TSCA	1	HQ	TSCA	8B	02/13/2017	03/22/2017	1
HQ-2017-5002	TRINTERNATIONAL, INC.	TSCA	1	HQ	TSCA	8B	08/09/2017	08/28/2017	1
HQ-2017-5003	JX NIPPON TEXASS CHEMICAL INC.	TSCA	1	HQ	TSCA	8B	01/17/2017	02/28/2017	1
HQ-2017-5006	WILHELMSEN SHIPS SERVICES	TSCA	1	HQ	TSCA	5H	09/13/2017	09/13/2017	1
HQ-2017-6001	JP MORGAN CHASE BANK, N.A.	Multi-Program	1	HQ	CWA	311J	09/19/2017	09/19/2017	119

$5,720	$0	$0	APO
$7,150	$0	$0	APO
$15,000	$0	$0	APO
$325,000	$0	$0	APO
$500,000	$145,000	$0	APO
$163,744	$0	$0	APO
$10,000	$0	$0	APO
$350,000	$2,000	$0	APO
$1,303,315	$50,000	$0	APO
$230,392	$151,515	$0	APO

FY2016 Civil Enforcement Conclusions
Civil Judicial Conclusions

Enforcement Action Identifier	Final Order Name	Report Category	Final Order No.	Reg.	Primary Law	Primary Law Section	Referred to DOJ Date	Complaint Filed Date	Final Order Date	Count of Facilities
01-2012-2010	WEST HAVEN WPCF	CWA NPDES	2	01	CWA	301/402	03/22/2012	12/19/2013	02/03/2017	1
01-2013-2037	HAVERHILL CITY OF	CWA NPDES	1	01	CWA	301/402	09/30/2013	08/26/2016	11/10/2016	1
01-2013-2800	BAYLEY'S CAMPING RESORT	CWA 404	1	01	CWA	404	09/27/2013	09/28/2016	11/21/2016	2
01-2015-2005	IDLEWILD ACRES LLC (SB)	CWA 404	1	01	CWA	404	01/26/2015	09/30/2016	01/11/2017	1
01-2015-2035	EMD MILLIPORE	CWA NPDES	1	01	CWA	301/307	09/30/2015	01/30/2017	03/16/2017	1
01-2015-2038	LYNN WATER & SEWER COMMISSION	CWA NPDES	1	01	CWA	301	09/30/2015	01/19/2017	04/07/2017	1
01-2016-0011	PETERSON/PURITAN SUPERFUND SITE OU2	CERCLA	1	01	CERCLA	106A	09/15/2016	04/11/2017	05/03/2017	1
01-2016-0012	EASTGATE PLAZA LLC / SCOVILL INDUSTRIAL LANDFILL SUPERFUND SITE	CERCLA	1	01	CERCLA	107A	09/30/2016	10/31/2016	12/20/2016	1
01-2016-0013	CALLAHAN MINE	CERCLA	1	01	CERCLA	107A	09/29/2016	01/06/2017	04/18/2017	1
01-2017-0001	REED & BARTON SITE	CERCLA	1	01	CERCLA	104E3	03/13/2017	03/28/2017	03/28/2017	1
01-2017-0005	LINCOLN PULP & PAPER COMPANY INC	CERCLA	1	01	CERCLA	107A	02/23/2016	03/14/2016	07/13/2017	1
02-2008-0019	PUERTO RICO DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES	CWA NPDES	1	02	CWA	301	06/27/2008	11/17/2014	06/29/2017	4
02-2009-0016	MUNICIPALITY OF SAN JUAN (MS4)	CWA NPDES	1	02	CWA	504	07/08/2009	06/16/2014	06/29/2017	4
02-2009-0034	FALCON PETROLEUM, LLC ET AL.	RCRA UST	1	02	RCRA	9006A	09/30/2009	12/21/2016	07/24/2017	8
02-2010-0008	MONROE IRON & METAL CO., INC. ET AL.	CERCLA	5	02	CERCLA	107A	03/31/2010	04/16/2010	09/29/2017	1
02-2011-0008	PAULSBORO REFINING COMPANY LLC	CAA Stationary Source	1	02	CAA	112D	09/29/2011	04/19/2017	09/19/2017	1
02-2011-0016	NVR, INC. D/B/A RYAN HOMES (NATIONAL CASE - NO NLPS)	CWA NPDES	1	02	CWA	301/402	09/27/2011	06/15/2017	09/07/2017	63
02-2012-0010	MUNICIPALITY OF SANTA ISABEL	RCRA HW	1	02	RCRA	7003	06/12/2012	04/12/2017	06/23/2017	1
02-2012-0018	NEDJET YETIM - RACHELANN YETIM DEFENDANTS	RCRA UST	1	02	RCRA	9003	09/27/2012	02/07/2014	10/03/2016	3
02-2013-0002	MPM SILICONES, LLC	Multi-Program	2	02	CAA	112	09/26/2013	12/02/2015	05/04/2017	1
02-2013-0006	PR DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS ET AL.	CWA NPDES	1	02	CWA	301/402	09/23/2013	11/17/2014	06/29/2017	2
02-2013-0015	TOTAL PETROLEUM PUERTO RICO CORPORATION	CWA NPDES	1	02	CWA	301	09/23/2013	09/13/2016	11/10/2016	1
02-2014-0012	METRO AFFILIATES, INC. (ATLANTIC EXPRESS)	CWA NPDES	2	02	CWA	301/402	04/24/2014	05/16/2014	01/31/2017	1
02-2014-0015	ACCOLADE CONSTRUCTION GROUP INC. (SB)	TSCA	1	02	TSCA	402C	07/21/2014	07/27/2015	09/27/2017	5
02-2014-0019	MOMENTIVE PERFORMANCE MATERIALS SILICONES, LLC	Multi-Program	1	02	RCRA	3002	09/26/2014	04/21/2017	04/28/2017	1
02-2015-0006	SHIELDALLOY METALLURGICAL CORPORATION	CERCLA	1	02	CERCLA	106A	09/28/2016	11/10/2016	04/17/2017	1
02-2015-0009	NL INDUSTRIES, INC.	CERCLA	1	02	CERCLA	107A	07/24/2015	02/10/2017	07/10/2017	1
02-2015-0009	ACF INDUSTRIES, LLC ET AL.	CERCLA	2	02	CERCLA	107A	07/24/2015	02/10/2017	07/10/2017	1
02-2015-0013	INTERNATIONAL PAPER COMPANY, ET AL.	CERCLA	1	02	CERCLA	107A	09/29/2016	12/06/2016	04/10/2017	1
02-2015-0016	NEW YORK STATE OFFICE OF PARKS - RECREATION AND HISTORIC PRESERVATION	SDWA UIC	1	02	SDWA	1422/1423	09/03/2015	12/19/2016	04/03/2017	1
02-2016-0004	NEW YORK RACING ASSOCIATION, INC.	CWA NPDES	1	02	CWA	301/402	03/02/2016	09/30/2016	03/03/2017	1

Federal Penalty Assessed	Complying Action Value Total	Assessed Cost Recovery	Final Order Type
$0	$405,000	$0	CDC
$62,500	$96,302,100	$0	CDC
$227,500	$3,160,867	$0	CDC
$22,000	$80,000	$0	CDC
$385,000	$3,500,000	$0	CDC
$62,500	$105,000,000	$0	CDC
$0	$40,300,000	$0	CDC
$0	$5,000	$93,000	CDC
$0	$0	$0	CDC
$0	$0	$0	CDC
$0	$400,000	$275,000	CDC
$0	$33,000,000	$0	CDC
$0	$180,000,000	$0	CDC
$60,000	$218,000	$0	CDC
$0	$0	$151,503	CDC
$180,000	$1,000,000	$0	CDC
$425,000	$2,008,003	$0	CDC
$20,000	$13,204,065	$0	CDC
$60,000	$21,360	$0	CDC
$625,000	$0	$0	CDC
$0	$44,000,000	$0	CDC
$345,000	$474,000	$0	CDC
$0	$0	$0	CDC
$58,000	$3,380	$0	CDC
$0	$0	$0	CDC
$0	$5,635,000	$505,000	CDC
$0	$0	$3,677,000	CDC
$0	$0	$1,185,000	CDC
$0	$1,239,000	$1,085,391	CDC
$150,000	$8,800,000	$0	CDC
$150,000	$193,086	$0	CDC

02-2016-0010	MAXUS ENERGY CORPORATION ET AL.	CERCLA	1	02	CERCLA	107A	09/30/2016	12/15/2016	05/22/2017	1
03-2010-7015	GREER INDUSTRIES, ET. AL. (PIKEWOOD NATIONAL GOLF COURSE)	CWA 404	1	03	CWA	404	09/30/2010	01/09/2017	03/29/2017	1
03-2011-7012	ERIE COKE CORPORATION	CAA Stationary Source	1	03	CAA	112	09/29/2011	09/29/2016	12/16/2016	2
03-2012-7023	SPANOS, GEORGE, A.(GEORGIA AVENUE PCE SITE)	CERCLA	1	03	CERCLA	107A	09/28/2012	09/26/2014	02/23/2017	1
03-2012-7028	POOR CHARLIE & COMPANY (TWIN CITIES IRON & METAL)	CERCLA	2	03	CERCLA	107A	09/27/2012	07/02/2014	01/19/2017	1
03-2012-7028	COSOLA, MICHAEL (TWIN CITIES IRON & METAL)	CERCLA	3	03	CERCLA	107A	09/27/2012	07/02/2014	04/24/2017	1
03-2013-7015	PERSIMMON LANE, LLC (HIDDEN LANE LANDFILL)	CERCLA	1	03	CERCLA	107A	09/26/2013	01/05/2017	04/03/2017	1
03-2013-7022	DINOS, GUS, ET. AL.(GEORGIA AVENUE PCE SITE)	CERCLA	1	03	CERCLA	104E5	09/30/2013	09/26/2014	02/23/2017	1
03-2014-7009	TANK CAR CORPORATION OF AMERICA	CERCLA	1	03	CERCLA	107A	09/25/2014	09/20/2016	12/06/2016	1
03-2015-7001	HAGERSTOWN AIRCRAFT SERVICES, IN RE	RCRA HW	1	03	RCRA	3002	04/16/2015	06/30/2015	12/30/2016	1
03-2015-7002	POTOMAC ELECTRIC POWER COMPANY (PEPCO)	CWA NPDES	1	03	CWA	301	05/21/2015	10/30/2015	05/19/2017	1
03-2015-7009	COYNE INTERNATIONAL ENTERPRISES, CORP, IN RE. (COYNE TEXTILE SERVICES SUPERFUND)	CERCLA	1	03	CERCLA	107A	09/23/2015	01/22/2016	11/07/2016	1
04-2009-9009	CEMEX, INC. (KNOXVILLE, TN; DEMOPOLIS, AL; LOUISVILLE, KY PLANTS) (NC) (LEAD) (04-2017-C003)	CAA Stationary Source	1	04	CAA	113A	03/31/2009	07/27/2016	11/29/2016	3
04-2011-9007	CIRCLE ENVIRONMENTAL 2 SITES (04-2017-C008)	CERCLA	2	04	CERCLA	107A	04/18/2011	09/16/2011	03/22/2017	1
04-2013-9012	AEROSPACE COATING INTERNATIONAL, LLC (04-2017-C009)	CWA NPDES	1	04	CWA	301/307	09/19/2013	09/17/2017	09/22/2017	1
04-2013-9014	JUSTICE COMPANIES/SOUTHERN COAL(NATIONAL CASE) (LEAD)	CWA NPDES	1	04	CWA	301/402	09/04/2013	09/30/2016	12/12/2016	56
04-2014-9002	LCP CHEMICALS SITE (OU1, THE ESTUARY)	CERCLA	1	04	CERCLA	106A	07/16/2016	07/29/2016	07/27/2017	1
04-2014-9011	SONFORD PRODUCTS SUPERFUND SITE (04-2017-C015)	CERCLA	1	04	CERCLA	107A	09/19/2014	11/04/2016	04/21/2017	1
04-2016-9004	CTS OF ASHEVILLE INC., SUPERFUND SITE	CERCLA	1	04	CERCLA	106A	10/31/2016	11/22/2016	03/07/2017	1
04-2016-9009	GULFSTREAM PARK RACING ASSOCIATION, INC. (04-2017-C007)	CWA NPDES	1	04	CWA	301/402	09/21/2016	04/27/2017	04/28/2017	1
04-2016-9012	WARD TRANSFORMER SUPERFUND SITE (04-2017-C002)	CERCLA	1	04	CERCLA	106A	07/26/2016	09/22/2016	11/22/2016	1
04-2016-9015	COLUMBIA NITROGEN SUPERFUND SITE (BNK) (ASHLEY II OF CHARLESTON) (04-2017-C006)	CERCLA	1	04	CERCLA	107A	07/18/2016	08/06/2016	12/13/2016	1
04-2016-9015	COLUMBIA NITROGEN SUPERFUND SITE (BNK) (ASHLEY II OF CHARLESTON)	CERCLA	2	04	CERCLA	107A	07/18/2016	08/06/2016	09/22/2017	1
05-2008-6620	U.S. STEEL - CD	CAA Stationary Source	1	05	CAA	110	09/24/2008	08/01/2012	03/30/2017	3
05-2011-0326	CITY OF CLEVELAND HEIGHTS	CWA NPDES	1	05	CWA	301/402	09/30/2011	07/19/2017	09/08/2017	1
05-2011-5065	CITGO PETROLEUM CORPORATION	CAA Stationary Source	1	05	CAA	110	09/30/2011	11/10/2016	01/11/2017	1
05-2011-7061	ENBRIDGE ENERGY L.P. (ROMEOVILLE, IL/MARSHALL, MI) CIVIL JUDICIAL REFERRAL CWA	CWA 311	1	05	CWA	311B	03/24/2011	07/20/2016	05/23/2017	2
05-2012-0333	HAMMOND SANITARY DISTRICT	CWA NPDES	1	05	CWA	308	09/27/2012	02/03/2017	05/08/2017	1

$0	$0	$103,000,000	CDC
$900,000	$4,800,000	$0	CDC
$500,000	$120,000	$0	CDC
$0	$358,000	$125,000	CDC
$0	$0	$3,401,833	CDC
$0	$15,000	$0	CDC
$0	$0	$5,000,000	CDC
$5,000	$0	$2,089,424	CDC
$0	$0	$14,009,329	CDC
$0	$0	$0	CDC
$1,600,000	$500,000	$0	CDC
$0	$0	$30,000	CDC
$774,000	$6,000,000	$0	CDC
$0	$0	$69,858	CDC
$400,000	$89,695	$0	CDC
$300,000	$3,000,000	$0	CDC
$0	$28,600,000	$0	CDC
$0	$0	$230,516	CDC
$0	$9,035,000	$0	CDC
$456,500	$0	$0	CDC
$40,000	$5,500,000	$0	CDC
$0	$0	$1,400,000	CDC
$0	$0	$2,000,967	CDC
$1,000,000	$30,600,000	$0	CDC
$0	$0	$0	CDC
$1,955,000	$41,000,000	$0	CDC
$62,000,000	$5,438,222	$0	CDC
$225,000	$240,000,000	$0	CDC

05-2012-5034	MAYNARD STEEL CASTING COMPANY	CAA Stationary Source	1	05	CAA	110	06/11/2012	03/01/2017	05/30/2017	1
05-2012-5044	EAST BALT COMMISSARY, INC	CAA Stationary Source	1	05	CAA	110	08/23/2012	08/24/2016	10/31/2016	1
05-2012-5556	PPG INDUSTRIES (DELAWARE)	CAA Stationary Source	1	05	CAA	112	09/20/2012	05/02/2017	08/24/2017	1
05-2013-5047	MESABI NUGGET - CONSENT DECREE	CAA Stationary Source	1	05	CAA	112D	08/07/2013	05/22/2017	06/26/2017	1
05-2015-0088	SEARS HOME IMPROVEMENT PRODUCTS, INC. (EXPEDITED REFERRAL)(NC)(LEAD)	TSCA	1	05	TSCA	402C	09/17/2015	09/28/2016	12/06/2016	1
05-2015-5065	S H BELL	CAA Stationary Source	1	05	CAA	110	08/27/2015	08/09/2016	12/05/2016	1
05-2016-1020	NEASE CHEMICAL - CONSENT DECREE (CERCLA)	CERCLA	1	05	CERCLA	106A	06/09/2016	09/09/2016	12/22/2016	1
05-2016-1025	NORTH SHORE GAS SOUTH PLANT - CONSENT DECREE	CERCLA	1	05	CERCLA	106A	09/21/2016	11/16/2016	02/13/2017	1
05-2016-1026	GARY DEVELOPMENT LANDFILL REFERRAL - (CERCLA)	CERCLA	1	05	CERCLA	104E2	07/29/2016	10/06/2016	10/12/2016	1
05-2017-1002	ASHLAND/NORTHERN STATES POWER SITE - CONSENT DECREE (CERCLA)	CERCLA	1	05	CERCLA	106A	12/28/2016	01/10/2017	03/01/2017	1
05-2017-1005	FOX RIVER NRDA/PCB RELEASES - CONSENT DECREE (CERCLA)	CERCLA	1	05	CERCLA	106A	12/19/2016	01/12/2017	08/23/2017	1
05-2017-1006	SAUGET AREA 1 - CONSENT DECREE (CERCLA)	CERCLA	1	05	CERCLA	106A	02/06/2017	02/14/2017	04/07/2017	1
06-2009-1847	TYLER, CITY OF	CWA NPDES	1	06	CWA	301/402	05/29/2009	01/17/2017	04/10/2017	2
06-2010-4881	SUNOCO PIPELINE, L. P. (BARBERS HILL TRUNK STATION)	CWA 311	1	06	CWA	311B	07/02/2010	07/11/2016	10/13/2016	2
06-2012-4881	MAGELLAN PIPELINE (NATIONAL CASE)	CWA 311	1	06	CWA	311B	06/19/2012	01/19/2017	05/17/2017	1
06-2015-2937	TAR CREEK	CERCLA	1	06	CERCLA	106A	08/03/2015	11/20/2015	09/26/2017	1
06-2017-0951	GCM LIQUIDATION CORPORATION	RCRA HW	1	06	RCRA	3002	12/07/2016	09/08/2017	09/08/2017	1
06-2017-2957	CHEVRON QUESTA MINE	CERCLA	1	06	CERCLA	107A	07/01/2016	08/09/2016	05/01/2017	1
06-2017-2959	SAN MATEO URANIUM MINE (CIBOLA NATIONAL FOREST)	CERCLA	1	06	CERCLA	107A	01/05/2015	08/14/2017	09/22/2017	2
06-2017-3403	VOPAK NORTH AMERICA, INC.	CAA Stationary Source	1	06	CAA	112	11/30/2016	05/17/2017	07/31/2017	1
07-2015-0500	MEADOWVALE DAIRY LLC	CWA NPDES	1	07	CWA	301/402	03/12/2015	01/19/2017	04/28/2017	1
07-2016-0110	CITY OF PRETTY PRAIRIE, KANSAS	SDWA PWS	1	07	SDWA	1412	02/04/2016	01/13/2017	05/22/2017	1
08-2011-0206	JIM'S WATER SERVICE WERNER FACILITY	RCRA HW	1	08	RCRA	7003	09/28/2011	12/02/2016	01/13/2017	1
08-2012-0162	INTERNATIONAL SMELTING AND REFINING	CERCLA	1	08	CERCLA	107A	09/26/2013	12/12/2016	02/10/2017	1
08-2015-0102	SLAWSON EXPLORATION	CAA Stationary Source	1	08	CAA	110	09/16/2015	12/01/2016	02/06/2017	1
09-2011-0507	TRADER JOE'S (NC) (LEAD)	CAA Stationary Source	1	09	CAA	608	04/18/2011	06/21/2016	12/15/2016	1
09-2014-0502	BLUE LAKE POWER, LLC	CAA Stationary Source	1	09	CAA	165	09/23/2014	02/26/2016	02/23/2017	1
09-2014-2510	BANAIRE ENTERPRISES AND BANAIRE RADIUM TRALERS CD	CERCLA	1	09	CERCLA	107A	12/16/2013	12/16/2013	04/11/2017	2
09-2015-1514	MATSON TERMINALS, INC.	CWA NPDES	1	09	CWA	301	08/21/2015	01/19/2017	02/24/2017	1
09-2015-2505	BKK JPMORGAN CD	CERCLA	1	09	CERCLA	107A	03/02/2015	03/02/2015	01/23/2017	1
09-2016-2501	OMEGA CHEMICAL CORPORATION CD	CERCLA	1	09	CERCLA	122A	02/05/2016	02/05/2016	03/31/2017	1
09-2016-2510	UNITED STATES V. WESTROCK CP, LLC PAST COST CD	CERCLA	1	09	CERCLA	107A	08/05/2016	08/05/2016	01/09/2017	1
09-2017-2000	JACK NOBLE PROPERTY - VAN DUZEN RIVER	CWA 404	1	09	CWA	404	10/06/2016	10/26/2016	11/15/2016	1
09-2017-2506	U.S VS CYPRUS AMAX MINERALS COMPANY AND WESTERN NUCLEAR, INC.	CERCLA	1	09	CERCLA	107A	01/17/2017	01/17/2017	05/22/2017	1

$25,000	$350,000	$0	CDC
$172,500	$415,623	$0	CDC
$225,000	$175,000	$0	CDC
$75,000	$160,000	$0	CDC
$277,000	$0	$0	CDC
$100,000	$884,659	$0	CDC
$0	$18,750,000	$394,870	CDC
$0	$10,600,000	$0	CDC
$0	$0	$0	CDC
$0	$42,000,000	$1,000,000	CDC
$0	$0	$0	CDC
$0	$13,059,000	$475,000	CDC
$281,500	$65,000,000	$0	CDC
$850,000	$790,000	$0	CDC
$411,236	$8,000,000	$0	CDC
$0	$0	$15,036,727	CDC
$50,000	$0	$0	CDC
$0	$143,000,000	$5,269,949	CDC
$0	$0	$0	CDC
$1,250,000	$5,900,000	$0	CDC
$160,000	$35,650	$0	CDC
$1,500	$0	$0	CDC
$90,000	$500,000	$0	CDC
$0	$0	$560,011	CDC
$2,100,000	$4,100,000	$0	CDC
$213,024	$852,097	$0	CDC
$2,500	$800,000	$0	CDC
$0	$0	$2,537,418	CDC
$725,000	$0	$0	CDC
$0	$0	$1,000,000	CDC
$0	$70,000,000	$8,000,000	CDC
$0	$0	$2,800,000	CDC
$0	$0	$0	CDC
$0	$600,000,000	$3,013,830	CDC

10-2015-0082	CITY OF PALMER, ALASKA - CONSENT DECREE	CWA NPDES	1	10	CWA	301/402	02/20/2015	09/06/2016	12/22/2016	1
EF-2011-0011	GOLDENVALE	CAA Mobile Source	1	EF	CAA	213	09/20/2011	03/11/2016	12/19/2016	1
EF-2012-0005	DETROIT DIESEL	CAA Mobile Source	1	EF	CAA	203	01/09/2012	10/06/2016	12/19/2016	1
EF-2015-0001	WESTERN DUBUQUE BIODIESEL	CAA Mobile Source	1	EF	CAA	211	01/07/2015	10/04/2016	04/13/2017	1
EF-2015-0010	CHEMOIL	CAA Mobile Source	1	EF	CAA	211	09/11/2015	09/29/2016	12/05/2016	1
EF-2016-0001	BANDIT INDUSTRIES	CAA Mobile Source	1	EF	CAA	203	10/29/2015	01/18/2017	01/18/2017	1
EF-2016-0002	VOLKSWAGEN	CAA Mobile Source	1	EF	CAA	203	10/05/2015	01/04/2016	10/25/2016	1
EF-2016-0002	VOLKSWAGEN	CAA Mobile Source	2	EF	CAA	203	10/05/2015	01/04/2016	05/17/2017	1
EF-2016-0002	VOLKSWAGEN	CAA Mobile Source	3	EF	CAA	203	10/05/2015	01/04/2016	04/13/2017	1
EF-2017-0007	TAUBER	CAA Mobile Source	1	EF	CAA	211	12/02/2016	01/18/2017	03/02/2017	1

$96,081	$8,600,000	$0	CDC
$150,000	$0	$0	CDC
$14,000,000	$14,500,000	$0	CDC
$6,000,000	$0	$0	CDC
$27,000,000	$71,300,000	$0	CDC
$3,000,000	$0	$0	CDC
$0	$14,733,000,000	$0	CDC
$0	$1,225,000,000	$0	CDC
$1,450,000,000	$0	$0	CDC
$700,000	$0	$0	CDC

Message

From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 6/29/2018 2:23:17 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Peter Wright [redacted]@mac.com]
CC: Palich, Christian [palich.christian@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: EPW Questions for the Record + TRANSCRIPT
Attachments: Peter Wright Nomination Hearing Transcript.pdf

Peter,

Also attached is the hearing transcript which I used in responding to a few of the questions-

Carolyn

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Frye, Tony (Robert)
Sent: Friday, June 29, 2018 10:18 AM
To: Peter Wright <redacted@mac.com>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: EPW Questions for the Record

Hey Peter – Attached, is the draft prepared from OLEM/Carolyn. For ease of reading, they are highlighted. Let us know if you have any thoughts.
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Peter Wright [mailto:redacted@mac.com]
Sent: Friday, June 29, 2018 8:27 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: EPW Questions for the Record

Tony:

I have been through the questions and initial set of draft answers. Based on my initial review it looks like I need to address the following questions to provide an answer or modify the draft. For example, in some cases

the questions are about sites that I have worked on and so I will be recused from working on, but I do know about the sites. Here is my list: 9, 12, 21, 24, 25, 34, 41, 45, 46 and 47.

I see that OLEM is teed up to address the following 1,2, 3, 14, 15, 16, 19, 36, 37, 38, and 39. When do you expect that will I see OLEM's draft answers?

I will get going on the revisions.

Regards,

Peter

On Jun 28, 2018, at 3:43 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Hey Peter,

Your QFR's from the hearing came in, you have 58 questions that are due on July 9th.

Attached are our draft answers for these, please review and let us know your thoughts. Also, we have highlighted a couple questions we need you to draft a short answer too. Additionally, please be sure to review the answers regarding you recusal statement to ensure accuracy.

Please give us a call with any questions. Our goal is to get these to OMB COB tomorrow for clearance, so if you could review tonight that would be terrific.

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 - Personal Privacy

<Wright ALL QFRs 06.20.2018.docx><2018.06.28 - Assignment Review Included - Wright ALL QFRs 06.20.2018.docx>

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HEARING ON THE NOMINATIONS OF WILLIAM CHARLES MCINTOSH AND PETER C. WRIGHT TO BE ASSISTANT ADMINISTRATORS OF THE ENVIRONMENTAL PROTECTION AGENCY

Wednesday, June 20, 2018

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Wicker, Fischer, Rounds, Ernst, Sullivan, Cardin, Whitehouse, Gillibrand, Booker, Markey, and Van Hollen.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. Good morning. I call this hearing to order.

Today we will consider two nominees to serve as Assistant Administrators of the Environmental Protection Agency, William Charles "Chad" McIntosh, former Manager of Global Environmental Policy at the Ford Motor Company, and Peter C. Wright, Managing Counsel at Dow Chemical Company.

Both nominees before us today are well qualified and will bring a wealth of experience and expertise to critically important roles in protecting America's public health and safety.

President Trump has nominated Chad McIntosh to lead the EPA's Office of International and Tribal Affairs. The Office of International and Tribal Affairs coordinates EPA's interaction with tribal and foreign governments. The office works across EPA's programs and regions to develop and implement policies and programs to protect the public health and the environment.

Tracy Mehan, former Assistant Administrator of EPA's Office of Water and former Director of Michigan's Office of the Great Lakes said this of Mr. McIntosh: "As someone who has had the pleasure to work with Chad McIntosh on Great Lakes and other environmental issues in Michigan State government, I can testify

to his solid technical, policy, and legal expertise as both an engineer and an attorney. He was a conscientious public servant and an outstanding conservationist. He will be an excellent addition to the team at EPA. He is a great colleague and administrator."

President Trump has also nominated Peter Wright. If confirmed, he will lead EPA's Office of Land and Emergency Management. The Office of Land and Emergency Management provides policy, guidance, and direction for EPA's emergency response and waste programs. This office oversees the Superfund program, which is a priority for this Administration, as well as this Committee.

John Milner, the Chair of the American Bar Association's Section on Environment, Energy, and Resources, said this of Mr. Wright: "Peter's career, his selfless commitment to the American Bar Association's Section of Environment, Energy, and Resources, and the members it serves, and his well-recognized personal integrity exemplify the highest standards of the legal profession. We enthusiastically and without reservation support the consideration of Peter as Assistant Administrator of OLEM and believe Peter will serve the office with distinction and honor."

There are approximately 1,300 listed Superfund sites across the Country that are a threat to the environment, to public

health, and the economy. These sites must be cleaned up in a thorough and efficient manner. Likewise, there are approximately 450,000 Brownfields sites that also need to be addressed. The EPA Brownfields Program is a great example of Washington working with local communities to address pollution and to find new uses for long-abandoned sites.

Earlier this year, this Committee was able to pass and get signed into law bipartisan legislation reauthorizing EPA's important Brownfields Program. This law will assist States and local communities in their efforts to clean up and reuse these properties.

The EPA needs a leader like Mr. Wright to ensure that the EPA's Superfund and Brownfields Programs properly address America's contaminated sites.

I look forward to hearing from both Mr. McIntosh and Mr. Wright today as the Committee considers their nominations.

I would like to now turn to the Ranking Member for his statement, Senator Carper.

[The prepared statement of Senator Barrasso follows:]

Senator Carper. Thanks, Mr. Chairman.

Good morning, one and all. Welcome to our friends.

Have you already been introduced?

Senator Barrasso. No. We have the Senator and the Congressman to do the initial introductions.

Senator Carper. Okay. Should they go first so they can leave?

Senator Barrasso. That would be fine. I don't want to take --

Senator Carper. You all go ahead, please.

Senator Barrasso. Well now, Senator Daines, would you like to introduce Mr. Wright? Welcome to the Committee.

STATEMENT OF THE HONORABLE STEVE DAINES, A UNITED STATES SENATOR FROM THE STATE OF MONTANA

Senator Daines. I would be happy to. Thanks, Mr. Chairman.

I want to thank Chairman Barrasso and Ranking Member for allowing us to be here today.

I would also like to welcome to the Committee Mr. Peter C. Wright. Mr. Wright and I met in my office just last week and, if confirmed, I trust he will excel as EPA's Assistant Administrator for the Office of Land and Emergency Management.

Mr. Wright has an extensive background in environmental law and regulatory counseling. In fact, during his nearly 20 years at the Dow Chemical Company, he has led legal strategy on hundreds of Superfund, State-led, and other remediation sites.

Mr. Wright has also been a leader of the American Bar Association's Section of Environment, Energy, and Resources. He earned his J.D. summa cum laude from Indiana University and his A.B. summa cum laude from Wabash College.

If confirmed, Mr. Wright will carry out Administrator Pruitt's mission. For one, he will continue the charge on improving the Superfund Program.

Let me tell you something, last Friday I was in Anaconda, Montana. It is one of the Superfund sites. Under Administrator Pruitt and the EPA, we are finally working to bring closure, an

end to some of these Superfund sites that have just dogged us for years in Montana. In fact, this was declared a Superfund site in 1983. I was a junior in college at Montana State University when that occurred, and there is no signed consent decree yet. The studies are done. It is time to stop studying it and move to closure.

I will tell you something, Doug Benevento, Region 8, EPA has been in Anaconda. I think he is almost a permanent resident there. He has the community support, working with the local officials, the State officials, and we are actually starting to see property values start to increase for the first time in Anaconda, Montana in a long time.

He understands the need to improve the way the EPA oversees environmental cleanup and hazardous waste sites and the need to see those cleanups happen more expeditiously, while protecting human health and the environment. I saw that firsthand last Friday.

This program is personal to me, coming from Montana, where we are home to two of the most expensive and expansive Superfund sites in the Nation.

I would also like to thank Chairman Barrasso and Ranking Member Carper for having me here and for the opportunity to introduce this highly qualified nominee. I hope to see him clear this Committee so that the full Senate can consider his

nomination swiftly.

Thank you.

[The prepared statement of Senator Daines follows:]

Senator Barrasso. Thank you very much, Senator Daines. We appreciate you taking time to be here. We know you have a very busy schedule this morning. If you need to excuse yourself, please do.

We would also like to welcome to the Committee Congressman Tom Rice from South Carolina's 7th Congressional District, who is here to introduce Mr. McIntosh.

Congressman Rice, welcome to the Committee. Thank you for being here today.

STATEMENT OF THE HONORABLE TOM RICE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. Rice. Thank you, Mr. Chairman. It is my pleasure to introduce Chad McIntosh, who recently moved to Murrells Inlet, South Carolina, in my district, along with about 10 percent of the population of the northeast and the Midwest who continue to pour in to our beautiful, beautiful district.

I imagine he is enjoying the weather quite a bit more now. I only met him last week; was very impressed with him and was convinced to do this introduction when he shared with me that he is, like me, an offshore fisherman and would share some of his GPS coordinates to his favorite fishing holes.

Mr. McIntosh is a strongly qualified nominee to lead the EPA's Office of International and Tribal Affairs as an Assistant Administrator. Mr. McIntosh's extensive engineering and legal experience strongly position him to take on this role at the EPA. He spent 20 years managing global and environmental policy at Ford Motor Company, where he managed environmental quality offices at multiple international locations, and provided environmental regulatory compliance, permit development, and enforcement negotiation for all of the company's manufacturing facilities.

Before his time at Ford Motor Company, he served as Deputy Director for the Michigan Department of Environmental Quality,

where he worked closely with tribal and State leaders, oversaw regulatory reform and criminal investigations, and directed the development of administrative rules packages for the State.

He has demonstrated his ability to develop and implement sound regulatory policy and manage large organizations. His leadership skills and wealth of experience will make him a strong asset for the Environmental Protection Agency.

I yield.

[The prepared statement of Mr. Rice follows:]

Senator Barrasso. Well, thank you very much for being with us, Representative Rice. I know you have a busy schedule as well. You are welcome to stay for the entirety of the hearing, if you would like, but I know you have additional commitments, so thank you for joining us today.

Senator Carper. Representative Rice, before you leave, could I just ask you a couple questions?

[Laughter.]

Senator Barrasso. I would be careful.

Mr. Rice. Yes, sir.

Senator Carper. My wife is from western North Carolina. Her father is from South Carolina. He is now deceased. Star Stacy was his name. And if I closed my eyes when you were talking, I would swear he was at this table. It was great to hear that South Carolina accent.

Mr. Rice. If your wife is from North Carolina, she has probably been to Myrtle Beach once or twice.

Senator Carper. We will talk about that later.

[Laughter.]

Senator Carper. Thanks for joining us.

Senator Barrasso. Senator Carper, would you like to continue with your opening statement? Then I will introduce the nominees.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Thank you, Mr. Chairman.

To our nominees, welcome one and all. Thank you for your willingness to serve. I presume there are probably some members of your families that are here.

If you happen to be a family member of one our nominees today, would you just raise your hand? Just raise your hand. Okay. All right.

If you are, but you don't want to admit it, would you raise your hand?

[Laughter.]

Senator Carper. Okay.

Well, Mr. Chairman, thanks for bringing us together. We are here to consider the nominations of Chad, also known as William Charles McIntosh, who has been selected to lead the EPA Office of International and Tribal Affairs, and Peter Wright, President Trump's pick to lead EPA's Office of Land and Emergency Management.

As my colleagues know, sometimes to our witnesses, our nominees, I describe myself as a recovering governor. I am still recovering, and some others are also recovering governors here. But, for the most part, I believe that executives, including governors, mayors, and even presidents, generally

deserve a preference and deference, if you will, in picking their leadership teams, and I have agreed to confirm a number of Trump Administration nominees by voice vote; not for long, drawn out debates and battles and so forth, but by voice votes.

I did so because I expected that this Committee would hold nominees accountable for their actions and conduct necessary oversight, and doing so would follow the Committee's historical precedent that has always been adhered to, regardless of which political party was in the majority.

This Committee has the responsibility to conduct oversight of the Federal agencies within our jurisdiction, and there are a bunch of them, as well as the leadership at those agencies. Any member of this Committee is entitled to request an oversight hearing if he or she believes it is warranted. Historically, we have held regular oversight hearings, especially when events clearly warrant such hearings.

I can think of no time in all my years in government when events more clearly warranted an immediate series of hearings with an administrator, in this case the administrator of the EPA. Today we are learning, almost every day, of a new scandal, some small, some not small, involving Administrator Pruitt, and I want to highlight just a couple of those, if I could.

Mr. Pruitt has used EPA staff to help his wife find a job, search for real estate, try to buy a used mattress for the Trump

Hotel --

Senator Inhofe. Mr. Chairman, sorry to interrupt here. First of all, you should qualify this by saying he has been accused of the following. It is a big difference. I happen to know him well. I know what you just said is not correct.

Senator Carper. Well, we all have a right to disagree, and we have heard this repeatedly from a lot of different sources. I appreciate very much my colleague's words.

Mr. Pruitt has spent exorbitant amounts of taxpayer dollars on apparently illegal, $43,000 phone booth and foreign trips organized by lobbyists. He has accepted tickets to sporting goods and below market rent on his condo from people who had business before the EPA. At the request of political supporters, he accelerated the Superfund cleanup process and directed that EPA research dollars be used for pet projects. For months now, Mr. Pruitt's behavior has been concerning and clearly, to most of us, I think, unethical.

However, in recent weeks new revelations show that some of the Administrator's actions may be illegal. We are a separate, co-equal branch of Government. We don't need permission to conduct oversight, and we are abdicating a fundamental responsibility of this body if we continue to fail to do so.

As of today, the majority of members of this Committee, including a majority of Republicans, I believe, have stated that

they would like to see Mr. Pruitt testify and provide much-needed answers about his misconduct.

I know that our Chairman announced last night that the Administrator may be coming before our Committee sometime in August. I welcome that, but, frankly, a hearing with the Administrator is already long overdue. Mr. Pruitt has come before our Committee only once during his entire tenure as Administrator of the EPA.

I don't believe anyone would argue with me when I say that if Lisa Jackson or Gina McCarthy had done even one or two of the many things that Mr. Pruitt has done, appears to have done, the Majority would have had them before us testifying every other week.

Now, as far as I know, this Committee does not yet have any other hearings on the books. We shouldn't go, I think, eight weeks before we invite Mr. Pruitt to appear to answer for, I believe, his misbehavior. I believe I speak for my colleagues, both Republican and Democrat, that we will clear our schedules and make time available as soon as possible.

Having said that, let me just say to our witnesses here today, our nominees here today, we appreciate that you are here. We appreciate the opportunity to meet with you yesterday. We appreciate your willingness to serve. I was able to meet with both of you yesterday and look forward to learning more about

your visions for the important positions to which you have been nominated.

I do need to caution you both that your paths to confirmation will be troubled. Will be troubled. Could be troubled. Of the 60 oversight letters the Democratic members have sent to EPA, we received complete responses to only 23, less than half. The last time I tried to work with EPA to expedite the consideration of a nominee, Mr. Pruitt reneged on an agreement that he had previously made with me, so the Administrator's failure to work constructively with this Committee has put you in a tough spot.

You are also looking to work at an agency run by an Administrator who seemingly has no qualms about asking his staff to do things that are inappropriate, maybe even illegal. The Administrator has put politics and his own personal gains ahead of the EPA's mission to protect public health and our environment. The Committee should know how you both plan to address this kind of work culture, should you be confirmed.

Mr. Wright, you have been nominated to serve as Assistant Administrator for the Office of Land and Emergency Management, which sets Federal guidelines for both hazardous and non-hazardous waste disposal, and oversees State and local waste disposal programs. The Office is also responsible for overseeing Superfund cleanups of the most contaminated sites on

EPA's National Priorities List.

The Office also acts as the Federal Government's environmental first responder in the events of oil spills, chemical accidents, natural and other environmental disasters. For example, the Office of Land and Emergency Management was on the scene during the Deepwater Horizon oil spill and in the aftermath of last year's hurricanes in Texas, Florida, Puerto Rico, and the U.S. Virgin Islands.

Mr. Wright comes to us from Dow Chemical Company, now DowDuPont, where he has helped lead Dow's Superfund cleanup work. Mr. Wright has agreed to recuse himself from working on any Superfund site that DowDuPont may be responsible for contaminating for at least two years. For Dow sites that he has personally and substantially worked on, he has agreed to permanent recusal.

I commend Mr. Wright for working on this recusal statement prior to confirmation, prior to confirmation. He has committed to take more meaningful steps to address potential conflicts of interest than any previous Trump Administration nominee that I am aware of, and I commend you for that.

I would ask Mr. Wright that he provide the Committee with further assurances that he will not seek a waiver from these recusals. I also want to know more about how he plans to implement the duties of his office. Science informs how EPA

cleans up contaminated sites and manages solid waste. For example, many Superfund sites are vulnerable flooding and sea level rise from extreme weather and from climate change. The level risk opposed by toxic metals reaching into groundwater from coal ash disposal sites requires careful application of toxicological, geochemical, and hydrological data.

Does Mr. Wright accept the scientific consensus that humans are responsible for climate change, and how will climate impacts inform his work? Will he continue to use best available science in monitoring protocols and disposal standards for coal ash?

The Office of International and Tribal Affairs plays a critical role in international relations at EPA and interactions with the tribal communities across the Nation. Environmental issues do not adhere to international boundaries, and this office assists in international concerns that expand beyond our borders. In addition, this Office maintains the government-to-government relationships between EPA and tribal nations and the U.S.

Mr. McIntosh, as has been noted, has worked at Ford Motor Company, an excellent company, for the State of Michigan. We look forward to hearing from Mr. McIntosh regarding his work in these areas and his plans to continue the mission of the office to which he has been nominated.

Again, we welcome our witnesses and look forward to your

testimony. Thank you so much.

And to the family members and guests that are here, we welcome you as well.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Well, thank you, Senator Carper.

First, let me know that the EPW Committee is the only committee in Congress to have held an oversight hearing on the EPA this year. That hearing took place on January 30th. Administrator Pruitt testified before us for nearly two and a half hours. Since then, the Administrator has testified before three additional committees, for an additional eight hours on Capitol Hill. I have consistently said that I plan to call Administrator Pruitt to testify for a second time this year.

The EPA's Inspector General is in the middle of conducting a number of reviews related to the Office of the Administrator, and I understand that the Inspector General will have completed several reviews later this summer. For that reason, I have asked Administrator Pruitt to testify before us in August, and we are working on the final date so that we can have that as a substantive hearing, because we will actually have information from the Inspector General before the Administrator appears.

Senator Carper. Mr. Chairman, can I say again I am delighted, not delighted, I am pleased that we are going to have a hearing, that he is going to be before us, but I would just suggest again if Gina McCarthy or Lisa Jackson, the two previous Administrators of EPA, had been accused of even a fraction of what Mr. Pruitt has been accused of, they would be sitting at this desk week after week after week explaining what is going on

at EPA and why are they doing those things, and that is why we are anxious to get this hearing scheduled as soon as possible.

Thank you.

Senator Barrasso. Senator Inhofe.

Senator Inhofe. Mr. Chairman, I plan a significant enough that I am going to skip the vote. So, if you all want to go ahead and go vote, I will hold it open until you get back. I will have a chance to make a few statements myself, if that is permissible with you.

Senator Barrasso. That most certainly is, so we can continue with the hearing.

Just to tell the two people who testify today, the nominees, that we are in the middle of several roll call votes, so people will be coming and going, and Senator Inhofe has graciously agreed to stay here and continue the hearing so we don't have to take a disruption of activities here.

So, I am delighted that you are both here today and I want to welcome the two nominees to the Committee, Chad McIntosh, nominee to be Assistant Administrator for the EPA's Office of International and Tribal Affairs, and Peter Wright, nominee to be Assistant Administrator for the EPA's Office of Land and Emergency Management.

I want to remind each of you that your full written testimony will be made part of the record. I look forward to

you testifying. We will first hear from Mr. McIntosh and invite you to introduce your family.

Please proceed.

STATEMENT OF WILLIAM CHARLES MCINTOSH, NOMINEE TO BE ASSISTANT ADMINISTRATOR FOR THE OFFICE OF INTERNATIONAL AND TRIBAL AFFAIRS

Mr. McIntosh. Thank you, Senator Barrasso. I would like to introduce my son, Scott, and his wife, Katie, who are here today. I have a number of other family members that are watching TV.

Senator Barrasso. Please, proceed.

Mr. McIntosh. Good morning, Chairman Barrasso, Ranking Member Carper, and esteemed members of the Committee. I count it a high honor to appear before you as you carry out your responsibility to provide advice, and hopefully consent, for my nomination for the position of Assistant Administrator for the U.S. EPA Office of International and Tribal Affairs.

I am humbled and thrilled to be nominated by President Trump. Thank you, Mr. President, for your confidence in me. If confirmed, I promise to faithfully carry out my duties.

Thank you, Administrator Pruitt, for trusting in me and for supporting this nomination.

Forty years ago, the Michigan Department of Natural Resources hired me to review permit applications submitted under the Clean Air Act. I worked in the Air, Hazardous Waste, and Radioactive Waste programs before having the opportunity to work as Governor Engler's environmental and natural resources policy advisor. I shepherded the Clean Air Act amendments of 1990

through the State legislature, enjoying broad bipartisan support, reformed the State remediation laws, codified the environmental and natural resources statutes, and improved the State's wastewater infrastructure.

I spent 19 proud years with the Ford Motor Company, where compliance with environmental regulations is the minimum and improving the environment is expected.

To the Office of International and Tribal Affairs, I cannot wait to start working with you, if confirmed. You embody the mission of the EPA to protect human health and the environment through your tribal mission and our work with our international partners.

When I started my environmental protection career, Lake Erie would catch fire, portions of the regulated community were recalcitrant in their compliance, and States and Tribes were just learning how to implement their environmental responsibilities.

The States and Tribes have become so much more capable over the last 40 years. Cooperative federalism has become essential. In many cases there is no longer a need for a Federal redundancy in regulation; we can work with the States and Tribes to faithfully implement the laws and fully protect public health and the environment by providing oversight and assistance without duplicating their actions. Many companies fully embrace

environmental compliance.

President Trump and Administrator Pruitt have set an aggressive agenda that I am excited to help implement, should I be confirmed. Administrator Pruitt is focusing the Agency on the implementation of Federal laws. I look forward to helping ensure that the Agency's regulations and guidance faithfully and literally implement the laws of the land.

We have made so much progress and the environment is so much cleaner over the span of my career. I am thrilled to have the opportunity to be part of the EPA as it assists the States and Tribes and provides an example to other nations of how to work to protect the environment, should I be confirmed.

Again, Mr. Chairman and members of the Committee, thank you again for your time and the opportunity to appear before you.

[The prepared statement of Mr. McIntosh follows:]

Senator Inhofe. [Presiding.] Thank you very much, Mr. McIntosh.

We are going to change the arrangement, if it is all right with you, Mr. Wright. What I am going to do is recognize myself as the acting chairman right now, to ask some questions, make some comments, and then I will miss the vote, but we will keep on.

I understand the two of you have already voted, is that correct?

All right, so that is what we will do.

If you don't mind waiting, then we will recognize you when I conclude my remarks. Thank you very much.

It is a very awkward situation for me because I have one issue. I had to get to the two of you to get a clear understanding, and it is one I don't have any concern as to where you are going to be, and that is, if we start with you, Mr. McIntosh.

In northeastern Oklahoma we have a thing called Tar Creek. I think you are familiar with that. It could be characterized as the most devastating Superfund site of any time. It has 50 million tons of mine waste and miles of underground mines. It is something we have been working on, working with, and working in cooperation with the EPA; and primarily it is the Quapaw Tribe. We have a number of Native American Tribes in Oklahoma.

The Quapaws own the land where this Superfund site was, so they have taken it over. They are working it well, working with the EPA.

One of the problems we are having, though, is that the Quapaw Tribe has run into a barrier called the Bureau of Indian Affairs that has made it very difficult for the Tribe to sell the chat on their lands, while other landowners can. This just takes a yes or no answer on this. So, if confirmed as Assistant Administrator, will you work with the Tribe and the BIA to explore ways to simplify the process for chat sales so that the Tribe can reenter the market and sell their chat, as others are doing?

Mr. McIntosh. Yes.

Senator Inhofe. Thank you very much.

I would ask also that Oklahoma enter into their own agreement to clean up the non-tribal land, but they find that the EPA can be a little inflexible when it comes to the remediation that is being handled. For example, the EPA will not allow the topsoil to be replaced once contaminated soil is removed. This severely limits their opportunities.

Can I get your commitment to ensure the Tribe's wishes for how their land is remediated is given the proper weight and consideration?

Mr. McIntosh. Yes.

Senator Inhofe. I appreciate that very much.

Mr. Wright, you have heard this. Can I get your commitment, too, that the Tribe's considerations for the condition that they want their land to be given weight that it deserves?

Mr. Wright. Absolutely.

Senator Inhofe. I appreciate that very much.

I believe that would pretty much handle that.

I do want to respond. I think it is very inappropriate. It happens that the Ranking Member, Senator Carper, is a friend of mine. But when you folks are coming up, you have been recommended by Scott Pruitt, the Administrator of the EPA, who went through hours and hours of antagonizing questions. Normally you get questions for the record averaging about 25 with each nominee going through a confirmation process. He had 1,600 that he had to answer.

I have to say this. I am going to take the statement that was made by Senator Carper. Excuse my voice this morning First of all, he was talking about the New York Times story. That was the very first thing that I heard, the accusation against Scott Pruitt. New York Times has never been a conservative publication, we all know that, and some of the things that they said were actually wrong. We have documented that they were wrong. Individuals that were mentioned in that story were

individuals who have been unblemished, never had anything negative said about them. One is Bob Funk, a very wealthy individual who is a real free enterpriser.

The costly trips overseas at taxpayers' expense, it is a lie, just an outrageous lie. They talk about Morocco and Italy. Scott Pruitt had to go to Morocco because that was his job. He had to represent, along with his counterparts from seven other countries, to be there because they were dealing with chapters of the free trade agreement that have to do with the environment. That was their job. He had to be there. He was there at government expense, the same as his predecessor had been to these same meetings.

The G7 meeting in Italy, the same thing. He had to be there because all seven of his counterparts had to be at this meeting. If he had not been there, he would have been guilty of derelict of his own duty.

Tickets on sporting events. This is so outrageous. They talk about the University of Kentucky basketball game where he went with his son and about the Rose Bowl. Well, he actually went through the process of going to ethics and saying I want to do this, I want to pay for my own tickets; will you tell me what to do so I am not violating anything. In both cases they said you just have to pay for your own tickets and disclose that you are there. He did that, paid for his own tickets to the Rose

Bowl, paid for his ticket and his son's ticket to the Kentucky.

You know, only in Washington can you get by with allegations against somebody and not giving them a chance to respond. This is the first response you have probably ever heard of this. It has been all over the papers now for a year.

The secure phone booth. One of the first calls he got when he took office was from the President of the United States. The first question they asked, is this a secure phone. Well, obviously it wasn't a secure phone, so he went and asked them whatever was necessary to come up with a secure phone and they would do it.

The fifth thing I want to mention, while missing the vote, is the security costs, the fact that his security has been around $3 million in the first year. Now, the reason is that Administrator Pruitt is the first one in my memory, and I have been around here for 32 years, the first one who has ever had any type of threat on his or her life of all the administrators that we have had, and he has been threatened over and over again. Just earlier this month, Occupy Wall Street, a liberal group that doesn't like him, probably funded, I would say, by Tom Steyer, posted his home address in Tulsa and encouraged their followers to take a pitchfork at him. In other words, gave his home address and told them to go molest his family. Can you believe that is happening? Have you heard it before?

No, you haven't.

They brought his daughter in. Somehow the accusation was that she only got into UVA because of Pruitt asked an old friend from his VA House of Delegates to write a letter of recommendation. That is outrageous. I know this little girl; she was an intern for me. She is brilliant. She is an honor student. Law schools were trying to recruit her to come in and she actually was invited to come into law school at UVA before he was even in office.

So, this is the type of outrageous lies that you hear in Washington, and people don't have a chance to respond to them.

With that, Senator Rounds is presiding.

Senator Rounds. [Presiding.] Thank you, Senator.

Mr. Wright, would you like to proceed with your opening statement?

STATEMENT OF PETER C. WRIGHT, NOMINEE TO BE ASSISTANT ADMINISTRATOR FOR THE OFFICE OF LAND MANAGEMENT

Mr. Wright. Yes. Chairman Barrasso, Ranking Senator Carper, distinguished members of the Committee, thank you for the privilege of coming before you today as the nominee for the position of Assistant Administrator for the Office of Land and Emergency Management. I am honored that President Trump, Administrator Pruitt, and the Committee are considering me for this position.

I would like to thank my wife, Nicky, who is here today, my daughter, Audrey, who is watching today, for their unwavering support of my career over many years. I would also like to thank my many current and former colleagues from industry, law firms, and the ABA Section of Environment, Energy, and Resources for their support and friendship.

I am proud and grateful to have been an environmental lawyer during my 32-year career. For much of my career I have worked in the manufacturing sector in support of the hard work of millions of Americans committed to making products you use every day. I have worked to support manufacturers and other clients addressing and responsibly resolving the legacy of historic waste management practices and operations. They have relied on me to provide guidance on compliance with a broad array of regulations.

I have also had the opportunity to work for two law firms and to serve a diverse set of clients.

While I have spent my entire legal career practicing in Indiana, Missouri, and Michigan, I have had the opportunity to work on remediation, regulatory, and transactional matters in almost every State and in many countries around the world. I appreciate firsthand the importance of and the need for cooperative federalism between EPA regions and the State environmental agencies.

I look forward to the opportunity to serve our Country as the Assistant Administrator for the Office of Land and Emergency Management, to bring to bear my experience to help implement the recommendations of the Superfund Task Force to achieve the overall goal of better, faster cleanups. Not a day goes by when I work on Superfund and remediation matters when I do not think about things that could be changed and improved.

The time and cost expended on matters ancillary to actual cleanup work, that provide no environmental benefit, are staggering. Communities and Congress have understandably been very frustrated and despairing that some cleanups will ever be completed. I look forward to applying my transactional background to the benefits of the Superfund reform plan that seek to revitalize sites whenever possible. Communities have rightly been disappointed when the end of a cleanup is a forever

fenced-off industrial facility that serves no economic purpose to the surrounding community; it is fixed, but useless.

I look forward to working with the dedicated personnel at EPA, many of whom I have worked with over the course of my career. I have listened carefully to the headquarters and regional EPA personnel, as well as my own clients, to find pragmatic and productive solutions and advance protection of the environment and public health.

I have volunteered my time, alongside many from EPA, to work on the RCRA corrective action project and the ABA's Environmental Energy and Resource Section, focused on improving the practice and performance of Superfund and RCRA through conferences, publications, and ongoing dialogue. That collaborative work must continue.

In closing, Mr. Chairman, I would again like to thank the President, the Administrator, and this Committee for the opportunity to be here today. I would be humbled to join Administrator Pruitt and the OLEM staff in in carrying out EPA's important mission. I respectfully request support and look forward to any questions that you or your colleagues may have for me.

[The prepared statement of Mr. Wright follows:]

Senator Barrasso. [Presiding.] Well, thank you very much, Mr. Wright.

I want to thank both of you for your testimony.

Throughout this hearing and with the questions for the record, Committee members are going to have the opportunity to learn more about your commitment to our great Nation, and I would ask that throughout this hearing you please respond to the questions, not just those today, but also those for the record.

There are a couple of questions that we ask of all nominees on behalf of the Committee, and I will start with the one of do you agree, if confirmed, to appear before this Committee or designated members of this Committee, and other appropriate committees of Congress, and provide information subject to appropriate and necessary security protection with respect to your responsibilities?

Mr. McIntosh?

Mr. McIntosh. Yes.

Senator Barrasso. Mr. Wright?

Mr. Wright. Yes.

Senator Barrasso. Thank you.

Do you agree to ensure that testimony, briefings, documents, and electronic and other forms of information are provided to this Committee and its staff, and other appropriate committees, in a timely manner?

Mr. McIntosh?

Mr. McIntosh. Yes.

Senator Barrasso. Thank you.

Mr. Wright?

Mr. Wright. Yes.

Senator Barrasso. Thank you.

Now, to both of you, do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Mr. McIntosh?

Mr. McIntosh. No.

Senator Barrasso. Mr. Wright?

Mr. Wright. No.

Senator Barrasso. Thank you very much.

With that, I am going to ask a few questions and then turn to colleagues to do the same.

Mr. Wright, if confirmed, you will oversee the EPA's Superfund program and the Brownfields program. In its 2017 annual report, the parent of your current employer, Dow Chemical, identified itself as a responsible party at 193 existing and proposed Superfund sites, and I understand that roughly 170 of those sites are on the National Priority List.

How do you plan to address the issues of recusal?

Mr. Wright. As has already been identified briefly, and I

will expand upon it, I have worked with the career ethics officials at the EPA with respect to drafting and signing a memorandum that makes clear that I will be recused from working on the sites not only that are the Dow Chemical sites, but also those that are DuPont sites in that Dow and DuPont merged on September 1 of 2017, so we have identified those sites in a memorandum which, if confirmed and I join the Agency, I will have to reassign.

We have also put in place in that memorandum a process for screening matters that might come before me with the highest level career official and the political deputy, so that they would screen matters to prevent me from working on any sites from which I would be recused.

Senator Barrasso. Thank you very much, Mr. Wright.

Mr. McIntosh, if confirmed, one of your principal responsibilities will be to protect the public health and environment in Indian Country. Indian Tribes in neighboring States often have different views on how to protect the public health and the environment. These issues can be very contentious. You experienced this firsthand during your tenure in the Michigan State government.

How can EPA better engage Indian Tribes and States as it seeks to improve public health and the environment in Indian Country?

Mr. McIntosh. In my time with the Michigan Department of Environmental Quality, we did work with our 12 recognized Tribes. I am not with the EPA at the moment, but I look forward to actually working with all the EPA entities and the Tribes as we carry out our environmental and public health protection duties. My experience will allow me to help with the Tribes that have their own organizations, their own environmental organizations to ensure that they have adequate resources, as well as carrying out our Trust responsibilities on the tribal lands that the EPA actually have to carry that out, and I have plenty of experience in terms of working with multiple States and agencies and countries to work through those kinds of issues.

Senator Barrasso. Because you served as a State regulator. You also worked for a couple of decades as an environmental compliance manager for one of the world's largest automobile manufacturers.

Mr. Wright, you have led an impressive career that includes three decades of environmental law experience.

I would like to ask each of you this based on your backgrounds, what do you consider to be maybe your greatest professional accomplishment as it relates to protecting the environment?

Mr. Wright? Then I will go to you, Mr. McIntosh.

Mr. Wright. Well, the thing that I think I am most well-known for is leading the legal team that has worked to resolve very longstanding controversies with respect to cleanups in the hometown of the Dow Chemical Company, in Midland, Michigan. We have been able to enter into 14 separate orders with EPA Region 5 with respect to the Tittabawassee River and floodplain. Work continues, work is going on I am sure today, if it is not raining, and will continue through 2020 on the Tittabawassee River and then, after, the Saginaw River and Bay, but we were able, again, to put in place a process that is moving that process along.

The controversy in the City of Midland with respect to dioxin contamination was an issue going back into the early 1980s. We were working with the State, with support from EPA, and the community to come up with a cleanup approach that was able to allow us to complete a cleanup, one sample, nearly 1,400 homes, cleanup about 10 percent of those homes and resolve that issue years ahead of schedule and really very much completely.

Senator Barrasso. Thank you.

Mr. McIntosh, you talk a little bit about your greatest professional accomplishment as it relates to protecting the environment.

Mr. McIntosh. There are a number. I will mention just a couple. When I first went to work for Governor Engler, I got to

shepherd the Clean Air Act amendments of 1990, which I know ages me considerably. That was a fantastic opportunity where we worked in a very bipartisan way with the State legislature to totally implement the Clean Air Act and that was rewarding and it got us out in front of all the regulatory requirements and such of the statute.

Probably one of the more difficult things I was involved in was negotiating the Twelve Towns Drain combined sewer overflow system improvements for southeast Michigan by actively negotiating with 14 municipalities who were struggling with the resources necessary to improve their combined sewer overflow structure. We were able to leverage Federal funding to the State Revolving Fund to provide seeds to help the municipalities, as well as working with the agencies who were involved in enforcing in that area. But to have the 14 communities come together and finally put the project in place that significantly kept sewage from flowing into our waters of the State, I was most proud of that.

Senator Barrasso. Thank you.

Senator Rounds.

Senator Rounds. Thank you, Mr. Chairman.

Mr. McIntosh, once again, it is good to see you again. I appreciated the meeting that we had in my office in April. At that meeting we had an opportunity to discuss your thoughts

about tribal relations and I know that you have indicated that you had a number of Tribes that you worked with in your home State.

The Chairman has already indicated an interest in finding out from you about your thoughts about how to work with tribal leaders.

I just want to talk about real consultation and what that means. I think in a lot of cases we have this tendency at the Federal level, and even at the State level, when there is a request for a consultation, it seems to be it is more along the lines of we dot our Is, we cross our Ts. But I think the tribal leadership across this Country expects more in consultation. Can you share a little bit about your thoughts about what the term consultation means when it talks about communications with our tribal leaders?

Mr. McIntosh. For me, consultation would be, I think with my background and experience with the States, counties, with Ford, with the other countries around the world, as well as the Tribes in the State of Michigan, consultation would be actually a direct dialogue where I can provide specific help to the Tribes where they need it. If it is a resource issue or if they have a technology issue, you know, I would be able to help. So, to provide direct assistance, as well as help them for the tribal lands where the EPA is actually implementing the Federal

regulations, work with them directly so that they are directly involved in that.

Senator Rounds. Does it include asking their advice about what they think is right for their lands?

Mr. McIntosh. Absolutely. It is their sovereign lands. We have a Federal Trust responsibility, but it is definitely their Federal lands, and we would be working with them as a sovereign.

Senator Rounds. Does it include negotiations with them on the appropriate way to proceed?

Mr. McIntosh. Negotiations under the law, yes.

Senator Rounds. So, it is not simply a matter of having a public meeting where you take some input from a group on a particular geographic area and then simply say we have done our consultation, we have had a public meeting, and now we can make a decision.

I want to flush this out a little bit because I think in a lot of cases that is the way our tribal leaders feel, is that we give them an opportunity to have a public meeting, but we don't have a give and take. Can you flesh this out a little bit for me?

Mr. McIntosh. Sure. Although public meetings are very important, when I was a hazardous waste permit engineer, we would have a large public meeting with a gymnasium full of

people that were very upset with what was happening, but I personally would seek out the interest groups that were communicating with the department and I would go meet with them personally prior to the public meeting, first of all, to explain the law under which we were taking these actions and to help them understand where we were going, and to take their input in terms of how they wanted the facility to proceed.

Senator Rounds. We have nine Tribes in South Dakota, and I think that is the one thing that I hear more than anything else, is the lack of consultation, a true consultative process, which is more than simply dotting Is and crossing Ts, it is a matter of actually having a dialogue with those leaders.

I would just simply ask that you really consider that in the discussions that you have, that each of these organizations, as a sovereign entity, has built in to the treaty obligations, in many cases, that expectation of true dialogue.

Mr. McIntosh. I will, and I look forward to those consultations.

Senator Rounds. Thank you, sir.

Mr. Wright, I am just curious. I have been pleased to see that the current leadership of the EPA has shifted their focus on the core environmental responsibilities to those areas that I think were originally intended by Congress. This includes overseeing the Superfund program. I believe that every member

of this Committee would like to see greater remediation of our Nation's Superfund sites. You have talked about that.

What do you believe to be the greatest barriers to remediating these sites today?

Mr. Wright. Well, I think the greatest barriers to remediating sites today are a number of practices that have built up over time, you know, that are not as productive as they can be with respect to moving sites forward. It can run the gamut, depending on the particular site, what the impediment is, but, overall, I think the real key to really moving forward is encouraging action and moving forward. The experience that I have had, for example, with respect to the Tittabawassee River is similar to, I think, the large sites that are moving forward, is where often smaller chunks are taken, you know, action is taken on pieces of a problem and not make it the battle over the entire project, and to get going with respect to that. I think that is really one of the keys.

Senator Rounds. Let me just say I serve as Chairman of the Senate Environment and Public Works Subcommittee on Superfund. In this capacity, I intend to hold additional hearings examining the strengths and the weaknesses of the Superfund program.

Should you be confirmed, can you commit to appearing before our subcommittee?

Mr. Wright. I do.

Senator Rounds. Thank you.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Rounds.

Senator Ernst.

Senator Ernst. Thank you, Mr. Chair.

Gentlemen, unfortunately, there have been some instances where I have been made promises by the EPA, even in writing, only to have them reneged upon. I am told one thing and then find out in a press report that the EPA is doing exactly what they told me they wouldn't do. So, when issues under your purviews arise and I engage with your offices, can I count on you to keep your word?

Mr. McIntosh?

Mr. McIntosh. Should I be confirmed, I look forward to working with you directly and giving you timely responses to anything you ask of me.

Senator Ernst. And Mr. Wright?

Mr. Wright. If confirmed, I will do so.

Senator Ernst. Okay. And please, gentlemen, if you have no intent of upholding a commitment or carrying out a policy, I would rather know that upfront. I value integrity.

The EPA has also been under intense scrutiny due to some of the questionable decisions that have been made at the agency, and a number of those have been detailed today, but I do look

forward to hearing from the oversight committee. Excessive and unnecessary spending, unacceptable uses of Agency resources. The list goes on and on.

It is important to understand what the courses of action are. If you do witness additional improprieties, are you familiar with EPA's policies governing the reporting of such complaints?

Mr. McIntosh?

Mr. McIntosh. If confirmed, I will become very familiar with all those policies and rules, and commit to following them, as well as the advice from our Agency ethics officials.

Senator Ernst. I appreciate that.

Mr. Wright?

Mr. Wright. Senator, yes, if confirmed, I intend to come up to speed on those policies and will follow them and follow the guidance of career ethics officials.

Senator Ernst. I appreciate that very much.

I will yield back my time and look forward, again, to additional discussions about the Agency and some of those really unacceptable, what I consider unacceptable uses of taxpayer dollars. Thank you very much.

Senator Barrasso. Thank you, Senator Ernst.

Senator Carper.

Senator Carper. Before I ask a series of questions that

relate to the offices to which you have been nominated, I just wanted to return to the issue of the Administrator of EPA just to say, Mr. Chairman, colleagues, if I had been accused of any of the things that he has been accused of, and there is like a whole plethora of them, I would be pleading for a chance to sit at this table and defend myself. That is what I would ask. Give me a chance to publicly rebuke these, rebut. That is what I would want. For the life of me, for someone who has been accused day after day, week after week, now month after month of these misdeeds, and not to be seeking the opportunity to be heard before the committee of jurisdiction to clear his name, I don't get it. I just don't get it.

But let me ask a question of both of you, if I could. If the Administrator, Mr. Pruitt, asked EPA staff, apparently he is accused, repeatedly, of asking his EPA staff to help, among other things, help his wife find a job by approaching political supporters, including those with businesses before the EPA, to ask them to put her on their payroll, let me just ask, using your official role for personal gain, including to enrich your family, as far as I can tell, is against the law, do each of you commit not to assist this Administrator or any administrator in an effort to enrich him or his family, even if he or she directs you to do so? Would you make that commitment?

Mr. Wright?

Mr. Wright. Senator, I have no expectation that would happen, but I wouldn't agree to it.

Senator Carper. Mr. McIntosh, same question. Would you make that commitment?

Mr. McIntosh. Again, I --

Senator Carper. If you are asked.

Mr. McIntosh. I have not been part of the Agency up to this point. If confirmed, I will conduct my official duties in full compliance with all the rules and regulations with the agencies and work very closely with the ethics officials on all issues.

Senator Carper. Okay.

A follow-up question. Mr. Pruitt apparently also asked his EPA staff to help him search for real estate, buy a used mattress from a Trump Hotel, get his daughter a White House internship, pick up his dry cleaning, and buy his favorite fancy moisturizer. Federal law prohibits Federal employees, public employees, from asking or directing subordinates to provide them with personal gifts or services.

Do each of you commit to refuse any similar request from Administrator Pruitt or some future administrator might make of you and your staff along those lines?

Mr. Wright. Senator, I have no expectation of getting such a request, but, again, I would follow all of the guidelines

informed by the career ethics officials.

Senator Carper. Thank you.

Mr. McIntosh, same question.

Mr. McIntosh. I again commit I will follow all the rules and regulations of the Agency, as well as following and committing to following the guidance of our ethics officials.

Senator Carper. All right.

Mr. Wright, this question is just for you. In your recusal statement you said you would abide by ethics regulations and the Trump ethics pledge. You also said that you would not participate in working on any DowDuPont Superfund site for two years after you are confirmed. Do you intend to seek any waiver that would allow you to work on those sites in the two-year period following your confirmation, if you are confirmed?

Mr. Wright. I have no intention to seek any waivers.

Senator Carper. All right, thank you.

A question again for you, Mr. Wright. In January this year I believe Barry Breen, who was the Acting Assistant Administrator for the Office of Land and Emergency Management, told the House Energy and Commerce Committee that when it comes to cleaning up Superfund sites, he said, "We have to respond to climate change, and that is just part of our mission, so we need to design remedies that account for that." That is what he said.

Both Administrator Pruitt and the President are infamous skeptics of climate change science and dismiss the central role scientists say that human activity is playing in changing our climate. My question of you, Mr. Wright, would be who do you agree with, Mr. Breen and the worldwide scientific community or Mr. Pruitt and our President.

If you were confirmed, will you incorporate perspective climate change impacts into the remedy selections and designs for Superfund sites? Let me say that last question. This is one that I really want to ask. If you are confirmed, will you incorporate perspective climate change impacts into the remedy selection and design for Superfund sites?

Mr. Wright. I will and agree it is essential.

Senator Carper. Thank you.

Mr. McIntosh, one of the main functions of the Office of International and Tribal Affairs is working with Tribal Nations across our Country. Would you please give us an example of some of the work that you have done with Native American communities, please?

Mr. McIntosh. The Michigan Department of Environmental Quality that I was Deputy Director of worked extensively with our 12 recognized Tribes on a number of issues. I have not worked specifically on one of the issues other than managing the staff working on those.

Senator Carper. All right, thank you.

Senator Barrasso. Thank you, Senator Carper.

Senator Booker.

Senator Booker. Mr. Chairman, thank you very much.

Gentlemen, thank you very much for being here. I do want to note that you all have extraordinary haircuts as well.

[Laughter.]

Senator Booker. Mr. Wright, I have some questions for you, and, forgive me, my time is limited, so I am going to do a little bit of a rapid fire. But just to set up the question, you are aware, I am sure, that Administrator Pruitt is attempting to roll back the 2017 Clean Air Act's Risk Management Program update, otherwise known as the Chemical Disaster Rule. The 2017 update established a set of public health and safety protections that would protect environmental justice issues, facility workers, community first responders from accidents at a wide range of industrial chemical facilities.

On May 17th the Administrator proposed a new rule that would roll back all protections afforded by those 2017 standards. The proposal comes after a recent report, which was very troubling to my team, that outlined more than 40 chemical disasters that have occurred since Administrator Pruitt first delayed this rule last summer. And the EPA's own data shows that from 2014 to 2016 there have been at least 137 reported

accidents each year.

So just my rapid-fire questions, if you would, sir. Yes or no, do you support the Administrator's proposal to weaken the chemical safety standards?

Mr. Wright. Senator, I am not deeply familiar with the current rule; it has been some time since I have been asked. I am familiar with the program, but not the current rule.

Senator Booker. Okay, I would love to ask that, but as a question for the record and see if you would answer that after the hearing.

Yes or no, second, do you believe that facilities should be required to assess whether or not they can move towards using safer technologies to limit their potential for catastrophic chemical incidents?

Mr. Wright. Again, Senator, I am generally familiar with the rule --

Senator Booker. But that just seems --

Mr. Wright. -- but I am not as familiar with the particular --

Senator Booker. But that just seems like common sense. Do you think that these facilities should have to assess whether or not they can move towards using safer technologies that could actually protect human lives and avoid these hundreds of accidents that we seem to be having?

Mr. Wright. Well, I believe chemical safety is paramount, but, if confirmed, I would become more up to speed with the particular details of that proposal.

Senator Booker. Okay. So then, in general, do you believe facilities that have a chemical disaster or a near miss, as it is termed, that they should be required to investigate what went wrong so that they can avoid similar impacts in the future? Doesn't that seem like a commonsense thing that we should require companies to do?

Mr. Wright. Well, Senator, again, I am not particularly familiar --

Senator Booker. I am just asking for your common sense.

Mr. Wright. There is a commonsense element to it and it is a practice that I am familiar with for the particular client that I work for today.

Senator Booker. So, you think it is just common sense, something that makes sense that we should do.

Mr. Wright. It may be commonsensical, but, again, I don't appreciate exactly how it is formulated in the proposed rule or in the previous rule.

Senator Booker. So, if you lived in a community, if you were just a neighbor now of a chemical plant, like many folks do in my State, and they had a near miss or a chemical disaster, would you want them to do an investigation so that they could

avoid similar such near misses in the future? If you lived in that community, would that be something you would want?

Mr. Wright. Well, again, from the perspective of being the Assistant Administrator, if confirmed --

Senator Booker. I am just asking as a human being, man. These facilities are usually in low-income communities, like Cancer Alley in Louisiana, where I visited with poor, low income African-American communities that live next to these plants, people in my State, who live next to a chemical plant. Just for just your own human decency, if you lived near one of these plants, if you had children by those plants, wouldn't you want this done?

Mr. Wright. Well, Senator, as I have stated, I am a very strong believer in chemical safety, and appropriate measures should be taken and, as appropriate, the Agency should enforce existing rules.

Senator Booker. The EPA's proposal explicitly states that changes -- the EPA itself is saying that they would disproportionately impact low-income communities and communities of color. The Agency is moving forward with the rule anyway, despite it saying it would have that disproportionate impact on low-income folks, people of color, and they say it is because it is going to save an estimated $88 million per year in an industry whose overall annual revenue is estimated to be $100

billion.

So, it seems like that cost-benefit logic is what is prevailing here. Do you believe it is okay for the EPA to make rules that disproportionately impact the health and safety of low-income and minority communities because of a cost-benefit analysis, or should the health concerns of those communities prevail?

Mr. Wright. I believe it is very important for EPA to take into consideration the impacts on minority communities, but, again, I am not familiar with the details about how this rule does or doesn't do that.

Senator Booker. Okay, finally, if the EPA refuses to adequately protect these vulnerable communities from negative environmental impacts, again, I have been spending a lot of time on the road visiting communities that are affected in this way, do you agree with me that these communities should have the right to bring a private cause of action to protect themselves against this type of disproportionate harm?

Mr. Wright. Senator, I would take it that that is kind of beyond the scope of the position for which I have been nominated, to generally comment on the law.

Senator Booker. But it is important for me, someone who is going to advise and consent the President of the United States, to know what kind of person you are. Do you have an opinion on

whether folks should be able to defend themselves in the judicial system from companies that are affecting their life and their health and safety in these communities?

Mr. Wright. Well, again, of course, it depends on the particular State, but there typically are State laws that would provide for a cause of action, whether statutory or common law causes of action.

Senator Booker. I would just like to say to the Chairman I would like to have these questions submitted. He says he wasn't prepared to answer a lot of them because he is not familiar with what I am talking about, so I would like to submit them as QFRs and hopefully get more substantive response.

Senator Rounds. [Presiding.] Of course.

Senator Booker. Thank you, sir.

Senator Rounds. We are about at the end of the hearing here, but I just have one more question. I think Senator Carper may like to ask a question as well.

I am just curious, Mr. Wright, with regards to the Superfund sites and, in particular, some of the Brownfields, when it comes to cleaning them up, coordination and cooperation with State governments and experts in their own field with any State government as well, can you talk a little bit about what you see as the role, the cooperative role between the Federal and State officials with regard to the cleanup and the

determination of how to handle these Brownfields sites?

Mr. Wright. Well, I think this goes to the heart of cooperative federalism, really, the agencies and government kind of looking at all levels to work most effectively. It is critical, I believe, that, if you will, the right level of government, the right agency is working on the right kind of a problem, and at the right time.

Of course, EPA, as an environmental agency, is clearly, far and away, the most sophisticated and experienced, from having cleaned up sites across the Country, and every kind of site, so, again, it makes the most sense for EPA to have the lead, I believe, with respect to the most complicated, the largest sites.

But there are many sites that are much less complicated, much smaller, and where maybe it makes a lot more sense for a State agency to be the lead agency because it doesn't really call upon all of the resources of EPA. Of course, it makes sense for EPA to consult and support the State, as needed. And there are many cases, I believe, particularly in the Brownfields context, where it may ultimately make sense for maybe the State to be the lead agency because often the State is the arm of government that maybe is closest to the particular community and the economic needs of the State.

So, I think it is really critical that those be well

coordinated so that resources are used across the board most efficiently.

Senator Rounds. Very good. Thank you, Mr. Wright.

Senator Carper.

Senator Carper. Thank you, Mr. Chairman.

Apparently at the request of political supporters, Administrator Pruitt has accelerated in some States Superfund cleanups and directed that EPA research dollars be used for pet projects.

Let me just ask do each of you commit not to use your offices or staff to grant special favors to this Administrator's or any administrator's political supporters, even if he or she directs you to do so?

Mr. Wright. I don't expect that I will be asked that, but I would not deviate from the practices and the policies of the office with respect to --

Senator Carper. To granting special favors?

Mr. Wright. Yes.

Senator Carper. Even if asked to do so?

Mr. Wright. Again, I would follow the policies, practices of the office.

Senator Carper. You might want to be careful with that. Might want to be careful with that.

Same question, Mr. McIntosh.

Mr. McIntosh. And I will follow all the advice of our ethics officials at the EPA, as well as follow all the rules and regulations as I carry out my official duties.

Senator Carper. I would just urge you to keep in mind we have a prayer breakfast that meets every Wednesday morning, and usually I don't get to come because I go back and forth to Delaware every night, but I came today. They asked me to be their speaker, which is quite an honor. The fellow who was nice enough to introduce me at the breakfast was my former fellow governor here, and one of the things I sometimes talk about in gatherings like that are core values, and just kind of guide me in what I do with my life. I made every mistake in the book in my life, and you have probably made a few mistakes as well. But I always ask myself what is the right thing to do; not what is easy and expedient, but what is the right thing to do.

I would urge you, if you get confirmed for these positions, that is a hugely important question to ask every day, what is the right thing to do. Not what is expedient, not what is easy; what is right.

Second, Golden Rule, treat other people the way you want to be treated. That is maybe the most important rule of all. I would urge you to keep that close to you.

Now, I am going to ask the same question again. Do each of you commit not to use your offices or staff to grant special

favors to an administrator's political supporters, even if he or she directs you to do so? That is my question.

Mr. Wright?

Mr. Wright. Senator, again, I don't expect to ever be asked that, and I would follow any guidance from the EPA's --

Senator Carper. If you were asked by an administrator to grant special favors to an administrator's friends or supporters, even if you think it is not the right thing to do, would you do that?

Mr. Wright. Again, Senator, I have no expectation that I will be asked that --

Senator Carper. I am very disappointed in that answer, very disappointed.

Mr. McIntosh?

Mr. McIntosh. Senator, I appreciate and I share many of the core values you just --

Senator Carper. I am not surprised.

Mr. McIntosh. Again, I will treat everybody I work with, I am no better than them; they are no better than me. I expect the Golden Rule works pretty well in this situation. But I will be also following all the rules and regulations that are before me as I carry out my official duties and work closely with our ethics officials, and commit to doing that.

Senator Carper. All right.

Mr. Wright, a question on chemical facilities and climate change, if I could. Flooding associated with Hurricane Harvey last year caused the Arkema Chemical facilities in Texas to lose electricity, which led to several chemical fires there because there was no power to keep the chemicals cool. The Chemical Safety and Hazard Investigation Board recently released its report on this incident and found that flooding from Hurricane Harvey near the facility exceeded the 500-year flood levels and said that since 1994 the area near this facility had experienced three flooding experiences with flood levels that were greater than 100-year flood levels. This report recommended that chemical facilities take steps to assess and mitigate risk from extreme weather events like this.

Mr. Wright, if you are confirmed, you will oversee the EPA's Office of Emergency Management, which is charged with providing information about ways to help industry, government, and the public "prevent, prepare for, and respond to emergencies." Do you agree that facilities that store chemicals should incorporate measures to prevent and respond to emergencies caused by the increased intensity and frequency of extreme weather events that we can expect as a result of climate change? If so, if you are confirmed, will you work to ensure that facilities like the Arkema facility build protections into their emergency response and other plans?

Mr. Wright. Yes.

Senator Carper. Thank you.

Mr. Wright. And I think that we need to take into account the learnings from any incident in planning for the future.

Senator Carper. All right.

As managing counsel for Dow and now DowDuPont, you were involved in any number of site cleanups. In your experience, did the pace of work at any Dow site accelerate after a cut to either the funds or personnel that were needed to do the work? Let me say that again. As managing counsel for Dow and now DowDuPont, you have been involved in numerous site cleanups. In your experience, did the pace of work at any Dow site accelerate after a cut in either the funds or personnel that were needed to do the work?

Mr. Wright. Senator, I can't recall any case where the funding was cut. In all cases, the company, that I can think of, met its commitments.

Senator Carper. All right.

Lastly, a question, if I can, for Mr. McIntosh. The office for which you have been nominated supports the government-to-government relationship between the EPA and tribal governments. Can you explain for our Committee what you understand is the Federal Government's responsibility toward Native Americans and tribal communities, which would be under your purview if you are

the leader of this entity?

Mr. McIntosh. My experience and training is going to allow me to provide very strong support to the Tribes and become an advocate for their issues. Two things. Some Tribes have their own agencies, and with my experience with State government and with Ford and internationally, I will be able to help those Tribes ensure that their agencies are adequately resourced, as well as having the technical wherewithal to carry out their environmental responsibilities or their lands. And for the tribal lands that actually don't have a tribal agency, among my experience, I have managed a large governmental agency; I will be able to provide good coordination with the EPA and the States as they carry out the environmental implementation of the environmental laws on the tribal lands without their agencies.

Senator Carper. All right, thanks.

Mr. Chairman, could I make two unanimous consent requests, please?

Senator Barrasso. [Presiding.] Without objection.

Senator Carper. One of them is I would like to ask unanimous consent to submit for the record several reports about the Administrator's alleged unethical behavior over his tenure as the EPA Administrator. I would also like to submit a copy of a letter opposing Mr. Wright's nomination from a number of environmental organizations.

Senator Barrasso. Without objection.

Senator Carper. Thank you.

[The referenced information follows:]

Senator Barrasso. Senator Whitehouse.

Senator Whitehouse. Thank you very much.

Welcome to both of you. Given the way things are going at EPA right now, I want to ask you each, first, if you are to be confirmed, what do you think the proper relationship should be between regulated entities and their regulator in matters where the public health, safety, and welfare is involved?

Mr. McIntosh?

Mr. McIntosh. Having been on both sides over the last 40 years of both being regulated and being a regulator, really, the relationship is governed by the rule of law. Companies and, in general, the agencies are all committed to protecting the public health and the environment, and the agencies are committed to implementing the law and the companies are committed to complying with the law.

Senator Whitehouse. Under what circumstances should the companies be able to direct the regulators' activities or conclusions?

Mr. McIntosh. Companies are usually always able to talk to the agencies about their issues, but the rule of law will be the thing that trumps everything, and at some point the companies will have to comply with the rule of law.

Senator Whitehouse. Mr. Wright, same two questions, proper relationship and should the regulated entity be able to direct

the regulator.

Mr. Wright. Okay, so the relationship is governed by the rules, regulations, policies, and procedures of the particular program at issue as between the parties. With respect to the second question, again, it depends on the particular program, the particular context in which those discussions might take place, whether it is a consultation, whether it is negotiations over the terms of a consent order. Again, I think it depends on the particular context.

Senator Whitehouse. I would like to ask each of you to say something about the concept of regulatory capture.

Are you familiar with the concept, Mr. McIntosh?

Mr. McIntosh. I am not familiar with that term.

Senator Whitehouse. Well, you are probably going to be.

Mr. Wright?

Mr. Wright. I am also not familiar with that term.

Senator Whitehouse. Okay.

So, assume that you are in office. What do you think is appropriate regarding having your professional staff run personal errands for you, like lotion producing or used hotel mattress seeking?

Mr. McIntosh?

Mr. McIntosh. Again, I am not part of the Agency. Should I be confirmed, and I hope I am confirmed, I will follow and

committed to following all the guidance of our ethics officials and all the rules and regulations that govern us carrying out our official duties.

Senator Whitehouse. Will you ask your official employees to run personal errands for you?

Mr. McIntosh. I will follow all the ethics rules and rules and regulations of the agency.

Senator Whitehouse. Huh. I would have thought that would have been an easier question to answer.

You, Mr. Wright?

Mr. Wright. Senator, I am also not at the Agency now, so I am not fully familiar with all of the policies and procedures that apply, but I also would follow all of the guidance from ethics officials about appropriate assignments and responsibilities.

Senator Whitehouse. Can you assure us that you wouldn't ask official staff to run personal errands for you?

Mr. Wright. I have no intention to do so.

Senator Whitehouse. How about housing? Will you accept housing here in Washington paid for by lobbyists or regulated interests, or subsidized by lobbyists or regulated interests?

Mr. McIntosh?

Mr. McIntosh. No.

Senator Whitehouse. Mr. Wright?

Mr. Wright. I have no need to.

Senator Whitehouse. With respect to travel, are you willing to fly regular coach or will you demand first class travel?

Mr. McIntosh?

Mr. McIntosh. I generally fly coach. I am not familiar with the travel regulations with the Federal Government; I am with Ford and the State government, but I will commit to following the regulations.

Senator Whitehouse. Mr. Wright?

Mr. Wright. Senator, I also am not familiar with the travel regulations. Coach is fine, but I don't know if there are other provisions for different circumstances.

Senator Carper. Can I just interrupt for a second?

I will just observe that sometimes the train works, too, for what it is worth.

Senator Whitehouse. Will you give your professional staff a list of travel destinations that you would like to visit and tell them to find something for you to do there so that you can go visit your desired travel destinations?

Mr. McIntosh. If confirmed, my understanding is that I will be required to set up official visits throughout the world and, again, I will follow all the regulations of the Agency and the Government, as well as the ethics officials' guidance.

Senator Whitehouse. But you will be doing that based on official needs, not your desire to go visit places.

Mr. McIntosh. Yes. My job will be to plan official visits.

Senator Whitehouse. And you won't be making pretext visits to places you simply want to go see at taxpayer expense.

Mr. McIntosh. No.

Senator Whitehouse. Mr. Wright?

Mr. Wright. My answer to the question is no.

Senator Whitehouse. Thank you.

My time has expired, Mr. Chairman.

Senator Barrasso. Thank you, Senator Whitehouse.

Senator Markey.

Senator Markey. Thank you, Mr. Chairman, very much.

On November 3rd, the Environmental Protection Agency and 12 other Federal agencies released the Fourth National Climate Assessment. This report decisively concludes that humans are the main cause of rising global temperature.

Mr. Wright, do you agree that humans are the main cause of climate change?

Mr. Wright. I agree that humans cause climate change.

Senator Markey. Are they the main cause of climate change?

Mr. Wright. I am not detailedly familiar with the science to put the relative weight, but I believe they are a cause.

Senator Markey. A cause, right, but the main cause is what the conclusion that was reached by 12 Federal agencies, including the EPA. You don't agree with that finding?

Mr. Wright. I am not familiar in any detail with that finding. I don't disagree with it.

Senator Markey. Okay.

Well, Mr. McIntosh, do you agree that humans are the main cause of climate change?

Mr. McIntosh. I am not familiar with that particular report. I understand humans are a contributing factor to climate change, but I can't say whether or not they are the main cause.

Senator Markey. Right. Neither of you know whether or not climate change is caused mainly by human activity, which is an interesting position to be able to take at this late date in the discussion over the issue.

And here is the good news. Because your previous employers would actually disagree. Ford, for whom Mr. McIntosh, and Dow, for whom Mr. Wright, have both said that climate strategies that work to cut down on greenhouse gas emissions because of the threats posed by climate change. Dow even calls it the most urgent environmental issue that society faces today, so that is something that Dow reached as a conclusion at the time that you were there. And, of course, these 12 Federal agencies have also

reached that conclusion, and you remain unable to make a judgment on the subject. But given the positions that you are both seeking to take, I think it would be reassuring to know that you had reached such a conclusion.

Mr. Wright, if confirmed, you would be in charge of our Superfund program. Hundreds of Superfund sites around the Country are in flood-prone areas or in areas that are at risk of sea level rise, putting 2 million people in danger. During Hurricane Harvey, huge floods triggered a toxic fire at the Arkema Chemical Plant. The company argued that they didn't have a plan for how to prevent a fire from happening because the level of flooding was unprecedented. But in the era of climate change, we need to plan for unprecedented events.

In that same storm, flooding caused a leak in the San Jacinto waste pits, a dangerous Superfund site. Testing found levels of dioxin nearby that were more than 2,000 times higher than the EPA's recommended cleanup level.

The EPA's own Climate Change Adaptation Plan, issued in 2014, raised the alarm of how climate impacts could result in the release of toxic chemicals from hazardous waste Superfund sites, calling it a "key vulnerability."

In response to a question from Senator Carper earlier, you agreed that taking climate impacts into account for Superfund sites was essential. Unfortunately, Scott Pruitt does not seem

to agree that we should be preparing for the impacts of climate change. Administrator Pruitt assembled a Superfund task force which was headed by his personal friend, a banker with no environmental experience, and asked it to come up with recommendations on how to improve the Superfund remediation process. That report made zero mentions of climate change or climate impacts on Superfund sites in its 34 pages.

Mr. Wright, do you think these recommendations should have addressed the issue of climate impacts on Superfund sites?

Mr. Wright. Senator, I am not familiar with all the details of how the task force was put together, but it seems to me very plausible that it could have assumed that that climate change guidance that you referenced was existing and would be considered part of the way in which EPA would continue to address the sites.

Senator Markey. So you think that it has now become a self-evident truth that you don't even have to mention, just assume to be a risk and doesn't have to be included at all? Would you think that perhaps the answer is that the banker friend of Scott Pruitt perhaps did not want it to be included because he himself, that is, Pruitt, is a climate denier?

Let me just ask this. Will you ensure that climate impact on Superfund sites is in fact something that you put at the top of your list, given the fact that climate change is a serious

problem?

Mr. Wright. It is serious and it should be incorporated into remedies, and I think, as I have previously stated, I think it is critical that the Agency consider the impacts that we saw last year from the hurricanes and plan for that accordingly in the future.

Senator Markey. Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Markey.

Senator Cardin.

Senator Cardin. Thank you, Mr. Chairman.

Let me thank both of our nominees for their willingness to serve the public, also thank their families. It is not an easy time to serve, and the areas that you would have responsibility are challenging areas, so I thank you for your willingness.

Mr. Wright, I want to talk a little bit about risk management plans. I say that for a couple reasons. First, in your current or prior life in regards to your work that you did at DowDuPont, there were a lot of incidences involving accidents and injuries in which the risk management plan comes into effect.

The Administration has proposed delaying the new rules on this and I want to hone in on one specific area that affects Maryland. On September 18th of last year we had a chlorosulfonic acid leak in Baltimore that put thousands of

people at risk; they were ordered to shelter in place. There was a concern that if they inhaled this, it could lead to very, very serious health risks. If it had contacted water, it could explode. And there was a significant concern as to the public health risk as it relates to this spill.

It is my understanding currently that this type of chemical is not covered under the Risk Management Plan, and I would hope that you would help and work with us to expand the Risk Management Plan to cover that type of exposure, considering what happened in my State.

If you could comment on that now, fine. If not, I will take it for the record. But I would also ask you to work and explain why or how you would make sure that these Risk Management Plan rules are effective as quickly as possible, considering the risk factors to our community on public health.

Mr. Wright. Well, Senator, as I have stated earlier in this hearing, I think chemical safety is paramount, very important. At the present time, I am not deeply up to speed with the current set of regulatory proposals, but, if confirmed, I will get up to speed on all of those and work on that, and would be glad to work with you and your staff on these issues.

Senator Cardin. Well, I appreciate that willingness. I might take advantage of asking you a question for the record to give you a little more time to respond. I really want to know

your commitment to public health as it relates to the Risk Management Plans and your response to how we can better prepare for the type of incident that happened in Baltimore. We were not as prepared as we needed to be, and let's learn from what has happened. People were sheltering in place and they didn't know the protocols as it related to -- it is right near water. If it would have hit water, it would have been catastrophic.

So I appreciate the fact that you are not up to speed right in on these particular issues, but I would appreciate a comfort level that you will be committed doing everything we can for public safety as it relates to these Risk Management Plans.

Mr. Wright. Senator, I will make that commitment, if confirmed.

Senator Cardin. Thank you.

Thank you, Mr. Chairman.

Senator Barrasso. Final question, Senator Carper.

Senator Carper. Mr. McIntosh, you worked how many years at DowDuPont?

Mr. McIntosh. Ford Motor Company, 19 years.

Senator Carper. And how many years did you work at Dow?

Mr. Wright. I worked for Dow for 19 and a half years.

Senator Carper. Okay.

Senator Markey, did you just read a statement from Andrew Liveris on climate change, did he just read that in his

question? I think he was asking you questions did you agree about -- I think he asked one of you your views on climate change, the contributions that humans have to climate change, and neither of you were very clear, and you said, well, it is a factor. And then he read I think from Dow, I think he read from Dow. I don't know if it was Andrew Liveris who he was quoting or not, Chairman of Dow.

But for Ford, these are the words of Bill Ford, and I think they are probably worth noting. He is still the chairman of the company, as you probably know. But here is what he said, "Climate change is having a significant effect on our planet. We know climate change is read and a critical threat, and we will continue to work with leaders around the world in support of ambitious, global greenhouse gas reduction targets." Those are his words and I will just say I am Tom Carper and I approve that message. Thank you.

Would you introduce your families again? I think I was out of the room when you introduced your families. Would you just take a minute to introduce your families? Who are those people sitting behind you?

Mr. McIntosh. Today, my son, Scott, and his lovely wife, Katie, are here. Then there are a number of other family watching, my lovely wife, Melanie, my other son, Andrew, and Jen, and then Carl and Jennie, and my grandchildren, Eda and

Cameron are all watching, although they are probably asleep by now.

Senator Carper. Please.

Mr. Wright. So, Senator, actually, my wife is actually sitting behind --

Senator Carper. This not like the weddings, where the bride --

Mr. Wright. Right. It got a little confused at the last second -- together with Dan and Jess who flew out from Midland to be with us, and a number of colleagues and friends I think are with us as well; and my daughter, Audrey, is possibly watching, she will watch the tape from Europe.

Senator Carper. Can I have one more minute?

I have a stepson who lives in Detroit and now I have a son who lives there and works for General Motors for a special summer project. He is a graduate student in business.

But a year ago, on Father's Day, my stepson, who lives in Rochester Hills, was in Paris on a family vacation with his four kids, and they turn on television live in their hotel room, I guess it was in the evening, and MSNBC was on, no, no, no, Meet the Press was on and I was on, and they had this big screen TV in their hotel room, so there I am on television, and these four kids are gathered around, watching me on Meet the Press. This was the only time I was ever on Meet the Press, and they sent it

to me and we have had more fun with that picture. I was there for Father's Day and we looked at it again and said what a special treat that was for them and for me, especially for me.

All right, thanks so much.

Senator Barrasso. Well, no further questions today. Members may submit written questions, follow-up questions for the record, and they will have to do that by the close of business on Wednesday, June 27th, so we would ask that you respond by the close of business by Monday, July 9th.

I want to thank you and congratulate you on your nomination again. Thank you for your testimony today, for all your hearing time, and the hearing is adjourned.

[Whereupon, at 11:37 a.m. the committee was adjourned.]

Message

From: Ringel, Aaron [ringel.aaron@epa.gov]
Sent: 12/12/2017 3:56:30 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: RE: follow ups re: Superfund Priority List

Works for me, thanks!

-Aaron

From: Levine, Carolyn
Sent: Monday, December 11, 2017 5:46 PM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: follow ups re: Superfund Priority List

Great, thank you Robin! I think I can excerpt/reference these to respond to SEPW and HEC.
Let me know if everyone is ok with me responding directly.

Thanks,
Carolyn

Carolyn Levine
Office of Congressional and Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Richardson, RobinH
Sent: Monday, December 11, 2017 5:34 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: follow ups re: Superfund Priority List

Hi all – There is a set of Qs and As on the website that address several of these questions. Have a look. Hopefully these are helpful. Best, Robin

https://www.epa.gov/superfund/questions-and-answers-superfund-sites-targeted-immediate-intense-action

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Robin H Richardson
Principal Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-3358 (desk)
703-581-5814 (cell)
richardson.robinh@epa.gov

From: Levine, Carolyn
Sent: Monday, December 11, 2017 12:55 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
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From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 12/11/2017 10:45:36 PM
To: Richardson, RobinH [Richardson.RobinH@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Palich, Christian [palich.christian@epa.gov]
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levine.carolyn@epa.gov

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From: Richardson, RobinH [Richardson.RobinH@epa.gov]
Sent: 12/11/2017 10:34:03 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Palich, Christian [palich.christian@epa.gov]
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Sent: 12/11/2017 5:54:32 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]
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(202) 564-1859
levine.carolyn@epa.gov

Message

From: Palich, Christian [palich.christian@epa.gov]
Sent: 5/22/2018 12:42:23 AM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Fwd: Comments submitted on docket on EPA water notice
Attachments: EPW Committee Comments - Final.pdf; ATT00001.htm

See attached Lee and Dave. Have a great evening!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: 202.306.4656

Sent from my iPhone

Begin forwarded message:

From: "Horner, Elizabeth (EPW)" <Elizabeth_Horner@epw.senate.gov>
To: "Lyons, Troy" <lyons.troy@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>
Cc: "Russell, Richard (EPW)" <Richard_Russell@epw.senate.gov>, "Willson, James (EPW)" <James_Willson@epw.senate.gov>
Subject: RE: Comments submitted on docket on EPA water notice

Troy and Christian,

Please disregard my previous email. Attached is the final courtesy electronic copy of comments from Chairman Barrasso and eight other members of the EPW Committee on EPA's notice entitled "**Clean Water Act Coverage of Discharges of Pollutants via a Direct Hydrologic Connection to Surface Water**."

These comments were just filed in the electronic docket on regulations.gov. A hard copy of this version will follow in the mail, addressed to Assistant Administrator Ross.

Elizabeth

From: Horner, Elizabeth (EPW)
Sent: Monday, May 21, 2018 6:20 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>; Willson, James (EPW) <James_Willson@epw.senate.gov>
Subject: Comments submitted on docket on EPA water notice
Importance: High

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Elizabeth

Elizabeth L. Horner
Majority Senior Counsel
Senate Committee on Environment and Public Works
Elizabeth_Horner@epw.senate.gov
(202) 224-7841

JOHN BARRASSO, WYOMING, CHAIRMAN

[illegible]

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

May 21, 2018

David P. Ross
Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: *EPA Docket ID No. EPA-HQ-OW-2018-0063, Clean Water Act Coverage of "Discharges of Pollutants" via a Direct Hydrologic Connection to Surface Water*

Dear Assistant Administrator Ross:

We commend you for requesting comment on whether the Environmental Protection Agency (EPA) should consider clarification or revision of past statements on Clean Water Act (CWA) jurisdiction as it relates to groundwater. Specifically, the proposal solicits comment on whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation.

We urge you to clarify that discharges through groundwater are not subject to regulation as point sources under the CWA.

On February 1, 2018, the U.S. Circuit Court of Appeals for the Ninth Circuit ruled that discharges into groundwater by the County of Maui wastewater treatment plant conflicted with the National Pollution Discharge Elimination System (NPDES) permitting program under the CWA. Soon after, Congress weighed in, and explained how recent court decisions were inconsistent with Congress's intended reach of the program. The report language accompanying the Consolidated Appropriations Act of 2018 stated:

> *Regulation of Groundwater.*—Since enactment in 1972, the Clean Water Act (CWA) has regulated impacts to navigable waters, while regulation of groundwater has remained outside of the Act's jurisdiction. Instead, legislative history surrounding the CWA indicates that Congress intended for groundwater pollution to be regulated through CWA's nonpoint source programs and other Federal and State laws. For example, releases into groundwater from solid waste units are regulated at a Federal level by the Resource Conservation and Recovery Act (RCRA). Recently, some courts have imposed a broad view of CWA liability based on a theory of hydrological connection between groundwater and surface water. Other courts have taken a more narrow view and have focused on statutory distinctions between surface water and groundwater. The

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> Committees are aware that the Agency has requested comment on its previous statements 'regarding the Clean Water Act (CWA) and whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation.' After completing the public comment process, the Committees encourage the Agency to consider whether it is appropriate to promulgate a rule to clarify that groundwater releases from solid waste units are regulated under RCRA and are not considered point sources, and, that releases of pollutants through groundwater are not subject to regulation as point sources under the CWA. The Agency is directed to brief the Committees about its findings and any plans for future rulemaking.

In a follow-up to the report, on April 18, 2018, the Senate Committee on Environment and Public Works (EPW Committee) held a hearing entitled, *"The Appropriate Role of States and the Federal Government in Protecting Groundwater."* During that hearing, EPW Committee members heard testimony from experts and stakeholders on this important issue, and how an expanded view of the CWA's point source program to include groundwater could have significant negative impacts on municipal, state, and agricultural interests.

We submit this comment letter and enclosures providing materials from the hearing for your consideration.

The CWA Does Not Require NPDES Permits For Discharges Into Groundwater.

The CWA is a profoundly important law that protects the environment and public health. It is the primary federal law governing pollution of surface waters, and was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."[1]

To carry out this objective, the CWA relies on a framework of cooperative federalism. The Federal Water Pollution Control Act Amendments of 1972 (FWPCA) established a regulatory framework for point source pollution control. A "point source" is "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged."[2] The 1987 amendments to the CWA gave states primary authority to regulate nonpoint source pollution, including groundwater. Thus, the CWA does not regulate all sources of pollution at the federal level; rather, the Act distinguishes between point source and nonpoint source pollution, and does not directly regulate the latter, reserving such authority for the states.[3]

Regarding groundwater, the question is not *whether* it should be protected, but rather *how*. It is clear that groundwater is not a point source under the Clean Water Act. Considering that

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[1] 33 U.S.C. § 1251(a).

[2] *Id.* § 1362(14).

[3] "[The CWA] contains no mechanism for direct federal regulation of nonpoint source pollution." *Shanty Town Assocs. Ltd. P'ship v. EPA*, 843 F.2d 782, 791 (4th Cir. 1988).

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discharges into groundwater are complex and site-specific, states are uniquely positioned to address these types of discharges.[4] As such, every state regulates discharges into groundwater in some manner.[5] Further, other federal environmental laws, such as RCRA and CERCLA, regulate discharges into groundwater under specific circumstances.

Congress's decision not to include discharges into groundwater under the CWA's point source program is supported by the legislative history. Congress explicitly rejected amendments that would have extended CWA point source regulation to groundwater. The Senate Committee on Public Works report for the 1972 amendments stated: "Several bills pending before the Committee provided authority to establish federally approved standards for groundwaters which permeate rock, soil, and other subsurface formations. Because the jurisdiction regarding groundwaters is so complex and varied from State to State, the Committee did not adopt this recommendation."[6] This is a clear indication of intent that discharges traveling through groundwater are to be excluded from NPDES regulation.

Courts have stated that the Senate report language is unambiguous:

- *Exxon Corp. v. Train*, 554 F.2d 1310, 1326 (5th Cir. 1977) ("[A]s we read the Senate report, the committee did not intend to interfere with or displace the 'complex and varied' state jurisdictions over groundwaters. Rather, it meant only to help provide the states with the information needed to operate their own groundwater pollution control programs.")

- *Rice v. Harken Expl. Co.*, 250 F.3d 264, 271 (5th Cir. 2001) ("Congress was aware that there was a connection between ground and surface waters but nonetheless decided to leave groundwater unregulated by the CWA.")

- *Kelley ex rel. Mich. v. United States*, 618 F. Supp. 1103, 1107 (W.D. Mich. 1985) ("[T]he unmistakably clear legislative history … demonstrate[s] that Congress did not intend the Clean Water Act to extend federal regulatory and enforcement authority over groundwater contamination. Rather, such authority was to be left to the states.")

Likewise, courts have held that the regulation of groundwater under the NPDES program would frustrate Congressional intent:

- *Vill. of Oconomowoc Lake v. Dayton Hudson Corp.*, 24 F.3d 962, 965 (7th Cir. 1994) ("Neither the Clean Water Act nor the EPA's definition asserts authority over ground waters, just because these may be hydrologically connected with surface waters … The omission of ground waters from the regulations is not an oversight. Members of Congress have proposed adding ground waters to the scope of the Clean Water Act, but these proposals have been defeated …")

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[4] Written testimony of Martha Clark Mettler before the EPW Committee (April 18, 2018).

[5] Questions for the record responses of Amanda Waters before the EPW Committee (April 18, 2018).

[6] *See* S. Rept. 92-414, 92nd Cong. 1st Sess. 73.

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- *26 Crown Assocs., LLC v. Greater New Haven Reg'l Water Pollution Control Auth.*, 2017 WL 2960506, at *9 (D. Conn. July 11, 2017) ("[I]f the Clean Water Act were to apply as a routine matter to the discharge of pollution onto the ground that ends up seeping into the ground water, then Congress's purpose to limit the scope of the Clean Water Act would be easily thwarted.")

- *Cape Fear River Watch, Inc. v. Duke Energy Progress, Inc.*, 25 F. Supp. 3d 798, 810 (E.D.N.C. 2014) ("Congress did not intend for the CWA to extend federal regulatory authority over groundwater, regardless of whether that groundwater is eventually or somehow 'hydrologically connected' to navigable surface waters.")

- *Cooper Indus., Inc. v. Abbott Labs.*, 1995 WL 17079612, at *4 (W.D. Mich. May 5, 1995) ("[T]he fact that ... ground waters are hydrologically connected to some surface waters is insufficient to transform [a] case to a FWPCA cause of action.")

NPDES Regulation of Groundwater Would Have Significant Negative Consequences.

Congress intentionally excluded groundwater from the scope of point source NPDES permitting because such regulation would be impractical and unfeasible. Nonetheless, some courts have recently held that discharges that travel through groundwater may be subject to NPDES regulation.[7] If upheld and applied broadly, these courts' rulings would have significant negative effects.

Eighteen states, led by the State of Arizona, explained how a recent Ninth Circuit court ruling threatens to "create an unworkable regulatory environment by extending an onerous federal regulatory structure over what has been a traditional area of state responsibility."[8] For example, NPDES permitting in Arizona alone could balloon 200,000% under the court's expansive interpretation of the law.[9]

Expansion of the NPDES program's reach would also hamper municipal water agencies from carrying out their critical mission, and threaten to derail or deter projects that are environmentally beneficial. For example, innovative public infrastructure projects, such as groundwater recharge systems and green infrastructure projects, could be stymied.[10]

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[7] *Hawai'i Wildlife Fund v. Cty. of Maui*, 886 F.3d 737 (9th Cir. 2018); *Upstate Forever v. Kinder Morgan Energy Partners*, L.P., 887 F.3d 637, 651 (4th Cir. 2018).

[8] *See* Brief of Eighteen States as Amici Curiae in Support of Petition for Rehearing En Banc of *Hawai'i Wildlife Fund v. Cty. of Maui* at 7, No. 1:12-cv-00198-SOM-BMK (Mar. 12, 2018) at 7 (hereinafter "State Amici Brief").

[9] *See id* at 8.

[10] Written testimony of Amanda Waters before the EPW Committee (April 18, 2018).

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This precedent also has the potential to cause confusion and harm private interests, such as the agricultural sector. Indeed, Joe Guild, Treasurer of the National Cattlemen's Beef Association, stated in written testimony before the EPW Committee:

> [A]ll sectors of the cattle industry will face additional federal regulation and scrutiny, with little to no environmental benefit. Without an incentive, farmers and ranchers will stop working voluntarily with state and federal conservation programs to protect water quality. As producers sell off their cattle out of frustration with further regulation, the industry will face further consolidation because smaller producers are unable to comply with overly burdensome permitting requirements.[11]

Finally, allowing NPDES permitting to regulate discharges into groundwater could have a broad effect on residential areas, as even residential septic tanks could require NPDES permits. The State of Arizona estimates that 282,897 septic systems could suddenly become subject to CWA point source regulation.[12] Such an expansion of NPDES permitting requirements would represent an unprecedented erosion of the cooperative federalism framework of the CWA.

EPA Clarification Is Critical: The Clean Water Act's NPDES Program Does Not Apply to Groundwater.

These inconsistent judicial rulings can be partially attributed to EPA's inability to articulate a consistent stance on the matter over the years. EPA's request for comment states that the Agency "has previously stated that pollutants discharged from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional water may be subject to CWA permitting requirements." EPA has made statements that contradict this assertion. For example, EPA has stated:

- "[D]ischarges to groundwater are not regulated by the NPDES program … *if* a discharge to groundwater requires a permit, the [NPDES] is not the permit program authority under which such discharges can be covered... Discharges directly or indirectly to the ground [are] subject to other program authority, including the Underground Injection Control (UIC) Program under authority of the Safe Drinking Water Act, a State groundwater discharge permit program, or a similar program authority." EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, at 7 (March 9, 2017).

- "NPDES permits are applicable for point source discharges to waters of the U.S.; discharges to groundwater are not addressed in the NPDES program and as such are not addressed by this permit." EPA, Fact Sheet, Draft General Permits for Stormwater Discharges Systems from Small Municipal Separate Sewer Systems in Massachusetts at 18 (Sept. 30, 2014).

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[11] Written testimony of Joe Guild before the EPW Committee (April 18, 2018).

[12] See State Amici Brief at 9.

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- "Under the Clean Water Act, EPA and the States regulate facilities either discharge wastewaters directly to surface waters or discharge to municipal treatment systems. … While a number of States have incorporated ground water discharges into their NPDES permits and pretreatment requirements, there is no national requirement to do so." EPA, Final Comprehensive State Groundwater Protection Guidance at 1-27 (December 1992).[13]

These statements demonstrate that EPA's stance on CWA permitting requirements for discharges into groundwater has been inconsistent at best. It is therefore imperative that EPA clarify its position.

EPA must clarify that discharges into groundwater are not subject to NPDES permitting requirements.

Thank you for considering these comments and supporting documents as you consider this matter.

Sincerely,

John Barrasso, M.D.
Chairman

Shelley Moore Capito
U.S. Senator

Joni K. Ernst
U.S. Senator

Jerry Moran
U.S. Senator

Deb Fischer
U.S. Senator

Roger F. Wicker
U.S. Senator

[13] *See* Questions for the record responses of Amanda Waters before the EPW Committee (April 18, 2018) (identifying these and other past EPA statements).

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Dan Sullivan
U.S. Senator

John Boozman
U.S. Senator

James M. Inhofe
U.S. Senator

For Immediate Release:
April 18, 2018

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Barrasso Opening Remarks at Hearing on State & Federal Governments' Roles in Protecting Groundwater

"Everyday activities, including farming, ranching, or having a septic tank in your backyard could require a federal discharge permit. This is not what Congress intended when it passed the Clean Water Act."

Click here to watch Chairman Barrasso's remarks.

WASHINGTON, D.C. — Today, U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW), delivered the following remarks at a hearing on the "Appropriate Role of States and the Federal Government in Protecting Groundwater."

The hearing featured testimony from Amanda Waters, general counsel at the National Association of Clean Water Agencies; Martha Clark Mettler, assistant commissioner at the Indiana Department of Environmental Management's Office of Water Quality; Joe Guild, treasurer at the National Cattlemen's Beef Association; Frank Holleman III, senior attorney at the Southern Environmental Law Center; and Anthony Brown, chief executive officer and principal hydrologist at aquilogic.

For more information on their testimonies click here.

Senator Barrasso's remarks:

"Today, we are here to discuss a timely and important issue.

"What is the best way to protect groundwater, and what is the appropriate role of the federal government?

"This issue has come to a forefront recently before all three branches of government.

"As we will hear from our witnesses today, a number of federal courts have generated confusing and conflicting opinions on the issue.

"In February, EPA recognized this confusion and asked for members of the public to file comments with the agency by May 21 of this year.

"And finally, last month, Congress weighed in.

"Congress directed EPA to resolve this issue as part of the omnibus spending bill.

"The bill's report specified releases through groundwater should not be regulated as point sources under the Clean Water Act.

"As chairman of the Senate Committee with jurisdiction over the Clean Water Act, I want our members to hear from the experts and determine what additional actions are needed.

"In 1971, the predecessor to this committee –the Committee on Public Works – rejected attempts to set federal standards for groundwater.

"Now, 37 years later, states, cities, farmers, water utilities, and private citizens have grave concerns that Congress's intent has been turned on its head by recent court decisions.

"Those decisions place Washington in charge of permitting when groundwater connects a source of pollution with a 'Water of the United States.'

"This is a disturbing development.

"A broad group of municipalities and water utilities have opposed this idea.

"Including: the city of San Francisco, the city of New York, and the Narragansett Bay Commission in Rhode Island.

"They voiced their opposition in a brief filed in federal court last year.

"Under the misguided theory, everyday activities including farming, ranching, or having a septic tank in your backyard could require a federal discharge permit.

"This is not what Congress intended when it passed the Clean Water Act.

"Eighteen states also recently filed a brief in opposition to this expanded and unreasonable interpretation.

"My home state of Wyoming joined that brief.

"The states explained the alarming consequences of a recent federal court's ruling in California.

"If the court's ruling stands, many more individuals and companies will need to apply for federal permits.

"In the brief, the state of Arizona pointed out the number of activities that would require federal permits could jump more than 200,000 percent.

"For example, up to 282,897 septic systems in that state could become federally regulated.

"Making matters worse, the additional permitting would come with significant added costs but no additional environmental benefit.

"States already have comprehensive groundwater protection laws.

"In addition, the Safe Drinking Water Act and the Resource Conservation and Recovery Act already protect groundwater at the federal level."

"The additional permitting would sow great confusion and result in tremendous cost.

"I believe it is a harmful expansion of Washington's authority."

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http://epw.senate.gov
Twitter | YouTube

No. 15-17447

In the United States Court of Appeals for the Ninth Circuit

HAWAI'I WILDLIFE FUND, A HAWAII NON-PROFIT CORPORATION; SIERRA CLUB-MAUI GROUP, A NON-PROFIT CORPORATION; SURFRIDER FOUNDATION, A NON-PROFIT CORPORATION; WEST MAUI PRESERVATION ASSOCIATION, A HAWAII NON-PROFIT CORPORATION,

Plaintiffs–Appellees,

v.

COUNTY OF MAUI,

Defendant-Appellant.

Appeal from the United States District Court
For the District of Hawaii
Case No. 1:12-cv-00198-SOM-BMK

BRIEF OF AMICI CURIAE STATES OF ARIZONA, ALABAMA, ALASKA, ARKANSAS, GEORGIA, INDIANA, KANSAS, LOUISIANA, MISSOURI, MONTANA, NEBRASKA, NEVADA, OKLAHOMA, SOUTH CAROLINA, TEXAS, UTAH, WEST VIRGINIA, AND WYOMING IN SUPPORT OF PETITION FOR REHEARING EN BANC

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STATEMENT OF AMICI CURIAE

The States of Arizona, Alabama, Alaska, Arkansas, Georgia, Indiana, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, Oklahoma, South Carolina, Texas, Utah, West Virginia, and Wyoming file this brief under Circuit Rule 29-2(a) to spotlight the effect of the February 1, 2018 panel decision and speak in furtherance of their interests in (and sovereignty over) intrastate water management, in particular when the actions of state political subdivisions are at issue. The panel decision, which threatens to deny state and local governments their traditional primary authority to regulate and manage intrastate land and water uses, is bad for the Amici States, wrong for the environment, and contrary to the principles of our "compound republic." *Quoting* Federalist No. 51, reprinted in 1 Debate on the Constitution 323 (B. Bailyn ed. 1993) (J. Madison).

The Amici States have a significant interest in en banc rehearing because of their sovereign status and long history of responsible governance over intrastate lands and waters, including groundwaters. Arizona's efforts in this regard include its Aquifer Protection Permit and Aquifer Water Quality Standards programs, which protect

groundwaters and aquifers. *See, e.g.*, A.R.S. §§ 49-203(A)(4), 223, 224(B). And other Amici States have their own permitting and water quality standards programs.[1]

SUMMARY OF ARGUMENT

The petition for rehearing en banc should be granted because the panel decision wrongly extends Clean Water Act ("CWA") jurisdiction to intrastate "point sources" that are hydrologically connected only through intrastate nonpoint sources, such as groundwaters, to navigable waters. The panel's decision usurps from state and local governments their traditional regulatory and management authority in

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[1] For example, pursuant to the Nevada Water Pollution Control Law, the Nevada Division of Environmental Protection issues discharge permits that define the quality of a permitted discharge deemed necessary to protect the waters of the State. *See* NRS 445A.300-700. Nevada's definition of waters of the State is broad and includes "all waters situated wholly or partly within or bordering upon [the] State, including but not limited to: (1) [a]ll streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and (2) [a]ll bodies or accumulations of water, surface and underground, natural or artificial." NRS 445A.415. Further, NRS 445A.465 specifically prohibits the discharge of a pollutant without a permit. The Nevada Division of Environmental Protection has a long history of successfully overseeing this program. Accordingly, the Nevada Water Pollution Control Law would address the types of discharges contemplated while being protective of all waters of the State.

the sphere of intrastate land and water uses, and thus presents an issue of exceptional importance.

CWA point source jurisdiction is limited to intrastate point sources that themselves convey a pollutant into navigable waters because the governing statutory definition of "discharge of any pollutant" omits any reference to nonpoint sources, such as groundwaters, as a conveyance of a pollutant. Properly construed under the canon "expressio unius est exclusio alterius," this omission precludes CWA point source jurisdiction when pollutants are conveyed to navigable waters solely by groundwaters or other nonpoint sources.

In reaching a contrary conclusion, the panel decision circumvents Supreme Court precedent, conflicts with opinions from other circuits, and undermines a rule of national application on a question of exceptional importance in which there is an overriding need for uniformity.

ARGUMENT

The mistaken expansion of CWA point source jurisdiction embraced by the panel decision is understandable from a certain perspective—everyone wants a clean, safe and healthy environment.

But the federal government need not usurp state authority to achieve that outcome, and Congress intended no such complete occupation of the field. State and local governments have the plenary power to protect public health, safety, and welfare; this includes protecting intrastate groundwaters from point source discharges. As compared to any federal agency, state and local governments are closer to the problem sources and more responsive to the people. The CWA even authorizes states to form interstate compacts to furnish solutions to interstate problems. 33 U.S.C. § 1253(b). As discussed below, both the environment and the rule of law are best protected by respecting the statutory text, the congressional intent, and the principles of cooperative federalism embraced by the CWA.

I. THE PANEL DECISION INVOLVES A QUESTION OF EXCEPTIONAL IMPORTANCE BECAUSE IT CLASHES WITH OTHER CIRCUITS AND WOULD SWEEP AWAY TRADITIONAL STATE AND LOCAL AUTHORITY

"'It was said of the late Justice Story, that if a bucket of water were brought into his court with a corn cob floating in it, he would at once extend the admiralty jurisdiction of the United States over it.'" *Village of Oconomowoc Lake v. Dayton Hudson Corporation*, 24 F.3d 962, 965 (7th Cir. 1994). Courts should avoid adopting a similar

approach to CWA point source jurisdiction. Nevetheless, the panel held that CWA point source jurisdiction extends to a "point source" whenever a pollutant added to navigable waters in a more than de minimis amount is "fairly traceable" to a point source, regardless of how the pollutant traveled from the point source. Dkt. 65 18-19, 25.[2] The panel specifically ruled that a county-operated injection well, which was used for water reclamation and waste management, was required to secure federal National Pollutant Discharge Elimination System ("NPDES") permitting because pollutants traceable to the well reached the ocean by seeping through intermediating groundwaters. In other words, under the panel's decision, the jurisdictional element for liability under the CWA is satisfied whenever there is an indirect hydrological connection between a point source and navigable waters, regardless of intervening nonpoint sources, even if the intervening medium is groundwaters.[3]

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[2] For the sake of brevity, reference to "navigable waters" is used collectively to include both "navigable waters" and "waters of the contiguous zone or ocean." *See* 33 U.S.C. §1362(12)(A), (B).

[3] "It is basic science that ground water is widely diffused by saturation within the crevices of underground rocks and soil," and "[a]bsent exceptional proof of something akin to a mythical Styx-like subterranean river," "passive migration of pollutants" through

But neither admiralty nor CWA point source jurisdiction extends to every bucket of water (or well) that is hydrologically connected through inadvertent seepage to navigable waters, especially if that connection is through groundwaters. Contrary to the panel decision, other circuits have held that a point source must *itself* convey a pollutant into navigable waters to trigger CWA point source jurisdiction—*without* the pollutant travelling through nonpoint sources, such as groundwaters.[4] The Seventh Circuit, for example, has observed that, even if groundwaters were thought within the scope of federal

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groundwater is not a discharge from a point source. *26 Crown Assocs., LLC v. Greater New Haven Reg'l Water Pollution Control Auth.*, 2017 WL 2960506, at *8 (D. Conn. July 11, 2017).

[4] *Village of Oconomowoc Lake*, 24 F.3d at 965 (CWA does not assert "authority over groundwaters, just because these may be hydrologically connected with surface waters"); *see also Rice v. Harken Exploration Co.*, 250 F.3d 264, 272 (5th Cir. 2001) ("a generalized assertion that covered surface waters will eventually be affected by remote, gradual, natural seepage from the contaminated groundwater" was outside the scope of the Oil Pollution Act in order "to respect Congress's decision to leave the regulation of groundwater to the States"); *Cape Fear River Watch v. Duke Energy Progress*, 25 F. Supp. 3d 798, 810 (E.D.N.C. 2014) ("Congress did not intend for the CWA to extend federal regulatory authority over groundwater, regardless of whether that groundwater is eventually or somehow 'hydrologically connected' to navigable surface waters"); *see generally Catskill Mountains v. City of New York*, 273 F.3d 481, 493 (2d Cir. 2001) (point source "refers only to the proximate source from which the pollutant is directly introduced to the destination water body"); *Nat'l Wildlife Fed'n v. Gorsuch*, 693 F.2d 156, 165, 175-76 (D.C. Cir. 1982) (affirming reasonableness of EPA interpretation that "the point source must *introduce* the pollutant into navigable water").

regulatory authority (an unsettled question), "the Clean Water Act does not attempt to assert national power to the fullest." *Village of Oconomowoc Lake*, 24 F.3d at 965. The circuit reasoned that Congress repeatedly refused to pass proposals to add groundwaters "to the scope of the Clean Water Act." *Id.* (citing *Exxon Corp. v. Train*, 554 F.2d 1310, 1325-29 (5th Cir.1977)). The Seventh Circuit further explained that there was a clear reason for Congress's refusal: *impracticality*. As stated by the Senate Committee on Public Works in 1972, Congress rejected proposals to add jurisdiction over groundwaters "[b]ecause the jurisdiction regarding groundwaters is so complex and varied from State to State." *Id.* at 965.

Congress was right. The panel decision threatens to create an unworkable regulatory environment by extending an onerous federal regulatory structure over what has been a traditional area of state responsibility. Whether and how pollutants seep through groundwaters into navigable waters from a point source is exceedingly difficult to observe and measure, much less predict, due to numerous factors including difficulty of access, temperature changes, chemical interactions, movement of the earth, tides, transpiration, evaporation,

groundwater withdrawals, vegetative conditions, atmospheric conditions, and surrounding surface and below-ground land uses. *See* T.C. Winter, et al, Ground Water and Surface Water: A Single Resource, U.S. Geological Survey Circular 1139 (1998). And yet, under the panel's reading of the CWA, unforeseeable criminal and civil liability could arise whenever any point source is shown *in hindsight* to have caused the addition of some pollution to any navigable waters through *even the most unpredictable, improbable and multistepped causal chain*. *See, e.g.*, 33 U.S.C. §§ 1319(c), (d), 1365(a).

The civil and criminal exposure threatened by the panel decision would haunt far more than traditional waste management facilities. Section 1362(6) defines "pollutant" broadly to include much more than traditional wastes.[5] Point sources that require NPDES permitting in Arizona alone could possibly jump more than *200,000%*—from the current ~150 permitted facilities to most (if not all) of the State's 35,382

[5] Even potable water can be considered a pollutant due to the residuals of the disinfection process. *See, e.g., W.R. Grace & Co. v. United States EPA*, 261 F.3d 330, 333 (3d Cir. 2001) (describing disinfection process for potable water as creating chloramines).

Class V Wells and potentially even an estimated 282,897 septic systems.[6]

If anything, a *multi-thousand percent increase* in the number of alleged mandatory NPDES permittees is a conservative estimate of the regulatory impact of the panel decision. The regulatory effort compelled by the panel decision would need to range to the entire network of ever changing, externally influenced underground capillaries and seeps that ultimately feed "navigable waters." *See* 33 U.S.C. § 1342(c)(3). It is hard to imagine *any* land or water use with any *potential* for runoff, spillage, or leakage (much less *any* water storage, transportation, recycling, or waste management activity) that would not have this *possible* or *eventual* hydrological connection to navigable waters, particularly if viewed in hindsight. Every fluid or semi-fluid discharge that is capable of seepage, runoff, spillage, leakage, or evaporation is likely hydrologically connected to navigable waters indirectly through

[6] *Compare* "FY 2017 Non-Tribal Permits Detailed Percent Current Status," https://www.epa.gov/sites/production/files/2018-01/documents/final_fy17_eoy_non-tribal_backlog_report_card.pdf, *with* "National Underground Injection Control Inventory-Federal Fiscal Year 2016," https://www.epa.gov/sites/production/files/2017-06/documents/state_fy_16_inventory_format_508.pdf, and "Septic Stats: Arizona," http://www.nesc.wvu.edu/septic_idb/arizona.htm (all last visited 3.1.2018).

nonpoint sources, such as groundwaters. And almost every land or water use is capable of generating such discharges. As quipped in *Village of Oconomowoc Lake*, even a bucket of water can be hydrologically connected to navigable waters. 24 F.3d at 965.

In short, extending CWA liability to any point source that is connected by groundwaters, or other nonpoint sources, to navigable waters threatens to force Arizona (and other Amici States that have accepted primacy) to undertake a massive expansion of NPDES permitting in areas the CWA was never intended to reach, as the far more reasonable approach of other circuits has confirmed.

II. THE PANEL REACHED ITS SWEEPING OUTCOME BY DISREGARDING A TRADITIONAL CANON OF CONSTRUCTION AND THE COOPERATIVE FEDERALISM EMBODIED IN THE CWA

En banc rehearing would allow for correction of the panel's error through a straightforward application of a basic canon of statutory interpretation with due consideration for principles of cooperative federalism.

A. The Panel Disregarded The Interpretative Canon "Expressio Unius Est Exclusio Alterius"

Under the interpretative canon "expressio unius exclusio alterius," the omission of a relevant term from a statutory provision is presumed

to exclude intentionally what has been omitted. *Lamie v. United States Trustee*, 540 U.S. 526, 537 (2004); *U.S. v. Vonn*, 535 U.S. 55, 64 (2002). This canon compels the conclusion that CWA point source jurisdiction cannot be triggered, such that a NPDES permit becomes necessary, unless a point source is *the* conveyance that adds pollution to navigable waters—to the exclusion of nonpoint sources, such as groundwaters.

The jurisdictional reach of the CWA is established by the meaning of "discharge of any pollutant" in the Act's declaration that "the discharge of any pollutant by any person shall be unlawful." 33 U.S.C. § 1311(a). The definition of "discharge of a pollutant" (and "discharge of pollutants") is "any addition of any pollutant to navigable waters [or waters of the contiguous zone or the ocean] from any point source [other than a vessel or other floating craft]." *Id.* § 1362(12)(A), (B). However, the reference in this definition to "any point source" is emphatically *not* a reference to a mere source for a pollutant. A "point source" is expressly defined as *more* than a source; it is defined as a type of "conveyance" that is "discernible, confined, and discrete." 33 U.S.C. § 1362(14). A conveyance is a "means or way of conveying," it is *not*

merely a "source."[7] Thus, in the definition of "discharge of a pollutant," Congress chose to reference "any point source" as the *only* designated "means or way of conveying" a pollutant into navigable waters.

Congress's stark omission of any reference to nonpoint sources, such as groundwaters, as a "means or way of conveying" a pollutant in 33 U.S.C. § 1362(12) should not be ignored. Congress repeatedly rejected amendments that would have extended the CWA to groundwater. S. Rep. No. 92-414, at 3735-3739 (1971). Furthermore, whether the conveyance of a pollutant is a point or nonpoint source is highly relevant to the CWA. Numerous provisions of the CWA distinguish between point and nonpoint sources. *See, e.g.*, 33 U.S.C. §§ 1251, 1255, 1270, 1281, 1285, 1311, 1314, 1319, 1324, 1330, 1346. Congress was clearly aware that a nonpoint source, such as groundwaters, could be a relevant conveyance of pollution to navigable waters. Yet, Congress made no mention of any nonpoint source in the

[7] *Conveyance*, Webster's New International Dictionary of the English Language Unabridged (3rd ed. 1993) ("1: the action of conveying . . . b: carrying, transporting, transportation. . . 2: a means or way of conveying . . . c: a channel or passage for conduction or transmission . . . d: a means of carrying or transporting something"); *see also conveyance*, Webster's New International Dictionary of the English Language Unabridged (2nd ed. 1950).

definition of "discharge of a pollutant," which controls the reach of CWA point source jurisdiction. *Compare* 33 U.S.C. § 1311(a) *with* § 1362(12)(A), (B). This omission should be read as intentional.

Given the omission of any reference to any nonpoint source in the governing definitions, a straightforward application of the "expressio unius exclusio alterius" canon confirms that CWA point source jurisdiction (and NPDES permitting) applies only to point sources that themselves convey pollution into navigable waters, to the exclusion of any nonpoint source, such as groundwaters. *See Nat'l R.R. Passenger Corp. v. Nat'l Ass'n of R.R. Passengers*, 414 U.S. 453, 458 (1974) ("'When a statute limits a thing to be done in a particular mode, it includes the negative of any other mode.' This principle of statutory construction reflects an ancient maxim—*expressio unius est exclusio alterius*.").

To sustain CWA point source jurisdiction, a "point source" must be *the* "conveyance" of the pollutant into navigable waters, not merely the source, because *it is the only conveyance mentioned*. This natural interpretation, which has been adopted by other circuits as discussed above, defeats the claim that CWA point source jurisdiction can be

sustained by a mere indirect hydrological connection between a point source and navigable waters through nonpoint sources, such as groundwaters. *See also Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Dabit*, 547 U.S. 71, 87–88 (2006) ("The existence of these carve-outs both evinces congressional sensitivity to state prerogatives in this field and makes it inappropriate for courts to create additional, implied exceptions.").

B. The Panel Disregarded The Cooperative Federalism Principles Embodied In The CWA

The CWA is a quintessential example of "cooperative federalism." *Catskill Mountains Chapter of Trout Unlimited, Inc. v. EPA*, 846 F.3d 492, 514 (2nd Cir. 2017) ("Act largely preserves states' traditional authority over water allocation and use"). The CWA emphasizes that Congress had the intention to accommodate the traditional and "primary" role of state and local government in the field of environmental regulation. 33 U.S.C. §1251(b). The CWA also repeatedly emphasizes that federal agencies are to act in "cooperation" with the States. 33 U.S.C. §§ 1251(g), 1252(a).

When it comes to state authority to "allocate quantities of water," such as in the Arizona Recharge Program, the CWA includes a

powerfully deferential savings clause to bar federal regulation from interfering with state primacy. 33 U.S.C. § 1251(g).[8] And this savings clause is reinforced by 33 U.S.C. §1370, which states: "except as expressly provided in this chapter, nothing in this chapter shall . . . be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

The panel decision's indirect hydrological connection theory of CWA point source jurisdiction is inconsistent with these manifestations of cooperative federalism in the CWA, which even the EPA recognizes. *Definition of "Waters of the United States"—Recodification of Pre-Existing Rules*, 82 FR 34899, 34900 (July 27, 2017) (identifying policy goals of CWA as "(a) To restore and maintain the nation's waters; and (b) to preserve the States' primary responsibility and right to prevent, reduce, and eliminate pollution"). It disregards the traditional

[8] As part of its Recharge Program, Arizona currently oversees and regulates a vast array of groundwater storage facilities, many, if not most, of which are not currently regarded as subject to NPDES permitting. *Underground Water Storage, Savings and Replenishment*, available at https://new.azwater.gov/recharge (last visited 2.26.2018). Planning is underway for many more such facilities on the assumption that NPDES permitting is not necessary. *USF Permit Application Online Noticing*, available at https://new.azwater.gov/recharge/permitted-facilities (last visited 2.26.2018).

management and regulatory authority of states over local land and water uses. *FERC v. Mississippi*, 456 U.S. 742, 767 n.30 (1982) (management and regulation of local lands and waters "is perhaps the quintessential state activity"). And, by threatening a nearly limitless expansion of preemptive federal jurisdiction, the panel decision wrongly circumvents the Supreme Court's efforts to moderate similarly limitless interpretations of "waters of the United States" in *Rapanos v. United States*, 547 U.S. 715, 779, 786 (2006) (Scalia, J., concurring; Kennedy, J., plurality), and *SWANCC v. U.S. Army Corps of Engineers*, 531 U.S. 159, 172-74 (2001).[9] For these reasons, the panel's indirect hydrological connection theory of CWA point source jurisdiction, which lacks any clear and manifest textual support in the Act, should be rejected in

[9] The doctrine of constitutional avoidance requires courts to construe statutes, "if fairly possible, so as to avoid not only the conclusion that it is unconstitutional, but also grave doubts upon that score." *United States v. Jin Fuey Moy*, 241 U.S. 394, 401 (1916). A mere indirect hydrological connection between a point source and navigable waters might not be a sufficient "jurisdictional element" for Commerce Clause authority under *U.S. v. Morrison*, 529 U.S. 598 (2000), and *U.S. v. Lopez*, 514 U.S. 549 (1995). The panel's theory is also constitutionally questionable because it may effectively authorize federal permitting to supersede nearly all state authority over intrastate land and water uses. *SWANCC*, 531 U.S. at 172-74 ("significant constitutional questions" are raised by "permitting federal encroachment upon a traditional state power"); *see also Bond v. U.S.*, 564 U.S. 211, 222 (2011) (observing our system of dual sovereignty denies "any one government complete jurisdiction over all the concerns of public life").

favor of the interpretation that a point source must *itself* be the conveyance of pollutants into navigable waters.[10]

CONCLUSION

For the forgoing reasons, the undersigned Amici States request that the petition for en banc rehearing be granted.

March 12, 2018

Respectfully Submitted,

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[10] A federal statute should not be construed to preempt state laws or traditional sovereign interests unless such intent is evidenced by a clear and manifest statement from Congress. *Wyeth v. Levine*, 555 U.S. 555, 565 (2009); *Gonzales v. Oregon*, 546 U.S. 243, 255, 270-72 (2006). This doctrine is applicable with special force in the context of cooperative federalism. *New York State Dep't of Social Services v. Dublino*, 413 U.S. 405, 421 (1973).

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C), the undersigned hereby certifies that this brief complies with the type-volume limitations of Fed. R. App. P. 29(b) as modified by Fed. R. App. P. 29-2(c)(2).

1. Exclusive of the exempted portions of the brief, as provided in Fed. R. App. P. 32(a)(7)(B)(iii) and (f), this brief is 3464 words.
2. This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Century type.

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

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April 18, 2018

Testimony of

Martha Clark Mettler

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On behalf of the
Association of Clean Water Administrators

U.S. Senate
Committee on Environment
and Public Works

Regarding

The Appropriate Role of States and the Federal Government in Protecting Groundwater

Introduction

Chairman Barasso, Ranking Member Carper, and members of the Committee, my name is Martha Clark Mettler and it is my pleasure to appear before you today to provide the Association of Clean Water Administrators' ("ACWA") perspectives on the appropriate role of states and the federal government in protecting groundwater. I am here today representing the members of ACWA as a long-time member and past president.

I am currently the Assistant Commissioner of the Office of Water Quality at the Indiana Department of Environmental Management ("IDEM"). IDEM is responsible for the daily implementation of the Clean Water Act ("CWA") water quality programs in Indiana. I have been with IDEM since 1995 and have served as Assistant Commissioner since 2015.

ACWA is the national, non-partisan professional organization representing the State, Interstate, and Territorial water quality control officials responsible for the implementation of surface water protection programs throughout the nation. ACWA members are on the front lines of CWA monitoring, permitting, inspection, compliance, and enforcement across the country and are dedicated to Congress' goal of restoring and maintaining the chemical, biological, and physical integrity of our nation's waters.

As the primary entities responsible for carrying out the CWA, states are uniquely positioned to provide input on the appropriate role of states and the federal government in regulating discharges of pollutants to groundwater, specifically those discharges that may lead to surface waters via direct hydrologic connection. Discharges to groundwater are often site-specific and complex and

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defining a "direct" hydrologic connection can be challenging. Due to this complexity, as well as varying state legal frameworks, there is great diversity of state approaches on the appropriate manner of regulating discharges of pollutants to groundwater. However, states are consistent in their desire to retain their current flexibilities to regulate these discharges using their discretion to determine which laws and regulatory schemes apply, including the federal Safe Drinking Water Act ("SDWA") Underground Injection Control ("UIC") Program, the federal Resource Conservation and Recovery Act ("RCRA"), state laws, as well as the CWA.

ACWA members are currently reviewing relevant case law, federal law, and their own state laws to submit comments responsive to EPA's recent request on the issue. My statement today does not supersede or alter the perspective or input of any individual state, including Indiana. I encourage the Committee to review individual state comments sent to the docket in response to EPA's request for comment on this issue so that you and the members of the Committee fully understand the diversity among the states.

Cooperative Federalism – State Input

ACWA appreciates EPA and this Committee seeking comment and testimony from stakeholders, especially the states. Because of states' role under the CWA as co-regulators, states encourage EPA to maintain regular contact, through forums, calls, and other communication, with ACWA and its members throughout the life of this effort. State regulators have significant experience dealing with this issue as well as technical expertise and particular knowledge of their own waters and regulatory structures. In the spirit of cooperative federalism, we look forward to working with EPA, as well as Congress, on this important issue.

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State Flexibility

States are currently equipped with legal frameworks to regulate discharges of pollutants to groundwater, including discharges that may lead to surface waters via direct hydrologic connection. However, there is significant diversity in the approaches states employ to regulate these discharges.

- Some states, like New York, Wisconsin, Wyoming, and Oklahoma, include groundwater under their definitions of "Waters of the State", allowing for the regulation of direct discharges of pollutants to groundwater through state programs;
- Some states, like Tennessee, Connecticut, South Dakota, West Virginia, and Nevada, utilize the federal Safe Drinking Water Act ("SDWA") Underground Injection Control ("UIC") Program to regulate certain discharges of pollutants to groundwater;
- Some states, like Maine and Kentucky, employ the Resource Recovery and Conservation Act to address groundwater pollution; and
- Some states, like Colorado and Alaska, use federal NPDES permitting authority to regulate discharges of pollutants into groundwater that may lead to surface waters via direct hydrologic connection.

Additionally, many states, including those listed, use variations and combinations of these regulatory controls.

It is critical that states retain maximum flexibility to regulate discharges to groundwater in ways that work for the states. Therefore, states prefer that EPA neither demand nor deny of the use of

NPDES for groundwater that may lead to surface water via direct hydrologic connection. States are in the best position to manage this issue for they are particularly situated to assess local environmental conditions, understand their own legal frameworks, have the expertise, and recognize how to appropriately implement the various federal and state laws that may cover a discharge of pollutants to groundwater, including discharges that may impact surface water. Therefore, ACWA supports the empowerment of states to utilize their own laws, federal laws, and CWA protections at their own discretion to manage discharges to groundwater.

Uncertainty Due to Court Decisions

We recognize that there are multiple federal courts currently addressing CWA citizen suits on this issue. The *Hawai'i Wildlife Fund v. County of Maui* decision in the Ninth Circuit established a specific test to determine when the CWA applies to discharges to groundwater. The Ninth Circuit explained that for a discharge of pollutants to groundwater to violate the CWA, (1) there must be a discharge of pollutants from a point source, (2) the pollutants must be "fairly traceable" from a point source to a navigable water such that the discharge is the functional equivalent of a discharge into a navigable water, and (3) the pollutant levels reaching a navigable water are more than *de minimus*. In their decision in *Upstate Forever, et al., v. Kinder Morgan Energy Partners*, the Fourth Circuit ruled similarly to the Ninth Circuit in *Maui* stating, "We do not hold that the CWA covers discharges to ground water itself. Instead, we hold only that an alleged discharge of pollutants, reaching navigable waters located 1000 feet or less from the point source by means of ground water with a direct hydrological connection to such navigable waters, falls within the scope of the CWA". There are also cases pending in the Second (*26 Crown Associates v. Greater New Haven Regional Water Pollution Control Authority*), Fourth (*Sierra Club v. Dominion Energy*),

and Sixth (*Kentucky Waterways Alliance v. Kentucky Utilities* and *Tennessee Clean Water Network v. TVA*) Circuits on the issue. It is unclear how these courts will rule. However, there is a chance that circuit courts will end up split, causing national uncertainty. This would be problematic for states implementing the CWA. Therefore, states encourage EPA to clarify its previous statements on discharges to groundwater in order to explicitly empower states to continue to make decisions at their own discretion.

Congressional and Agency Action

The EPA request for comment, *Clean Water Act Coverage of "Discharges of Pollutants" via a Direct Hydrologic Connection to Surface Water* [EPA-HQ-OW-2018-0063], is an excellent opportunity for the Agency to work with states in the spirit of cooperative federalism. Therefore, Congress should allow the process to progress before taking legislative action on this issue. At a minimum, this Committee should encourage EPA to clarify previous statements on discharges to groundwater in order to explicitly empower states to continue to make decisions at their own discretion.

Further, because of states' role under the CWA as co-regulators, the fact that states are in the best position to assess local environmental conditions, understand their own legal frameworks, and implement the various federal and state laws that may cover a discharge of pollutants to groundwater, we urge this Committee to direct the Agency to coordinate with state programs and continue to monitor EPA's efforts, especially as the Agency reviews public comments on this issue and determines what future actions to take.

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Closing

Mr. Chairman, Ranking Member Carper and Members of the Committee, I thank you for this opportunity to share ACWA's perspectives on the appropriate role of states and the federal government in protecting groundwater. ACWA remains committed to the goals of the CWA and look forward to working with our partners at EPA as they move forward with efforts related to this issue. ACWA remains ready to answer any questions or concerns EPA or Congress may have and would be pleased to facilitate further dialogue with our state member agencies. I am happy to answer any questions that you may have.

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Senate Committee on Environment and Public Works
Hearing entitled, *"The Appropriate Role of States and the Federal Government in Protecting Groundwater"*

April 18, 2018
Responses for the Record

Amanda Waters
General Counsel
National Association of Clean Water Agencies

Chairman Barrasso

1. Ms. Waters, both the U.S. Court of Appeals for the Ninth Circuit and the U.S. Court of Appeals for the Fourth Circuit have issued recent decisions concerning the scope of the National Pollutant Discharge Elimination System (NPDES) program as it applies to situations where groundwater serves as a "conduit" between a point source and a surface water. Have the courts articulated a clear standard for when NPDES liability attaches?

   No. Because the "direct hydrologic connection" and "conduit" theories are not grounded in the text, structure, or legislative history of the CWA, courts have created a variety of vague and inconsistent standards for subjecting releases to groundwater to NPDES regulation. The Ninth Circuit ***rejected*** EPA's "direct hydrologic connection" test because it "reads two words into the CWA ('direct' and 'hydrological') that are not there." *Hawai'i Wildlife Fund v. County of Maui*, 886 F.3d 737, 749 n.3 (9th Cir. 2018). Ironically, the Ninth Circuit then invented yet another new standard, claiming that NPDES permitting requirements apply when pollutants are "fairly traceable" from a point source to a navigable water and the "pollutant levels reaching navigable water are more than de minimis." Like EPA's "direct hydrologic connection" standard, however, the Ninth Circuit's "fairly traceable" and "*de minimis*" standard appears nowhere in the statute, leaving permitting authorities, regulated parties, and courts to guess as to what those words mean. For its part, the Fourth Circuit's majority opinion adopted EPA's "direct hydrologic connection" interpretation, but overlooked critical indications of congressional intent in the CWA's text, structure, and legislative history. Even if these standards were grounded in the text of the CWA, they provide no direction to the regulated community, as either standard would require extensive and costly scientific study to determine whether a discharge falls within the definition.

2. Ms. Waters, Ranking Member Carper and Mr. Holleman asserted that the "direct hydrologic connection" or "conduit theory" interpretation they support has been the agency's consistent interpretation since the Clean Water Act was enacted. What is your view on that assertion?

   EPA's "direct hydrologic connection" and "conduit theory" interpretations are contrary to EPA's original interpretations and ongoing interpretations for the past 45 years. To demonstrate this, we have attached a list of EPA statements regarding discharges to

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groundwater from 1973 to 2017, showing that any suggestion that EPA's "direct hydrologic connection" and "conduit theory" interpretations have been longstanding or consistent grossly distorts the record. In seeking comments on the "direct hydrologic connection" interpretation, EPA itself recently acknowledged that it has approached this issue in "different ways ... over the years." EPA, Region 10 Tribal Newsletter (Apr. 2018).

3. Ms. Waters, to your knowledge, has the term "direct hydrological connection" ever been defined in federal statute or regulation?

   No. EPA has never defined "direct hydrologic connection" in any guidance or rule. In fact, when EPA was asked whether it could define "direct hydrologic connection" in 2001 (nearly 30 years after the CWA was enacted), the agency said it was "not sure how it should define this specifically in a national rule." EPA, CAFO Public Meeting, Denver, CO (Mar. 2001). Likewise, EPA recently said that "the connection between groundwater discharges and surface waters is too complex to determine a direct causal effect." EPA, Response to Comments on NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewers Systems in Massachusetts, at 219 (Apr. 4, 2016).

4. Ms. Waters, what role, if any, do you see Congress playing in helping to provide certainty for public wastewater and stormwater agencies?

   EPA's "direct hydrologic interpretation" has created a massive amount of uncertainty and confusion among courts, states, and regulated parties, including public wastewater and stormwater agencies. Although we agree with the courts that have found that the plain language of the Clean Water Act makes clear that discharges to surface water via groundwater are not subject to NPDES permitting (*see, e.g.*, *Ky. Waterways Alliance v. Ky. Utils.*, 2017 WL 6628917 (E.D. Ky. Dec. 28, 2017), Congress could, if necessary, amend the definition of "discharge of a pollutant" in 33 U.S.C § 1362(12) to confirm what these courts have found that the statute already expressly says, i.e., to exclude discharges to surface water via groundwater.

5. At the hearing, Mr. Holleman suggested that the "direct hydrologic connection" interpretation he supports is consistent with Rapanos v. United States, 547 U.S. 715 (2006). Is that true?

   No. The kind of "indirect" conveyances discussed in the plurality opinion were "sewer systems," "pipes," and "storm drains"—discrete conveyances that the plurality noted likely qualified as "point sources" themselves. 547 U.S. at 743. The plurality's recognition that the CWA permitting program may apply to a discharge from one point source to another point source that ultimately discharges into navigable waters does not support the "direct hydrologic connection" theory, which claims that the conveyance of pollutants by groundwater (an indisputable nonpoint source) to navigable waters triggers NPDES permitting requirements. Indeed, that contention is fundamentally inconsistent with the plurality's admonition that the CWA should not be interpreted to "result in a significant impingement of the States' traditional and primary power over land and water use." *Id.* at 747.

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6. Ms. Waters, given your knowledge of the NPDES permitting program, are there practical concerns with how that program would be applied on a permit-basis to situations such as groundwater seepage? Do you think the NPDES program is the appropriate tool to address this type of pollution?

   The NPDES program is not designed to require NPDES permits for the addition of pollutants to surface water via groundwater. Discharges of pollutants covered by section 402 are subject to "effluent limitations," which are specific, numeric limits on pollutants at the point of discharge. 33 U.S.C. § 1362(11). (The only exception under section 402 are discharges from municipal separate stormwater sewer systems, which are required to limit pollutants to the "maximum extent practicable" standard). As a result, the NPDES program requires identifiable discharge points for permitting. This approach only works for discernable, discrete and confined discharges to navigable waters, such as through a pipe. As EPA has explained: "[i]n contrast to ... nonpoint sources, point sources of water pollution are generally characterized by discrete and confined conveyances from which discharges of pollutants into navigable waters *can be controlled by effluent limitations*." 41 Fed. Reg. 24,709, 24,710 (June 18, 1976) (emphasis added). Neither EPA nor Mr. Holleman has ever explained how a permitting authority would apply effluent limitations to diffuse subsurface releases of pollutants to surface water or how a source could monitor them.

7. Ms. Waters, can you give an example of the types of regulation at the federal and state level that apply to your members' groundwater injection activities? Is groundwater protected in all the states in which your members operate?

   The Safe Drinking Water Act (SDWA) regulates underground injection wells through the underground injection control program. The SDWA is designed to protect the quality of drinking water in the United States, and specifically mandates the regulation of underground injection of fluids through wells. In addition, as indicated in the attached chart, all 50 states have robust laws that protect groundwater conditions, which in turn protects surface water conditions.

8. Ms. Waters, much of Mr. Holleman's testimony dealt with coal ash operations, which are regulated under the Resource Conservation and Recovery Act (RCRA). If the concerns are with coal ash, the RCRA program seems best suited to address those concerns. Do you agree? Would application of the conduit theory under the Clean Water Act's NPDES program affect more than the utility industry?

   As NACWA only works with municipal wastewater and stormwater utilities, I am not familiar enough with the practices of coal ash operations to answer the first question.

   EPA's "direct hydrological connection" theory is already affecting local governments and public water treatment agencies. Application of the theory will lead to a substantial expansion of the number and types of sources that are independently treated "point sources" and thus individually subject to the requirements of the CWA and the NPDES program. The result is the potential to trigger the regulation of an indeterminable array of diffuse and indistinct sources by blurring the distinction between whole systems that can

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be coherently managed and regulated, on the one hand, and components of such systems that would be subject to separate and piecemeal regulation. These diffuse sources could include public water distribution and sewer collection systems, retention ponds, municipal green infrastructure projects designed specifically to infiltrate stormwater into the ground and groundwater, and water recycling projects where recycled water is injected or seeps into groundwater.

9. At the hearing, Mr. Holleman testified that a source could avoid Clean Water Act regulation by moving a discharge back a few feet from a surface water and in turn "avoid the protections of the Nation's waters." Do you have input on that assertion?

   The hypothetical is unrealistic—no permitting authority would authorize the movement of a discharge pipe a few feet (or even further) simply to allow that pipe to discharge onto the ground and avoid NPDES regulation. Such a notion is also at odds with reality when considering engineering design and safety standards, and volume of effluent flows, at facilities.

   Indeed, at the hearing, Mr. Holleman failed to identify any instance of this occurring during the entire 45-year history of the NPDES program. In any event, the question is not whether such a discharge would be regulated, but how it would be regulated. For example, even if the discharge was not subject to NPDES permitting requirements under the CWA, the discharge still would be regulated as an underground injection well under the SDWA, or under CWA nonpoint source programs, other federal programs, and state programs like those identified in the attached chart summarizing groundwater protection laws in all 50 states.

10. Ms. Waters, in your testimony, you mention green infrastructure and water recharge projects. Can you further explain what those types of projects are and how they benefit health and the environment?

    EPA's "direct hydrologic connection" theory would likely discourage the construction or operation of a number of public and private treatment and pollution control infrastructure projects specifically designed to protect and preserve water resources. Groundwater recharge systems use spreading basins, percolation ponds, infiltration basins, and injection wells to convey stormwater or recycled wastewater into subsurface aquifers. These systems provide a host of ecological benefits; they augment public water supplies, create seawater intrusion barriers, and eliminate surface outfalls.

    The DHC theory could also put green infrastructure – intended to treat stormwater to further the water quality protection goals of the CWA – at risk of being regulated as point sources of pollutants subject to CWA jurisdiction. Specifically, every instance where stormwater runoff drains into green infrastructure – for the very purpose of preventing the pollutants carried in such runoff from entering surface waters – could be viewed as a discharge to groundwater that might have a "direct hydrological connection" to surface water. This type of approach is inconsistent with how States have categorized stormwater and the infiltration of stormwater. *See, e.g.*, Oyster Pond Embayment System TMDL at 4,

14 (Feb. 7, 2008) (Massachusetts assigned load allocations to stormwater runoff as nonpoint source pollution, knowing that "the vast majority of storm water percolates into the ground and aquifer and proceeds into the embayment systems *through groundwater migration*.")

11. Do you think it is important for EPA to articulate a clear, binding nationwide position concerning when NPDES permitting requirements attach to particular discharges?

Yes. The way EPA has framed the issue in the February Federal Register notice (e.g., "review and revise" the DHC theory) makes it appear that EPA believes the statute gives EPA a choice. In other words, it appears the Agency believes that it could simply review and revise the DHC theory based on policy or technical reasons. NACWA does not believe that is correct.

EPA should disavow its "direct hydrologic connection" theory as contrary to the CWA's plain language, structure and legislative history. EPA should promptly issue a memorandum (1) explaining that the agency no longer supports its statements on "direct hydrologic connection," including the amicus brief submitted by the United States in the Ninth Circuit; and (2) confirming that an addition of pollutants to surface water via groundwater is not an "addition ... to navigable waters from a point source" under the CWA.

Notwithstanding that the CWA is unambiguous on this issue and releasing short-term guidance, EPA should conduct an expedited notice and comment rulemaking so our members, other regulated entities, environmental activist organizations, the States, and other federal agencies can comment and then EPA can take final action through rulemaking on its position and how the CWA should be implemented and enforced. In part, what is so frustrating about this issue is that the public has never been able to weigh-in nor has EPA been able to hear from public entities on how this issue impacts them and the impossibility of using the NPDES permitting program to address these types of factual circumstances.

Ranking Member Carper

12. You write in your testimony that, "Despite being aware that pollutants in groundwater may enter navigable waters, the Senate and House rejected proposals to extend the CWA's reach."[1] In support of this proposition, you quote legislative history from the Committee of Public Works (the predecessor of this committee) showing the Committee intentionally declined to provide "authority to establish Federally approved standards for groundwaters . . . Because the jurisdiction regarding groundwaters is so complex and varied from State to State, the Committee did not adopt this recommendation."[2]

    a. Your citation appears to be confusing the difference between regulating groundwater as a water of the United States (for which, in the words of the Committee report, there would thus be "Federally approved standards"), and merely acknowledging that

[1] Testimony of Amanda Waters at 2–3.
[2] *Id.* (quoting S. Rep. No. 92-414, at 73 (1971))

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pollutants discharged from point sources can travel relatively direct paths through groundwater *into* a water of the United States. Did you understand that discrepancy when you cited this authority?

i. There is no discrepancy. As noted in my testimony, EPA requested authority over groundwater, in part, because pollutants in groundwater can enter surface waters. Indeed, the Committee "recognize[d] the essential link between ground and surface waters," S. Rep. No. 92-414, at 73 (1971), and members of Congress fully understood that pollution in groundwater could migrate to navigable waters "through seepage and other means," 118 Cong. Rec. 10666 (1972) (floor statement of Rep. Aspin).

b. Did either the Ninth Circuit in the *Hawaii Wildlife Fund* case or the Fourth Circuit in the *Kinder Morgan* case hold that the groundwaters are jurisdictional waters under the CWA (thus establishing the prospect that EPA could, in the Committee's terms, set "Federally approved standards for groundwaters")?

i. No. The central question in both cases is whether releases to surface water via groundwater are subject to the CWA's NPDES permitting program. As noted, the Ninth Circuit rejected EPA's "direct hydrologic connection" interpretation, because it "reads two words into the CWA ('direct' and 'hydrological') that are not there." *Hawai'i Wildlife Fund v. County of Maui*, 886 F.3d 737, 749 n.3 (9th Cir. 2018).

13. You write in your testimony that "EPA's direct hydrologic connection theory is contrary to the text and structure of the CWA . . . ." Your testimony also says that other statutes regulate pollutants that find their way into groundwater, citing SDWA, RCRA, and CERCLA.

a. Are you saying that the existence of SDWA, RCRA, and CERCLA illuminate congressional intent in enacting the CWA's discharge prohibition? If yes, why?

i. Yes. Almost twenty years ago, the Supreme Court held that "the meaning of one statute may be affected by other Acts, particularly where Congress has spoken subsequently and more specifically to the topic at hand." *FDA v. Brown & Williamson Tobacco Corp.*, 120 S. Ct. 1291, 1301 (2000). And here, Congress "has spoken subsequently and more specifically to the topic" of groundwater contamination and its impact on surface waters through SDWA, RCRA and CERCLA. The later enactment of these statutes, and the regulation of discharges to groundwater therein, reflect Congress' clear intent not to include discharges to groundwater within the CWA NPDES permit program.

b. The modern Clean Water Act — and the statutory language at issue in *Hawaii Wildlife Fund* and *Kinder Morgan* — was enacted in 1972. The statutes you cite were all passed *after* the CWA: SDWA (1974); RCRA (1976); CERCLA (1980).

When Congress wrote the discharge prohibition language, those statutes did not yet exist. When interpreting the CWA under *Chevron*, why should courts or regulators look to the existence of post-1972 statutes to define the scope of a statute enacted by the 92nd Congress?

i. See my response to Question 13.a. above.

c. What provision of RCRA is concerned with the protection of navigable waters? Are all discharges of pollutants conceivably capable of being regulated under RCRA?

i. As NACWA only works with municipal wastewater and stormwater utilities, I am not familiar enough with RCRA to answer this question. However, RCRA represents only one of several federal and state laws that regulate discharges to groundwater.

14. The April 18, 2018 hearing was conducted in the shadow of EPA's request for comment on whether to maintain its longstanding position that discharges directly to surface waters via hydrologically connected groundwater are regulated by the CWA. *See* 83 FR 7126.

a. To your knowledge, is it EPA's longstanding position that groundwater *itself* is a "water of the United States" under the CWA? Why do you believe that?

i. No. See my response to Question 2 above.

b. Were you previously aware of a 1979 Memorandum from EPA General Counsel Joan Z. Bernstein stating, "the CWA generally does not apply to groundwater," and that EPA thus lacks the ability to set "water quality standards [for groundwater] under [CWA] § 303"?

i. See attached list of EPA statements referenced in Question 2(a) above. While the list may not be comprehensive as to every EPA statement on groundwater, it nonetheless reflects that EPA's "direct hydrologic connection" and "conduit theory" interpretations have not been longstanding or consistent.

15. Mr. Guild's written testimony contains numerous concerns that groundwater may be regulated as a point source. Did either the Ninth Circuit in the *Hawaii Wildlife Fund* case or the Fourth Circuit in the *Kinder Morgan* case hold that the groundwater is a point source?

1. Neither court held that groundwater is a point source, but both decisions have the effect of transforming groundwater, as well as numerous sources long considered to be nonpoint sources, into point sources.

16. The thrust of your testimony would appear to have a much larger scope than just groundwater.

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a. Is it NACWA's legal position that *any* entry of pollutants to groundwater terminates Clean Water Act liability, no matter how short or direct the hydrologic flow is to a jurisdictional water, and no matter how toxic the pollutant is? Please explain your answer.

   i. As outlined in my testimony, other tools exist within the CWA, and there are other federal and state environmental laws, that are better designed and currently utilized to address the release of pollutants into groundwater.

b. Is NACWA's position limited to groundwater? For example, some streams have brief periods of subsurface flow. If a point source discharged into a foot-long stretch of subsurface flow, and the stream resurfaced as a surface water (containing the pollutants) one foot later, would that point source discharge be exempt from the Clean Water Act?

   i. See my response to Question 9 above.

17. Suppose you had two pipelines carrying chemical waste over the Delaware River. Pipeline #1 ruptures directly above the river, and chemical waste starts pouring in. Pipeline #2 ruptures 100 feet from the water, and chemical waste pours onto the ground, burns through the soil, and runs downhill through a shallow subsurface connection into the Delaware River. Neither pipeline has a NPDES permit for the discharge.

   a. Based on the facts presented, in your opinion, should the owner of Pipeline #1 be subject to CWA liability for that discharge? Why or why not?
   b. Based on the facts presented, in your opinion, should the owner of Pipeline #2 be subject to CWA liability for that discharge? Why or why not?
   c. Do you believe it would lead to absurd results if courts or the EPA regulated only one of those discharges? Why or why not?

      i. As to Questions 17(a) – (c), there are not enough facts and/or missing facts to be able to reasonably answer these questions. Further, NACWA only works with municipal wastewater and stormwater utilities, and I am therefore not familiar enough with regulation of pipelines or chemical waste to answer these questions. However, generally, Congress envisioned that these types of factual scenarios—spills or releases of oil and hazardous substances (e.g., chemical waste)—would be addressed via CWA section 311, not via section 301(a) and the NPDES program. Under section 311, a "discharge" is defined differently to mean "any spilling, leaking, pumping, pouring, emitting, emptying or dumping," section 311(a)(2), and such a discharge is prohibited "into or upon the navigable waters of the United States [or] adjoining shorelines." CWA section 311(b)(1).

Senator Merkley

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18. In your testimony before the Senate Environment and Public Works Committee, you state that the question that should be asked is how releases to groundwater that reach surface water should be regulated. You represent hundreds of public water utilities, much like the Lahaina Wastewater Reclamation Facility that was the basis for the Ninth Circuit decision (*Hawai'i Wildlife Fund v. County of Maui*). Please explain you how think a facility discharging to groundwater, where that discharge impacts surface waters, should be regulated.

    1. As outlined in my testimony, these discharges are currently regulated under other federal and state statutes. Specifically, the discharges at issue in *Hawaii Wildlife Fund v. County of Maui*, are regulated as underground injection wells under the Safe Drinking Water Act.

19. You stressed the importance of cooperative federalism in your testimony and how states should have control over groundwater impacts to surface waters in their states. Yet in the *Hawai'i Wildlife Fund v. County of Maui* case, the state was not controlling those groundwater discharges and it created an excursion of water quality standards in surface waters. There are many other cases where these types of discharges adversely impacted surface waters. What cooperative federalism approach would you propose to ensure states are regulating these types of discharges consistently across the country that gives citizens an assurance that their waters kept clean and safe?

    1. As outlined in my testimony, a myriad of state and federal environmental laws already operates in concert to address discharges that reach surface water via groundwater. If these statutes or regulations are not sufficiently protective of public health and the environment, the remedy is to revise those statutes or regulations at the state or federal level rather than to overlay the NPDES permit program on top of these existing regulations.

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EPA STATEMENTS ON DISCHARGES TO GROUNDWATER (1973-2017)

- **EPA Office of General Counsel Memorandum, 1973.**

In 1973, shortly after the CWA was enacted, EPA's Office of General Counsel issued a memorandum confirming that the term "discharge of a pollutant" is "defined so as to include *only* discharges into navigable waters," and that "[d]ischarges into ground waters are not included." *In re E.I. DuPont de Nemours & Co.*, Op. No. 6, 1975 WL 23850, at *3 (E.P.A.G.C. Apr. 8, 1975) (emphasis added).

- **United States Rule 12(b) Motion to Dismiss, 1984.**

About a decade later, the United States successfully argued in *Kelley ex rel. People of the State of Michigan* that discharges from a U.S. Coast Guard facility to groundwater allegedly hydrologically connected to nearby navigable waters were *not* regulated by the point source program. 618 F. Supp. 1103, 1105-07 (W.D. Mich. 1985). In moving to dismiss the case, the United States did not dispute a hydrologic connection, such that "chemicals [could] enter the groundwaters under the ... area *and be discharged into Grand Traverse Bay*." United States Mem. in Supp. of Rule 12(b) Mot. & In The Alternative for Summ. J. at 3-4, *Kelley ex rel. People of the State of Michigan v. United States*, 618 F. Supp. 1103 (W.D. Mich. 1985) (No. G83-630) (emphasis added). Rather, the United States argued that "Michigan cannot make these claims under the Clean Water Act since the Act does not regulate pollutant discharges onto soil or into underlying groundwater." *Id.* at 5. According to the United States, "[t]he statutory language, the legislative history, the case law, and EPA's interpretation of the Act all support this conclusion." *Id.* at 22.

- **EPA, Final Comprehensive State Groundwater Protection Guidance, 1992.**

In 1992, EPA issued guidance explaining that "EPA and the States regulate facilities [under the CWA] that either discharge wastewaters *directly* to surface waters or discharge to municipal treatment systems." EPA, Final Comprehensive State Groundwater Protection Guidance at 1-27 (December 1992). In addition, "[w]hile a number of States have incorporated ground water discharges into their NPDES permits and pretreatment requirements," EPA confirmed that "*there is no national requirement to do so*." *Id.* (emphasis added).

- **EPA, President Clinton's Clean Water Initiative, 1994.**

In 1994, EPA proposed a new Clean Water Initiative, including an "updated CWA" that addresses water quality issues "through a new, more targeted approach." In discussing this new approach, EPA said it was "presently unclear whether a discharge to the ground or to groundwater that rapidly moves into surface water through a 'direct hydrologic connection' between the point of discharge and the surface water is subject to NPDES regulation." To address this, EPA suggested that the "*CWA should be amended* so that ... a point source discharge to ground or to groundwater that has a direct hydrologic connection with surface waters is subject to regulation as a NPDES point source discharge." To mitigate the consequences of such an massive expansion of the NPDES program, however, EPA suggested

that this rule should only apply if: (1) "a reasonably foreseeable direct hydrologic connection to surface waters in the proximity of the release"; (2) "a greater than de minimis quantity of the pollutant must reasonably be able to reach the surface water"; and (3) "no other Federal statute directly addresses the activity causing the release." EPA, President Clinton's Clean Water Initiative at 104-105 (Feb. 1994).

- **EPA, Office of Wastewater Management, Case Study Questionnaire, 2000.**

In 2000, EPA issued a questionnaire to plants operating cooling water intake structures in connection with the development of regulations under Section 316(b) of the CWA, 33 U.S.C. § 1326(b). In the questionnaire, EPA noted that "NPDES permits are required to be held ... by any point source that discharges pollutants *directly* to waters of the United States." For facilities that discharge all of their "effluent" to "groundwater injection wells," the questionnaire directed the recipients to answer "no" to the question of whether "the facility presently ha[s] or ... [is] in the process of obtaining a ... NPDES ... permit." EPA, Office of Wastewater Management, Case Study Questionnaire (January 2000). In the questionnaire, EPA did not suggest that the facility should determine whether impacted groundwater has a "direct hydrologic connection" to surface water.

- **EPA, Memorandum to EPA Administrator Browner, 2000.**

Later that same year, high-ranking EPA officials (including EPA's Director of the Water Permits Division) issued a memorandum to EPA Administrator Browner concerning potential new regulations for Concentrated Animal Feeding Operations ("CAFOs"). As part these new regulations, the EPA officials indicated they were "exploring an *option* under which CAFOs would be required to determine whether they have a reasonable potential to discharge to groundwater with a direct hydrological connection to surface water." At the time, the EPA officials explained that this "determination would likely require hiring an assessor." If a "potential to discharge were established," the officials suggested that the proposed regulations "might specify additional monitoring (which may require the operator to drill wells), record keeping and reporting requirements and compliance requirements (e.g., lining existing lagoon(s) to prevent leaching) to prevent or reduce discharges to groundwater." In light of "the potentially high costs to small operators associated with such an option," however, the EPA officials noted that EPA should give "careful consideration" to the "associated small business impacts" and "balance these against any identified environmental benefits." In fact, the EPA officials recommended that EPA "streamlin[e] the[se] requirements for small businesses ... or *exempt[] them altogether*."

- **EPA, Update -- Concentrated Animal Feeding Operations (CAFOs) Regulation, 2001.**

In a 2001 update on CAFO regulation, EPA noted that "[e]xisting regulations do not explicitly address environmental concerns such as ... discharges to surface water via groundwater with a direct hydrologic connection." EPA, Concentrated Animal Feeding Operations Regulation – Update (Aug. 13, 2001).

- **EPA, Effectiveness of Effluent Guidelines Program for Reducing Pollutant Discharges Uncertain, 2004.**

In 2004, EPA published a report regarding effluent guidelines for reducing pollutant discharges. In that report, EPA indicated that the "National [NPDES] regulations apply to ... [e]xisting facilities that discharge *directly* to surface waters," but did not provide any indication that those regulations also apply to releases to groundwater with a "direct hydrological connection" to surface water. EPA, Effectiveness of Effluent Guidelines Program for Reducing Pollutant Discharges Uncertain at Chapter 1, page 2 (August 24, 2014) (emphasis added).

- **EPA, Response to Comments on Draft NPDES Permit, Holyoke Gas & Electric Department, Cabot Street Station, 2005.**

In 2005, EPA responded to comments on a draft NPDES permit for Holyoke Gas & Electric Department's Cabot Street Station, which sits on the banks of the Holyoke Canal System (a tributary of the Connecticut River). In discussing the facility's options to avoid NPDES permitting requirements, EPA explained that direct surface water discharges "could be re-directed to a non-surface water discharge location, such as ground injection." EPA, Holyoke Gas & Electric Department Cabot Street Station Response to Comments on Draft National Pollutant Discharge Elimination System (NPDES) Permit No. MA0001520, at 20. Under these circumstances, EPA said that "NPDES ... permit requirements would not apply, because there would be no *direct* discharge to a surface water of the United States." *Id.*

- **EPA, Fact Sheet, Draft NPDES Permit, Public Service of New Hampshire, Merrimack Station, 2011.**

In 2011, EPA issued a fact sheet related to a draft NPDES permit for the Public Service of New Hampshire's Merrimack Station, which sits next to the Merrimack River in Bow, New Hampshire. Although the previous NPDES permit included discharges from roof drains, EPA eliminated those discharges from the permit because "the roof drains convey rain water from [station's] roof and drain it into the ground." As a result, EPA concluded, the "roof drains do not constitute a point source with a *direct* discharge to the Merrimack River."

- **EPA, Response to Public Comments, EPA NPDES Pesticide General Permit, 2011.**

Also in 2011, in response to a comment on a final NPDES pesticide general permit stating that the permit should "ensure that discharges do not affect groundwater," EPA confirmed that the "NPDES program ... is for the control of discharges to waters of the United States" and that "discharges to groundwater are not regulated under the NPDES program." EPA, Response to Public Comments, EPA NPDES Pesticide General Permit (Oct. 31, 2011) at xxii. In confirming that the NPDES program does not regulate "discharges to groundwater," EPA provided no indication that a source must consider whether that groundwater has a "direct" hydrological-connection to surface water.

- **EPA, Fact Sheet, Draft General Permits for Stormwater Discharges Systems from Small Municipal Separate Sewer Systems in Massachusetts, 2014.**

In 2014, EPA issued a fact sheet regarding the reissuance of three NPDES permits for the discharge of stormwater from municipal storm sewer systems to waters in Massachusetts. In addressing stormwater "discharges to the subsurface," EPA stated that "NPDES permits are applicable for point source discharges to waters of the U.S" and that "discharges to groundwater are not addressed in the NPDES program and as such are not addressed by this permit." EPA, Fact Sheet, Draft General Permits for Stormwater Discharges Systems from Small Municipal Separate Sewer Systems in Massachusetts at 18 (Sept. 30, 3014).

- **EPA, Response to Comments on NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewers Systems in Massachusetts, 2016.**

In 2016, in response to comments on NPDES General Permits in Massachusetts, EPA said that "[i]n general the connection between groundwater discharges and surface waters is too complex to determine a direct causal effect." EPA, Response to Comments on NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewers Systems in Massachusetts at 219 (April 4, 2016).

- **EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, 2017.**

In 2017, in response to public comments on draft NPDES permits authorizing remediation activity discharges in Massachusetts and New Hampshire, EPA again made clear that "discharges to groundwater are not regulated by the NPDES program," but "may be regulated under other discharge permit authorities." EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, at 7 (March 9, 2017). As EPA explained: "*if* a discharge to groundwater requires a permit, the [NPDES] is not the permit program authority under which such discharges can be covered." Rather, "such discharges are generally regulated under the [Underground Injection Control] Program" under the Safe Drinking Water Act, or "similar programs ... such as State groundwater discharge programs."

State	Standard	Enforcement Authorities	Other Relevant State Authority
Alabama	"Every person, prior to discharging any new or increased pollution into any waters of this state, shall apply to the commission in writing for a permit and must obtain such permit before discharging such pollution." Ala. Code § 22-22-9(I)(3).	Available enforcement includes administrative orders, injunctive relief, authority to initiate civil actions, and civil and criminal penalties. Ala. Code §§ 22-22-9(I)-(n), 22-22A-5(17)-(19), 22-22-14.	"Discharge" is defined as "The addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state." Ala. Code § 22-22-1. "Waters" is defined to mean "All waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Ala. Code § 22-22-1. All pollution is declared to be a public nuisance. Ala. Code § 22-22-9.
Alaska	"A person may not pollute or add to the pollution of the air, land, subsurface land, or water of the state." Alaska Stat. Ann. § 46.03.710.	Enforcement of this section is permitted through administrative penalties, injunctions, and compliance orders. Alaska Stat. Ann. § § 46.03.761, 46.03.850, 46.03.765.	"Pollution" is defined to mean "the contamination or altering of waters, land, or subsurface land of the state in a manner which creates a nuisance or makes waters, land, or subsurface land unclean, or noxious, or impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life." Alaska Stat. Ann. § 46.03.900. "Waters" is defined to include "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state." Alaska Stat. Ann. § 46.03.900.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Arizona	"It is unlawful to . . . Discharge without a permit or appropriate authority under this chapter . . . Fail to . . . report discharges as required by a permit . . . . Violate a discharge limitation specified in a permit . . . . [or] Violate a water quality standard." Ariz. Rev. Stat. Ann. § 49-263. ". . . any person who discharges or who owns or operates a facility that discharges shall obtain an aquifer protection permit from the director." (i.e., the Arizona Aquifer Protection Permit program). Ariz. Rev. Stat. Ann. § 49-241. "water quality standards for all navigable waters and for all waters in all aquifers to preserve and protect the quality of those waters for all present and reasonably foreseeable future uses" and in setting these standards the state considers "[t]he provisions and requirements of the clean water act and safe drinking water act and the regulations adopted pursuant to those acts; and [t]he degree to which standards for one category of waters could cause violations of standards for other, hydrologically connected, water categories." Ariz. Rev. Stat. Ann. § 49-221(A), (C).	Enforcement is available through compliance orders, preliminary and permanent injunctions, and civil penalties of up to $25,000 per day per violation. Ariz. Rev. Stat. Ann. §§ 49-261, 262. The statute also provides for misdemeanor and felony prosecutions and citizen suits. Ariz. Rev. Stat. Ann. §§ 49-263, 264.	"'Discharge' means the direct or indirect addition of any pollutant to the waters of the state from a facility. For purposes of the aquifer protection permit program prescribed by article 3 of this chapter, discharge means the addition of a pollutant from a facility either directly to an aquifer or to the land surface or the vadose zone in such a manner that there is a reasonable probability that the pollutant will reach an aquifer." Ariz. Rev. Stat. Ann. § 49-201. "'Waters of the state' means all waters within the jurisdiction of this state including all perennial or intermittent streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, aquifers, springs, irrigation systems, drainage systems and other bodies or accumulations of surface, underground, natural, artificial, public or private water situated wholly or partly in or bordering on the state." Ariz. Rev. Stat. Ann. § 49-201.
Arkansas	"It shall be unlawful for any person to . . . Cause pollution, as defined in § 8-4-102, of any of the waters of this state." Ark. Code Ann. § 8-4-217.	Arkansas Department of Environmental Quality may issue administrative enforcement orders and impose civil penalties of up to $10,000 per day per violation. Ark. Code Ann. §§ 8-4-103, 208. The statute also provides for criminal prosecutions of misdemeanor and felony violations of the chapter or related permit. Id.	"'Pollution' means such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, or such discharge of any liquid, gaseous, or solid substance in any waters of the state as will, or is likely to, render the waters harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish, or other aquatic life." Ark. Code Ann. § 8-4-102(6). "'Waters of the state' means all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state." Ark. Code Ann. § 8-4-102(10).

State	Standard	Enforcement Authorities	Other Relevant State Authority
California	A "report of discharge" is required for any "person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system." Cal. Water Code § 13260(1)(a). "A person who . . . has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action . . . ." Cal. Water Code § 13304(a).	Enforcement is available by order, injunction, or remedial action with cost recovery. Cal. Water Code § 13304(a). Other sections of the law provide for civil penalties, injunctions, misdemeanor prosecutions, and administrative orders. Cal. Water Code §§ 13261, 13265, 13268, 13301, 13304, 13305, 13308, 13323, 13331, 13399. The state may order the person to "cleanup the waste or abate the effects of the waste, or in the case of threatened pollution or nuisance, take another necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts" Cal. Water Code § 13304(a).	"'Waters of the state' means any surface water or groundwater, including saline waters, within the boundaries of the state." Cal. Water Code § 13050(e).
Colorado	"No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge . . . ." 5 Colo. Code Regs. § 1002-61:61.3.	The Department of Public health and Environment may enforce the prohibitions in this title through cease and desist orders, clean-up orders, restraining orders, injunctions, and criminal and civil penalties. Colo. Rev. Stat. Ann. §§ 25-8-605, 606, 607, 608, 609. Civil penalties may range as high as $10,000 per day per violation, and criminal penalties may be as high as $25,000. §§ 25-8-608, 609.	"Discharge of pollutants" means the introduction or addition of a pollutant into state waters." Colo. Rev. Stat. Ann. § 25-8-103. "'State waters' means any and all surface and subsurface waters which are contained in or flow in or through this state . . . ." Colo. Rev. Stat. Ann. § 25-8-103.
Connecticut	"No person or municipality shall initiate, create, originate or maintain any discharge of water, substance or material into the waters of the state without a permit for such discharge issued by the commissioner." Conn. Gen. Stat. Ann. § 22a-430. "No person or municipality shall cause pollution of any of the waters of the state or maintain a discharge of any treated or untreated wastes in violation of any provision of this chapter." Conn. Gen. Stat. Ann. § 22a-427.	Enforcement includes administrative orders for sources "which reasonably can be expected to create a source of pollution to the waters of the state," injunctive relief, civil penalties up to $25,000 for each violation, each day constituting a separate violation, and criminal penalties. Conn. Gen. Stat. Ann. §§ 22a-432, 435, 438. Orders may also be issued against landowners if different from the discharger. Conn. Gen. Stat. Ann. § 22a-433.	Discharge "means the emission of any water, substance or material into the waters of the state, whether or not such substance causes pollution." Conn. Gen. Stat. Ann. § 22a-423. Waters "means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof." Conn. Gen. Stat. Ann. § 22a-423.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Delaware	"No person shall, without first having obtained a permit from the Secretary, undertake any activity . . . which may cause or contribute to discharge of a pollutant into any surface or ground water . . . ." Del Code Ann. tit. 7, § 6003(a).	Enforcement of this chapter is permitted through temporary restraining orders, permanent injunctions, or monetary penalties, up to $10,000 per day for each completed violation. Penalties may be tripled for chronic violators. Del Code Ann. tit. 7, § 6005.	"'Discharge Of A Pollutant' means any addition of any pollutant, or combination of pollutants, to state waters or the contiguous zone, or the ocean, from any source or activity . . . ." Code Del. Regs. 7 7000 7201. "'State Waters' Or 'Waters Of The State' means all water, on the surface and under the ground, wholly or partially within, or bordering the State, or within its jurisdiction." Code Del. Regs. 7 7000 7201.
District of Columbia	"Except as provided in § 8-103.06, no person shall discharge a pollutant to the waters of the District." D.C. Code Ann. § 8-103.02.	Available enforcement mechanisms include administrative orders, civil penalties, injunctive relief, and criminal prosecution for willful or negligent violations. D.C. Code Ann. §§ 8-103.16, 103.17, 103.18. District of Columbia Code also provides for a private right of action against any person in violation of the Water Pollution Control subchapter. D.C. Code Ann. § 8-103.19.	"'Discharge' means the spilling, leaking, releasing, pumping, pouring, emitting, emptying, or dumping of any pollutant or hazardous substance, including a discharge from a storm sewer, into or so that it may enter District of Columbia waters." D.C. Code Ann. § 8-103.01(6). "'Waters of the District' or 'District waters' means flowing and still bodies of water, whether artificial or natural, whether underground or on land, so long as in the District of Columbia, but excludes water on private property prevented from reaching underground or land watercourses, and also excludes water in closed collection or distribution systems." D.C. Code Ann. § 8-103.01(25).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Florida	"It shall be a violation of this chapter, and it shall be prohibited for any person . . . [t]o cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property . . . . or [t]o fail to obtain any permit required by this chapter or by rule or regulation . . . ." Fla. Stat. Ann. § 403.161(1). "Without the written authorization of the department, a person may not discharge any waste into the waters of the state which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for such waters." Fla. Stat. Ann. § 403.088(1). "[n]o installation shall directly or indirectly discharge into groundwater any contaminant that causes a violation of the water quality standards or minimum criteria in the receiving groundwater as established in this Chapter…." F.A.C.§ 62-520.310(7). "discharge to groundwater shall not impair the designated use of contiguous surface waters." F.A.C.§ 62-520.310(2). FDEP's practice is to "incorporate groundwater discharge considerations into other [FDEP] permits, as appropriate, and not to require a separate permit for discharges to groundwater." F.A.C.§ 62-520.310(12).	Violators are subject to enforcement orders, injunctive relief, and criminal penalties. Fla. Stat. Ann. §§ 403.061, 403.131, 161. Private citizens may also initiate civil actions against violators or compel the government to enforce its laws, rules, or regulations relating to the protection of water and other natural resources. Fla. Stat. Ann. § 403.412.	"'Pollution' is the presence in the . . . waters of the state of any substances, contaminants, noise, or manmade or human-induced impairment of air or waters or alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law." Fla. Stat. Ann. § 403.031 (7). "'Waters' include, but are not limited to, rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural . . . ." Fla. Stat. Ann. § 403.031 (13).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Georgia	"Any person who owns or operates a facility of any type or who desires to erect, modify, alter, or commence operation of a facility of any type which results or will result in the discharge of pollutants from a point source into the waters of the state shall obtain from the director a permit to make such discharge." Ga. Code Ann. § 12-5-30(a). "Any person desiring to erect or modify facilities or commence or alter an operation of any type which will result in the discharge of pollutants from a nonpoint source into the waters of the state, which will render or is likely to render such waters harmful to the public health, safety, or welfare, or harmful or substantially less useful for domestic, municipal, industrial, agricultural, recreational, or other lawful uses, or for animals, birds, or aquatic life, shall obtain a permit from the director to make such discharge." Ga. Code Ann. § 12-5-30(b).	Enforcement of these prohibitions may be accomplished through enforcement orders, civil actions for permanent or temporary injunctions, civil actions for damages, and civil and criminal penalties. Ga. Code Ann. §§ 12-5-23, 48, 51, 52, 53.	"'Waters' or 'waters of the state' means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation." Ga. Code Ann. § 12-5-22.
Hawaii	"No person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director." Haw. Rev. Stat. Ann. § 342D-50.	The director of the Department of Health may enforce the title through administrative orders, injunctive relief in an environmental court, civil penalties of up to $25,000 per day per violation, and criminal penalties or imprisonment for negligent or knowing violations. Haw. Rev. Stat. Ann. §§ 342D-9, 342D-30, 342D-31, 342D-32, 342D-11.	"'State waters' means all waters, fresh, brackish, or salt, around and within the State, including, but not limited to, coastal waters, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground waters, and lakes; provided that drainage ditches, ponds, and reservoirs required as a part of a water pollution control system are excluded." Haw. Rev. Stat. Ann. § 342D-1. "Water pollution" means . . . [s]uch contamination or other alteration of the physical, chemical, or biological properties of any state waters . . . or is likely to create a nuisance or render such waters unreasonably harmful, detrimental, or injurious to public health, safety, or welfare, including harm, detriment, or injury to public water supplies, fish and aquatic life and wildlife, recreational purposes and agricultural and industrial research and scientific uses of such waters or as will or is likely to violate any water quality standards, effluent standards, treatment and pretreatment standards, or standards of performance for new sources adopted by the department." Haw. Rev. Stat. Ann. § 342D-1. Hawaii also administers a nonpoint source pollution management and control program to enforce and carry out all laws, rules, and programs relating to nonpoint source pollution in the state. Haw. Rev. Stat. Ann. § 342E-2.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Idaho	Unless prior agency approval has been obtained, "[n]o person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of an outstanding resource water, except for short-term or temporary nonpoint source activities which do not alter the essential character or special uses of a segment, issuance of water rights permits or licenses, allocation of water rights, or operation of water diversions or impoundments." Idaho Code Ann. §§ 39-3618, 39-3620. The Idaho Department of Environmental Quality has also promulgated rules to establish and protect ground water quality standards, which provide that "[n]o person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that . . . [c]auses a ground water quality standard to be exceeded . . .[i]njures a beneficial use of ground water; or . . . [i]s not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method." Idaho Admin. Code r. 58.01.11.400.	The director of the department may issue compliance orders, initiate administrative or civil enforcement actions against violators, issue monetary penalties up to $10,000 per violation or $1,000 for each day the violation continues (whichever is greater). Idaho Code Ann. §§ 39-108, 39-116; Idaho Admin. Code r. 58.01.11.400. The statute also provides for criminal prosecutions. Idaho Code Ann. § 39-109.	"All state agencies shall incorporate the adopted ground water quality protection plan in the administration of their programs and shall have such additional authority to promulgate rules to protect ground water quality as necessary to administer such programs which shall be in conformity with the ground water quality protection plan." Idaho Code Ann. § 39-126. "'Waters' means all accumulations of water, surface and underground, natural and artificial, public and private or parts thereof which are wholly or partially within, flow through or border upon this state except for private waters as defined in section 42-212, Idaho Code." Idaho Code Ann. § 39-103(18).
Illinois	"No person shall . . . Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act." 415 Ill. Comp. Stat. Ann. 5/12.	The prohibitions in the Illinois code are enforced through administrative citations and orders, injunctive relief, civil penalties ($50,000 for each violation and $10,000 for each day the violation continues), and criminal penalties. 415 Ill. Comp. Stat. Ann. 5/31.1, 5/33, 5/42-5/45.	"The Agency shall establish a Statewide groundwater monitoring network. Such network shall include a sufficient number of testing wells to assess the current levels of contamination in the groundwaters of the State and to detect any future degradation of groundwater resources." 415 Ill. Comp. Stat. Ann. 5/13.1. "'Waters' means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State of Illinois, except that sewers and treatment works are not included except as specially mentioned . . . ." Ill. Admin. Code tit. 35, § 301.440.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Indiana	"[A] person may not: (1) throw, run, drain, or otherwise dispose; or (2) cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed [] into any of the streams or waters of Indiana any organic or inorganic matter that causes or contributes to a polluted condition of any of the streams or waters of Indiana, as determined by a rule of the board . . ." Ind. Code Ann. § 13-18-4-5.	The Department of Environmental Management may enforce the statute through administrative compliance orders and civil actions seeking injunctive relief. Ind. Code Ann. §§ 13-18-4-6, § 13-14-2-6, 13-14-2-7, 13-30-4-1. Civil penalties of up to $25,000 per day of any violation are authorized, as well as criminal penalties. Ind. Code Ann. §§ 13-30-4-1, 13-30-10-1.5.	"'Waters', for purposes of water pollution control laws and environmental management laws, means: (1) the accumulations of water, surface and underground, natural and artificial, public and private; or (2) a part of the accumulations of water[,] that are wholly or partially within, flow through, or border upon Indiana." Ind. Code Ann. § 13-11-2-265.
Iowa	"A pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste in accordance with rules adopted by the commission." Iowa Code Ann. § 455B.186.	Enforcement mechanisms include cease and desist orders, civil penalties up to $5,000 per day for each violation, a range of criminal penalties, and temporary and permanent injunctions. Iowa Code Ann. §§ 455B.175, 455B.191.	Iowa's Groundwater Protection Act supplements Iowa's water quality laws to further promote its goal of "prevent[ing] contamination of groundwater from point and nonpoint sources of contamination to the maximum extent practical . . ." Iowa Code Ann. § 455E.4. "'Water of the state' means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof." Iowa Code Ann. § 455B.171(39).
Kansas	"No person, company, corporation, institution or municipality shall place or permit to be placed or discharge or permit to flow into any of the waters of the state any sewage . . . ." Kan. Stat. Ann. § 65-164.	Enforcement of the statute is perrmited through cease and desist orders, civil penalties, and criminal penalties. Kan. Stat. Ann. §§ 65-164 (d), 65-170d, 65-167.	"'[S]ewage' means any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic, manufacturing or other forms of industry." Kan. Stat. Ann. § 65-164. "'Waters of the state' means all streams and springs, and all bodies of surface and subsurface waters within the boundaries of the state . . ." Kan. Stat. Ann. § 65-161(a). "'[D]ischarge' means when used without qualification, the causing or permitting of sewage to enter, either directly or indirectly, into waters of the state . . . ." Kan. Stat. Ann. § 65-161(b).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Kentucky	"No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter." Ky. Rev. Stat. Ann. § 224.70-110.	Enforcement mechanisms include civil penalties, up to $25,000 per day as long as violation continues, Civil actions for injunctive relief and to recover penalties or damages for injury to fish or wildlife, criminal penalties and/or imprisonment. Ky. Rev. Stat. Ann. §§ 224.99-010 , 224.99-020, 224.1-070.	"'Pollutant' means and includes dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, chemical, biological or radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, industrial, municipal or agricultural waste, and any substance resulting from the development, processing, or recovery of any natural resource which may be discharged into water." Ky. Rev. Stat. Ann. § 224.1-010(34). "'Water pollution' means the alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the Commonwealth in such a manner, condition, or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural, or other legitimate purposes." Ky. Rev. Stat. Ann. § 224.1-010(33). "Water" or "waters of the Commonwealth" are defined to mean and include "any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes, and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction." Ky. Rev. Stat. Ann. § 224.1-010 (32).
Louisiana	"No person shall conduct any activity which results in the discharge of any substance into the waters of the state without the appropriate permit, variance, or license required under the regulations of the department adopted pursuant to this Chapter." La. Stat. Ann. § 30:2075. "No person shall discharge or allow to be discharged into any waters of the state: (a) Any waste or any other substance of any kind that will tend to cause water pollution in violation of any rule, order, or regulation; or (b) Any substance, the discharge of which violates any term, condition, or limit imposed by a permit." La. Stat. Ann. § 30:2076.	Available enforcement includes compliance orders, civil actions for permanent or temporary injunctions and/or damages against violators, civil penalties of up to $32,500 for each day of a violation, and criminal penalties. La. Stat. Ann. §§ 30:2025, 30:2050.2, 30:2076.1.	"'Discharge' means the placing, releasing, spilling, percolating, draining, pumping, leaking, seeping, emitting, or other escaping of pollutants into the air, waters, subsurface water, or ground as the result of a prior act or omission; or the placing of pollutants into pits, drums, barrels, or similar containers under conditions and circumstances that leaking, seeping, draining, or escaping of the pollutants can be reasonably anticipated." La. Stat. Ann. § 30:2004(10). "'Waters of the state' means both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, groundwaters, and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico. . . ." La. Stat. Ann. § 30:2073(7).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Maine	"No person may directly or indirectly discharge or cause to be discharged any pollutant without first obtaining a license therefor from the department." Me. Rev. Stat. tit. 38, § 413.	Enforcement of these provisions is permitted through administrative orders and consent agreements, civil actions, civil penalties amounting to not more than $10,000 per day for each violation, or $25,000 if the violation relates to hazardous waste, criminal penalties between $2,500 and $25,000 for each day of the violation, and debarment from department contracts for repeated violations. Me. Rev. Stat. tit. 38, § 347-A , 348, 349, 349-B.	"'Discharge' means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of any pollutant to water of the State. Me. Rev. Stat. tit. 38, § 361-A(1). "'Waters of the State' means any and all surface and subsurface waters that are contained within, flow through, or under or border upon this State or any portion of the State . . . ." Me. Rev. Stat. tit. 38, § 361-A(7).
Maryland	"[A] person may not discharge any pollutant into the waters of this State." Md. Code Ann., Envir. § 9-322.	Enforcement of these provisions is by administrative corrective action orders, injunctions, civil penalties not exceeding $10,000 per day (judicially) or $1,000 per day (administratively), or criminal prosecution. Md. Code Ann., Envir. §§ 9-334, 9-335, 9-338, 9-339, 9-342, 9-343.	"Discharge" is defined to mean "the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of this State" or "the placing of a pollutant in a location where the pollutant is likely to pollute." § 9-101(b). "Waters of this State" includes, in relevant part, "[b]oth surface and underground waters within the boundaries of this State subject to its jurisdiction. . . ." § 9-101(l)(1).
Massachusetts	"Any person who, directly or indirectly, throws, drains, runs, discharges or allows the discharge of any pollutant into waters of the commonwealth, except in conformity with a permit" shall be subject to the enforcement provisions. Mass. Gen. Laws Ann. ch. 21, § 42. "[n]o person shall engage in any other activity that may reasonably be expected to result, directly or indirectly, in discharge of pollutants into waters of the commonwealth." Mass. Gen. Laws Ann. ch. 21, § 43(2).	Violations of the standards shall punished by a fine, imprisonment, or shall be subject to a civil penalty not to exceed $25,000 per day of such violation. Enforcement mechanisms, in addition to civil penalties, include orders and injunctive relief. Mass. Gen. Laws Ann. ch. 21, §§ 44, 46.	"'Waters' and 'waters of the commonwealth,' all waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, coastal waters and groundwaters." Mass. Gen. Laws Ann. ch. 21, § 26A.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Michigan	"A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following: (a) To the public health, safety, or welfare . . . domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such water . . . .[t]o the value or utility of riparian lands . . . ." Mich. Comp. Laws Ann. § 324.3109(1). "A person shall not discharge without an authorization" under Part 22 Rules (Groundwater Quality), which establishes specific critieria for the "discharge," which is defined to means "any direct or indirect discharge . . . into the groundwater or on the ground." R §§ 323.2204, 323.2201(i).	Enforcement of these provisions is permitted through abatement orders, civil actions, civil fines of up to $25,000 per day per violation, criminal penalties and imprisonment. Mich. Comp. Laws Ann. §§ 324.1601, 324.3112, 324.3115.	"'Waters of the state' means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state." Mich. Comp. Laws Ann. § 324.3101(aa).
Minnesota	"[I]t is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state" Minn. Stat. Ann. § 115.061. "No sewage, industrial waste, or other wastes shall be discharged from either a point or a nonpoint source into the waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution as defined by law." Minn. R. 7050.0210.	Minnesota's Water Pollution Control Act may be enforced through civil actions, civil penalties, criminal penalties, and administrative orders. Minn. Stat. Ann. § 115.071.	"Discharge" means "the addition of any pollutant to the waters of the state or to any disposal system." Minn. Stat. Ann. § 115.01.(4). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state . . . ." Minn. Stat. Ann. § 115.01(22).
Mississippi	"[I]t is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state. It is also unlawful to discharge any wastes into any waters of the state which reduce the quality of those waters below the water quality standards established by the commission; or to violate any applicable pretreatment standards or limitations, technology-based effluent limitations, toxic standards or any other limitations established by the commission. Any such action is declared to be a public nuisance." Miss. Code. Ann. § 49-17-29(2)(a).	Available enforcement includes administrative orders, civil actions, civil penalties, and misdemeanor prosecution. Miss. Code. Ann. §§ 49-17-31, 49-17-43.	"Waters of the state" is defined to mean "all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the state . . . ." Miss. Code. Ann. § 49-17-5(1)(f).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Missouri	"It is unlawful for any person . . . [t]o cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state; [or] discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards . . . ." Mo. Ann. Stat. § 644.051.	Enforcement includes administrative orders, civil actions, administrative penalties and civil penalties. Mo. Ann. Stat. §§ 644.079, 644.076.	"Pollution" is defined to mean "such contamination or other alteration of the physical, chemical or biological properties of any waters of the state . . . or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life . . . " Mo. Ann. Stat. § 644.016(17). "Discharge" is defined to mean "the causing or permitting of one or more water contaminants to enter the waters of the state." Mo. Ann. Stat. § 644.016(6). "Waters of the state" means "all waters within the jurisdiction of this state, including all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state . . . ." Mo. Ann. Stat. § 644.016(27).
Montana	It is unlawful to "cause pollution . . . of any state waters or to place or cause to be placed any wastes where they will cause pollution of any state waters." Mont. Code Ann. § 75-5-605.	The department may enforce these provisions through administrative orders for abatement, compliance, or cleanup, administrative penalties, civil actions for inunctive relief, civil penalties, criminal penalties and/or imprisonment. Mont. Code Ann. §§ 75-5-611 to 75-5-614, 75-5-631, 75-5-632.	"Pollution" means "contamination or other alteration of the physical, chemical, or biological properties of state waters that exceeds that permitted by Montana water quality standards," or "the discharge, seepage, drainage, infiltration, or flow of liquid, gaseous, solid, radioactive, or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife." Mont. Code Ann. § 75-5-103 (30)(a). "State waters" is defined to mean "a body of water, irrigation system, or drainage system, either surface or underground." Mont. Code Ann. § 75-5-103(34)(a).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Nebraska	"It shall be unlawful for any person" to "cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state" or "discharge or emit any wastes into any air, waters, or land of the state which reduce the quality of such air, waters, or land below the air, water, or land quality standards established therefor by the council. Any such action is hereby declared to be a public nuisance." Neb. Rev. Stat. Ann. § 81-1506.	Enforcement is permitted through administrative corrective action orders, injunctions, civil penalties, felony and misdemeanor prosecution. Neb. Rev. Stat. Ann. §§ 81-1508, 81-1508.01, 81-1508.02.	"Water pollution shall mean the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water . . . " Neb. Rev. Stat. Ann. § 81-1502(20). "Waters of the state shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial . . . " Neb. Rev. Stat. Ann. § 81-1502(21). Nebraska also manages groundwater though the "Nebraska Ground Water Management and Protection Act." Neb. Rev. Stat. Ann. § 46-701 et seq.
Nevada	"[A] person shall not discharge a pollutant from a point source into any waters of the State without obtaining a permit from the Department." Nev. Admin. Code 445A.228. The Nevada Department of Conservation and Natural Resources possesses the authority to prescribe pollution controls for "diffuse sources", or delegate such authority to local municipalities. Nev. Rev. Stat. Ann. § 445A.570; Nev. Admin. Code 445A.314.	Persons who violate the statute or regulations are subject to administrative compliance orders, civil actions for injunctive relief, civil penalties, and criminal penalties. Nev. Rev. Stat. Ann. §§ 445A.675, 445A.690, 445A.695 445A.700. If the violation relates to a rule or regulation concerning diffuse sources, no civil or criminal penalties may be imposed for failing to obey an administrative order. Nev. Rev. Stat. Ann. § 445A.680.	"'Diffuse source' means any source of water pollution which is diffused to the extent that it is not readily discernible and cannot be confined to a discrete conveyance. This term is intended to be equivalent to the term "nonpoint source" as used in federal statutes and regulations." Nev. Rev. Stat. Ann. § 445A.335. "'Discharge' means any addition of a pollutant or pollutants to water." Nev. Rev. Stat. Ann. § 445A.345. "Waters of the State" is defined to mean "all waters situated wholly or partly within or bordering upon this State, including but not limited to . . . [a]ll streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and [] [a]ll bodies or accumulations of water, surface and underground, natural or artificial." Nev. Rev. Stat. Ann. § 445A.415.

State	Standard	Enforcement Authorities	Other Relevant State Authority
New Hampshire	"It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or groundwater of the state without first obtaining a written permit from the department of environmental services." N.H. Rev. Stat. Ann. § 485-A:13. "After adoption of a given classification for a stream, lake, pond, tidal water or section of such water . . . it shall be unlawful for any person or persons to dispose of any sewage, industrial, or other wastes, either alone or in conjunction with any other person or persons, in such a manner as will lower the quality of the waters . . . below the minimum requirements of the adopted classification." N.H. Rev. Stat. Ann. § 485-A:12.	Available enforcement includes administrative cease and desist orders, civil actions for injunctive relief, administrative penalties, civil penalties, and criminal penalties or imprisonment. N.H. Rev. Stat. Ann. §§ 485-A:22, 485-A:22-a.	"Waste" means "industrial waste and other wastes." N.H. Rev. Stat. Ann. § 485-A:2. XVI. "Other wastes" is defined to mean "garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substance harmful to human, animal, fish or aquatic life." N.H. Rev. Stat. Ann. § 485-A:2.VIII. "Sewage" means "the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present." N.H. Rev. Stat. Ann. § 485-A:2. X.
New Jersey	"It shall be unlawful for any person to discharge any pollutant, except as provided pursuant to [this section], or when the discharge conforms with a valid [state or federal discharge permit, e.g. a NPDES permit]." N.J. Stat. Ann. § 58:10A-6.	The commissioner of the New Jersey Department of Environmental Protection may enforce the state's water pollution statute through compliance orders, administrative penalties, civil action for injunctive relief, civil penalties, and criminal fines. N.J. Stat. Ann. §§ 58:10A-10, 58:10A-24.6.	"'Discharge' means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State, onto land or into wells from which it might flow or drain into said waters or into waters or onto lands outside the jurisdiction of the State, which pollutant enters the waters of the State." N.J. Stat. Ann. § 58:10A-3(e). "Waters of the State" is defined to mean "the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State." N.J. Stat. Ann. § 58:10A-3(t). The state also has a program to designate areawide waste treatment management planning areas that would include the establishment of regulations to, among other things, provide control mechanisms for nonpoint source pollution. N.J. Stat. Ann. § 58:11A-4.

State	Standard	Enforcement Authorities	Other Relevant State Authority
New Mexico	Under the state's water quality control commission's authority to promulgate rules to prevent or abate water pollution and develop water quality standards for surface and ground waters, New Mexico code provides that "[a]ny person intending to make a new water contaminant discharge or to alter the character or location of an existing water contaminant discharge . . . shall file a notice with the ground water quality bureau of the department for discharges that may affect ground water, and/ or the surface water quality bureau of the department for discharges that may affect surface water." N.M. Stat. Ann. § 74-6-4 ; N.M. Admin. Code 20.6.2.1201. The regulations further provide that, "[u]nless otherwise provided by this Part, no person shall cause or allow effluent or leachate to discharge so that it may move directly or indirectly into ground water unless he is discharging pursuant to a discharge permit issued by the secretary." N.M. Admin. Code 20.6.2.3104.	Enforcement is available through administrative compliance orders and penalties, civil penalties, and criminal penalties for knowing violations. N.M. Stat. Ann. §§ 74-6-10, 74-6-10.1,74-6-10.2.	"Water contaminant" is defined to mean "any substance that could alter, if discharged or spilled, the physical, chemical, biological or radiological qualities of water." N.M. Stat. Ann. § 74-6-2(B). "Water" is defines to mean "all water, including water situated wholly or partly within or bordering upon the state, whether surface or subsurface, public or private, except private waters that do not combine with other surface or subsurface water." N.M. Stat. Ann. § 74-6-2(H).
New York	"It shall be unlawful for any person, directly or indirectly, to throw, drain, run or otherwise discharge into such waters organic or inorganic matter that shall cause or contribute to a condition in contravention of the standards adopted by the department . . ." N.Y. Envtl. Conserv. Law § 17-0501.	Available enforcement mechanisms include administrative compliance orders, civil actions for injunctive relief or the recovery of penalties, civil penalties, criminal fines and/or imprisonment. N.Y. Envtl. Conserv. Law §§ 71-1707, 71-1711, 71-2727, 71-1929, 71-1931, 71-1933.	"Waters" or "waters of the state" are defined to include "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial limits of the state of New York and all other bodies of surface or underground water . . . which are wholly or partially within or bordering the state or within its jurisdiction." N.Y. Envtl. Conserv. Law § 17-0105(2).

State	Standard	Enforcement Authorities	Other Relevant State Authority
North Carolina	Unless a person has received a permit and complied with all conditions set forth in the permit, "no person shall . . . [c]ause or permit any waste, directly or indirectly, to be discharged to or in any manner intermixed with the waters of the State in violation of the water quality standards applicable to the assigned classifications or in violation of any effluent standards or limitations established for any point source, unless allowed as a condition of any permit, special order or other appropriate instrument . . . ." N.C. Gen. Stat. Ann. § 143-215.1(a)(6).	The North Carolina Environmental Management Commission may issue special orders "to any person whom it finds responsible for causing or contributing to any pollution of the waters of the State within the area for which standards have been established." N.C. Gen. Stat. Ann. § 143-215.2. The Commission may also enforce state water pollution laws through injunctive relief and civil and criminal penalties. N.C. Gen. Stat. Ann. §§ 143-215.6A, 143-215.6B, 143-215.6C.	The term "water pollution" is defined to mean "the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities." N.C. Gen. Stat. Ann. § 143-213(19). Reference to "discharge" or "discharge of waste" is interpreted to include "discharge, spillage, leakage, pumping, placement, emptying, or dumping into waters of the State . . . .". N.C. Gen. Stat. Ann. § 143-213(9). "'Waters' means any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State, including any portion of the Atlantic Ocean over which the State has jurisdiction." N.C. Gen. Stat. Ann. § 143-212(6).
North Dakota	"It shall be unlawful for any person" to "cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state," and "[t]o discharge any wastes into any waters of the state or to otherwise cause pollution, which reduces the quality of such waters below the water quality standards established therefor by the department." N.D. Cent. Code Ann. § 61-28-06.	The Department of Health may enforce the state's water pollution laws through orders for compliance or abatement, injunctive relief against threatened or continuing violations, civil and criminal penalties, and/or imprisonment. N.D. Cent. Code Ann. §§ 61-28-04, 61-28-07, 61-28-08.	"Pollution" is defined to mean "the manmade or man-induced alteration of the physical, chemical, biological, or radiological integrity of any waters of the state." N.D. Cent. Code Ann. § 61-28-02(7). "'Waters of the state' means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, and all other bodies or accumulations of water on or under the surface of the earth, natural or artificial, public or private, situated wholly or partly within or bordering upon the state . . . ." N.D. Cent. Code Ann. § 61-28-02(15).
Ohio	Unless holding a valid permit, "[n]o person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state," and "[s]uch an action . . . is hereby declared to be a public nuisance." Ohio Rev. Code Ann. § 6111.04.	Enforcement mechanisms include administrative orders, injunctions, civil penalties of up to $10,000 per day, criminal penalties, and/or imprisonment. Ohio Rev. Code Ann. §§ 6111.06, 6111.07, 6111.08, 6111.99.	"'Pollution' means the placing of any sewage, sludge, sludge materials, industrial waste, or other wastes in any waters of the state." Ohio Rev. Code Ann. § 6111.01(A). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state . . . ." Ohio Rev. Code Ann. § 6111.01(H).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Oklahoma	"It shall be unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance." Okla. Stat. Ann. tit. 27A, § 2-6-105.	Available enforcement includes cease and desist orders, civil penalties, injunctive relief, criminal penalties and/or imprisonment in county jail. Okla. Stat. Ann. tit. 27A, §§ 2-6-105, 2-6-901.	"'Pollution' means the presence in the environment of any substance, contaminant or pollutant, or any other alteration of the physical, chemical or biological properties of the environment or the release of any liquid, gaseous or solid substance into the environment in quantities which are or will likely create a nuisance or which render or will likely render the environment harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, or to property." Okla. Stat. Ann. tit. 27A, § 2-1-102(12). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof . . . ." Okla. Stat. Ann. tit. 27A, § 2-1-102(15).
Oregon	"[N]o person shall . . . [c]ause pollution of any waters of the state or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means" or "[d]ischarge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission." Or. Rev. Stat. Ann. § 468B.025(1); see § 468B.050. Violations of this section are considered a public nuisance. Or. Rev. Stat. Ann. § 468B.025(3).	Enforcement of the Oregon's water pollution control laws is permitted through compliance and abatement orders, civil action, and civil penalties of up to $25,000 per day for each violation. Or. Rev. Stat. Ann. §§ 468B.032, 468.090, 468.100, 468.140.	"Pollution" or "water pollution" are defined to mean "such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to . . . render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses . . . ." Or. Rev. Stat. Ann. § 468B.005(5). "Water" or "the waters of the state" is defined to include "lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters . . . wholly or partially within or bordering the state or within its jurisdiction." Or. Rev. Stat. Ann. § 468B.005(10).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Pennsylvania	"It shall be unlawful for any person or municipality to put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined. Any such discharge is hereby declared to be a nuisance." 35 Pa. Stat. Ann. § 691.401. "The waters of this Commonwealth may not contain toxic substances attributable to point or nonpoint source waste discharges in concentrations or amounts that are inimical to the water uses to be protected." 25 Pa. Code § 93.8a(a).	Enforcement mechanisms include abatement orders, injunctions, civil penalties up to $10,000 for each separate offense (each day constituting a new offense), criminal penalties, and imprisonment. 35 Pa. Stat. Ann. §§ 691.601, 691.610, § 691.605, 691.602.	"Pollution" is defined to mean "contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life . . . ." 35 Pa. Stat. Ann. § 691.1. "'Waters of the Commonwealth' shall be construed to include any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth." 35 Pa. Stat. Ann. § 691.1.
Rhode Island	"It shall be unlawful for any person to discharge any pollutant into the waters except as in compliance with the provisions of this chapter and any rules and regulations promulgated hereunder and pursuant to the terms and conditions of a permit." 46 R.I. Gen. Laws Ann. § 46-12-5(b) "It shall be unlawful for any person to place any pollutant in a location where it is likely to enter the waters or to place or cause to be placed any solid waste materials, junk, or debris of any kind whatsoever, organic or non organic, in any waters." 46 R.I. Gen. Laws Ann. § 46-12-5(a).	Enforcement of the Rhode Island water pollution laws may be achieved through compliance orders, injunctive relief, civil penalties of up to $25,000 per day, criminal penalties, and/or imprisonment. 46 R.I. Gen. Laws Ann. §§ 46-12-9, 46-12-13, 46-12-14, 46-12-16.	"Pollutant" is defined to mean "any material or effluent which may alter the chemical, physical, biological, or radiological characteristics and/or integrity of water, including but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, [or] biological materials . . . ." 46 R.I. Gen. Laws Ann. § 46-12-1(15). "'Waters' includes all surface waters including all waters of the territorial sea, tidewaters, all inland waters of any river, stream, brook, pond, or lake, and wetlands, as well as all groundwaters." 46 R.I. Gen. Laws Ann. § 46-12-1 (23).
South Carolina	"It is unlawful for a person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes, and other wastes, except in compliance with a permit issued by the department." S.C. Code Ann. § 48-1-90(A)(1).	Enforcement mechanisms include administrative orders for compliance or abatement, civil actions for injunctive relief or damages where appropriate, civil penalties, criminal penalties up to $25,000 per day for each violation, and/or up to two years imprisonment. S.C. Code Ann. §§ 48-1-50, 48-1-220, 48-1-320.	"'Environment' means the waters, ambient air, soil and/or land" S.C. Code Ann. § 48-1-10 (20). "Waters" is defined to mean "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction." S.C. Code Ann. § 48-1-10(2).

State	Standard	Enforcement Authorities	Other Relevant State Authority
South Dakota	"No person may discharge any wastes into any waters of the state which reduce the quality of such waters below the water quality level existing on March 27, 1973" and "[n]o person may cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state." S.D. Codified Laws §§ 34A-2-22, 34A-2-21.	Enforcement mechanisms include emergency abatement orders, civil actions for injunctive relief and recovery of penalties, civil penalties, and criminal fines and/or prosecution. S.D. Codified Laws §§ 34A-2-53, 34A-2-68, 34A-2-73 to 34A-2-75. Violations may also be abated as a public nuisance. S.D. Codified Laws §§ 34A-2-22, 34A-2-21.	"Waters of the state," is defined to mean "all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground . . . within or bordering upon the state . . ." S.D. Codified Laws § 34A-2-2(12). "Pollutant," is defined to mean "any dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, munitions, chemical waste, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt or any industrial, municipal or agricultural waste discharged into waters of the state." S.D. Codified Laws § 34A-2-2(5).
Tennessee	"It is unlawful for any person . . . to carry out any of the following activities, except in accordance with the conditions of a valid permit: [] The alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state . . . [] The discharge of sewage, industrial wastes or other wastes into waters, or a location from which it is likely that the discharged substance will move into waters [or] . . . the underground placement of fluids and other substances that do or may affect the waters of the state." Tenn. Code Ann. § 69-3-108(b).	The state's Department of Environment and Conservation may enforce provisions of the statute through orders for corrective action, emergency orders (without prior notice), civil penalties up to $10,000 per day for each day the violation continues, criminal penalties and prosecution. Tenn. Code Ann. §§ 69-3-109, 69-3-112, 69-3-113, 69-3-115, 69-3-116.	"Pollutant" means "sewage, industrial wastes, or other wastes." Tenn. Code Ann. § 69-3-103(27). "Industrial wastes" are "any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, or business . . ." Tenn. Code Ann. § 69-3-103 ((15)) "Other wastes" is defined to mean "any and all other substances or forms of energy, with the exception of sewage and industrial wastes, including, but not limited to, decayed wood, sand, garbage, silt, municipal refuse, sawdust, shavings, bark, lime, ashes, offal, oil, hazardous materials, tar, sludge, or other petroleum byproduct . . . ." Tenn. Code Ann. § 69-3-103 (23). "Sewage" means "water-carried waste or discharges from human beings or animals, from residences, public or private buildings, or industrial establishments . . . ." Tenn. Code Ann. § 69-3-103(34). "Waters" is defined to mean "any and all water, public or private, on or beneath the surface of the ground, that are contained within, flow through, or border upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership that do not combine or effect a junction with natural surface or underground waters." Tenn. Code Ann. § 69-3-103(44).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Texas	"[N]o person may: (1) discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state; (2) discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state . . . ." Tex. Water Code Ann. § 26.121(a).	The Texas Natural Resource Conservation Commission or its executive director may enforce state water code provisions through the initiation of civil actions for injunctive relief, issuance of compliance orders, administrative and civil penalties (both) up to $25,000 per day for each violation, attorney's fees if the state prevails, criminal penalties for unauthorized, intentional, or knowing discharges, and/or confinement. Tex. Water Code Ann. §§ 7.001, 7.002, 7.032, 7.051, 7.052, 7.101, 7.102, 7.105, 7.108, 7.152, 7.187.	"Waste" is defined to mean "sewage, industrial waste, municipal waste, recreational waste, agricultural waste, or other waste, as defined in this section." Tex. Water Code Ann. § 26.001(6) "Pollution" is defined to mean "the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose." Tex. Water Code Ann. § 26.001(14). "Water" or "water in the state" is defined to mean "groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state." Tex. Water Code Ann. § 26.001(5).
Utah	"[I]t is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any wastes in a location where there is probable cause to believe it will cause pollution." Utah Code Ann. § 19-5-107(1)(a). "[A]ny violation of this subsection is a public nuisance." Utah Code Ann. § 19-5-107(1)(b).	Available enforcement includes cease and desist orders, civil actions for injunctive relief, civil penalties up to $10,000 per day of violation, and criminal prosecution and penalties. Utah Code Ann. §§ 19-5-111, 19-5-115.	"'Pollution' means any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of any waters of the state . . . ." Utah Code Ann. § 19-5-102(13). "'Discharge' means the addition of any pollutant to any waters of the state." Utah Code Ann. § 19-5-102(7). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground . . .which are contained within, flow through, or border upon this state or any portion of the state . . . ." Utah Code Ann. § 19-5-102(23).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Vermont	"No person shall discharge any waste, substance, or material into waters of the State, nor shall any person discharge any waste, substance, or material into an injection well or discharge into a publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with those works or would have a substantial adverse effect on those works or on water quality, without first obtaining a permit for that discharge from the Secretary." Vt. Stat. Ann. tit. 10, § 1259.	Enforcement of Vermont's water pollution laws is permitted through administrative orders and penalties, civil actions for injunctive relief, civil penalties of not more than $100,000 for each continuing violation, and criminal penalties or imprisonment. Vt. Stat. Ann. tit. 10, §§ 1274, 1275, 8001-8018.	"'Discharge' means the placing, depositing, or emission of any wastes, directly or indirectly, into an injection well or into the waters of the State." Vt. Stat. Ann. tit. 10, § 1251(3). "'Waters' includes all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters, artificial or natural, which are contained within, flow through, or border upon the State or any portion of it." Vt. Stat. Ann. tit. 10, § 1251(13). "Waste" is defined to mean "effluent, sewage or any substance or material, liquid, gaseous, solid or radioactive, including heated liquids, whether or not harmful or deleterious to waters . . ." Vt. Stat. Ann. tit. 10, § 1251(12).
Virginia	Except in compliance with a certificate or permit . . . it shall be unlawful for any person to . . . [d]ischarge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances . . ." Va. Code Ann. § 62.1-44.5(A). "Except as otherwise permitted by law, it shall be unlawful for any person to dump, place or put, or cause to be dumped, placed or put into, upon the banks of or into the channels of any state waters any object or substance, noxious or otherwise, which may reasonably be expected to endanger, obstruct, impede, contaminate or substantially impair the lawful use or enjoyment of such waters and their environs by others." Va. Code Ann. § 62.1-194.1.	Enforcement of these provisions is by special order, civil actions for injunctive relief, civil and criminal penalties, and criminal prosecution. Va. Code Ann. § 62.1-44.32, 62.1-44.15:1.1, 62.1-44.15.	"'Other wastes' means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances except industrial wastes and sewage which may cause pollution in any state waters." Va. Code Ann. § 62.1-44.3. "Pollution" is defined to mean "such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life . . . ." Va. Code Ann. § 62.1-44.3. "'State waters' means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands." Va. Code Ann. § 62.1-44.3.
Washington	"It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters . . . ." Wash. Rev. Code 90.48.080. For the "disposal of solid or liquid waste material into the waters of the state," the person "shall procure a permit from . . . the [Department of Ecology]." Wash. Rev. Code 90.48.160	The Department of Ecology is authorized "to bring any appropriate action at law or in equity, including action for injunctive relief" to enforce the Code, including "with the assistance of the attorney general." Wash. Rev. Code 90.48.037. The Department of Ecology may also issue an order to abate "polluting content of waste discharged or to be discharged into any waters of the state." Wash. Rev. Code 90.48.120.	"'[W]aters of the state' shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington." Wash. Rev. Code 90.48.020.

State	Standard	Enforcement Authorities	Other Relevant State Authority
West Virginia	"It is unlawful for any person, unless the person holds a permit therefor from the department, which is in full force and effect, to . . . [a]llow sewage, industrial wastes or other wastes, or the effluent therefrom, produced by or emanating from any point source, to flow into the waters of this state," "[m]ake, cause or permit to be made any outlet, or substantially enlarge or add to the load of any existing outlet, for the discharge of sewage, industrial wastes or other wastes, or the effluent therefrom, into the waters of this state," [or] "[a]cquire, construct, install, modify or operate a disposal system or part thereof for the direct or indirect discharge or deposit of treated or untreated sewage, industrial wastes or other wastes, or the effluent therefrom, into the waters of this state . . . ." W. Va. Code Ann. § 22-11-8.	The state water pollution control act may be enforced through administrative orders for compliance or abatement, injunctive relief, administrative penalties, civil penalties, and criminal fines. W. Va. Code Ann. § 22-11-12, 22-11-16, 22-11-15, 22-11-22, 22-11-24.	"Water resources", "water" or "waters" are defined to mean "any and all water on or beneath the surface of the ground, whether percolating, standing, diffused or flowing, wholly or partially within this state, or bordering this state and within its jurisdiction, and includes, without limiting the generality of the foregoing, natural or artificial lakes, rivers, streams, creeks, branches, brooks, ponds (except farm ponds, industrial settling basins and ponds and water treatment facilities), impounding reservoirs, springs, wells, watercourses and wetlands . . . ." W. Va. Code Ann. § 22-11-3(23).
Wisconsin	Wisconsin's Department of Natural Resources is authorized to "issue general orders, and adopt rules applicable throughout the state for the construction, installation, use and operation of practicable and available systems, methods and means for preventing and abating pollution of the waters of the state." Wis. Stat. Ann. § 281.19 (1). The Department may also "[o]rder or cause the abatement of pollution which the department . . . has determined to be significant and caused by a nonpoint source . . . ." Wis. Stat. Ann. § 281.20(1)(a).	Enforcement of the department's orders are permitted through emergency orders, civil penalties., and civil action by the state attorney general. Wis. Stat. Ann. §§ 281.19, 281.20, 281.98.	"'Pollution' includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life." Wis. Stat. Ann. § 281.01(10). "'Waters of the state' includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction." Wis. Stat. Ann. § 281.01(18).
Wyoming	"No person, except when authorized by a permit issued pursuant to the provisions of this act, shall . . . Cause, threaten or allow the discharge of any pollution or wastes into the waters of the state," or "[a]lter the physical, chemical, radiological, biological or bacteriological properties of any waters of the state . . . ." Wyo. Stat. Ann. § 35-11-301.	Enforcement mechanisms include administrative cease and desist orders, civil penalties, criminal penalties or imprisonment, and injunctive relief. Wyo. Stat. Ann. §§ 35-11-701, 35-11-901, 35-11-903. Citizen suits are also permitted. Wyo. Stat. Ann. § 35-11-904.	"'Pollution' means contamination or other alteration of the physical, chemical or biological properties of any waters of the state . . . ." Wyo. Stat. Ann. § 35-11-103(i). "Waters of the state" is defined to mean "all surface and groundwater, including waters associated with wetlands, within Wyoming." Wyo. Stat. Ann. § 35-11-103(vi).

NACWA
A CLEAR COMMITMENT TO AMERICA'S WATERS

The Appropriate Role of States and the Federal Government in Protecting Groundwater

April 18, 2018

Written Testimony of:

Amanda Waters
General Counsel
National Association of Clean Water Agencies

Before the:

U.S. Senate Committee on Environment and Public Works

Chairman John Barrasso
Ranking Member Thomas R. Carper

Chairman Barrasso, Ranking Member Carper and members of the Committee, thank you for the opportunity to appear before you today. My name is Amanda Waters and I am General Counsel for the National Association of Clean Water Agencies. NACWA is a not-for-profit trade association that represents the interests of over 300 public clean water utilities nationwide who share a common objective and responsibility to protect the environment and public health by providing wastewater and stormwater treatment services for their communities in compliance with the Clean Water Act (CWA). I have worked on clean water issues for nearly two decades having previously served as General Counsel for a NACWA clean water utility in Northern Kentucky and for the Departments of Environment Protection in Kentucky and West Virginia. I was fortunate to begin my legal career at the Hudson Riverkeeper. The experience I gained working as a regulator, for a regulated entity, and as an environmental advocate has given me a well-rounded perspective on the interplay between local government, states, and the US Environmental Protection Agency (EPA). As a result, I have a pragmatic passion for advancing and ensuring transparent and definitive science-based clean water policies that adhere to the statutory requirements contained in the CWA.

On behalf of NACWA, I sincerely thank the Committee for holding this hearing to gather input on regulating releases to groundwater.

The question before us is not *whether* releases to groundwater that reach surface water should be regulated, but *how* such releases are and should be regulated; specifically, should a release of a pollutant that reaches groundwater and thereafter enters a CWA jurisdictional surface water be considered a "point source" discharge triggering the requirement for a CWA National Pollutant Discharge Elimination System (NPDES) permit. The answer requires a review of fundamental CWA provisions and, moreover, an understanding of how such releases *are already* regulated under other provisions of the CWA, other federal environmental statutes, and state laws, in accordance with Congressional intent.

The CWA is one of the most successful environmental statutes in the nation's history and public clean water utilities continue to be a paramount contributor to that success. Working closely with state and federal regulators, public utilities have collectively achieved an astonishing level of pollution reduction, both at their own facilities and at thousands of industrial facilities regulated by utilities under the federal pretreatment program, since the CWA was enacted.

These public utilities own, operate, and manage the nation's most critical infrastructure systems for protecting public health and the environment. Approximately 76% of the US population relies on the nation's treatment plants for wastewater treatment.

The CWA's prohibition against "the discharge of any pollutant" unless authorized, in relevant part, by a NPDES permit, 33 U.S.C. §1311(a), is limited to the addition of pollutants to navigable waters from a "point source," *id.* §1362(12), which means "any discernible, confined and discrete conveyance." *Id.* §1362(14). In accordance with these provisions, clean water utilities that discharge to surface waters operate pursuant to the CWA's NPDES permitting system, which is designed to be an "end-of-pipe" program under which pollutants can be effectively monitored and reported to permitting authorities. When the CWA was enacted, EPA asked Congress for authority over groundwater, in part, because EPA knew pollutants in groundwater can enter surface waters. Despite being aware that pollutants in groundwater may enter navigable waters, the Senate and the House rejected proposals to extend the

CWA's reach. *E.g.*, S. Rep. No. 92-414, at 73 (1971), *reprinted in* 1972 U.S.C.C.A.N. 3668, 3739 ("Several bills pending before the [Senate] Committee provided authority to establish Federally approved standards for groundwaters. ... Because the jurisdiction regarding groundwaters is so complex and varied from State to State, the Committee did not adopt this recommendation.").

Congress foresaw that an NPDES permit is not always the solution to address pollutants that reach navigable waters; there is not a "loophole" to allow the unregulated pollution of groundwater and surface waters. The CWA itself contains other tools, including total maximum daily loads ("TMDLs"), grants, planning, and nonpoint source management programs.

There are other federal environmental laws that are better designed and are currently utilized to address releases of pollutants into groundwater including the Safe Drinking Water Act (SDWA), the Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Most importantly, states may adopt more stringent requirements, *see* 33 U.S.C. §1370 (preserves states' ability to adopt any requirement to control pollution), and all 50 states have adopted laws and regulations that prohibit or regulate the release of pollutants into groundwater. The CWA is a cooperative federalism statute and groundwater and nonpoint source pollution is primarily the responsibility of the states.

EPA's direct hydrologic connection theory is contrary to the text and structure of the CWA, perpetuates regulatory uncertainty, and will significantly expand the universe of sources that would require NPDES permits or run the risk of government and citizen suit enforcement.

Public utilities have a compelling public interest in ensuring that the NPDES permitting program, and attendant CWA liability, remains predictable and lawfully within the scope of the Act. Regulatory certainty is necessary to allow utilities to plan prudently for the expenditure and investment of public funds.

There are many different entities and interests that are impacted by the important question the committee examines today, but it is important to note that NACWA's members are the only public entities that are directly impacted from a regulatory perspective. NACWA's members do not make a profit from their operations, nor do they answer to shareholders. They answer only to their local communities and ratepayers, many of whom could bear additional and unnecessary financial cost if this issue is not correctly addressed.

In addition to the lack of statutory authority, there are considerable practical and policy reasons to avoid extending the CWA prohibition to pollutants entering groundwater.

The existence of a direct hydrological connection is a fact-specific inquiry. It depends on site-specific factors, such as topography, climate, the distance to a surface water, geologic factors, and will require technical assessments. Yet, there is no clarity on how long and how far pollutants can travel for a connection to be considered "direct." The Ninth Circuit's recent decision in *Hawai'i Wildlife Fund v. County of Maui* demonstrates the nebulous nature of liability: "We leave for another day the task of

determining when, if ever, the connection between a point source and a navigable water is too tenuous to support liability under the CWA."

The costs to determine whether groundwater beneath a source has a direct hydrologic connection to navigable water will depend on the nature of the facility, its geographic location, and availability of trained hydrogeologists, among other factors. The real significance of the cost arises from the countless number of facilities upon which liability could be imposed. For example, systems that leak due to age or episodic failures include public water supply pipelines, recycled water pipelines, and sanitary sewer collection systems. These could all fall within the CWA prohibition under EPA's direct hydrologic connection interpretation.

Critically, even if public utilities err on the side of caution and apply for a permit, there is no certainty a permit can be obtained. As previously mentioned, the NPDES permitting regulations are "end-of-pipe." The permitting authority must calculate effluent limits, determine the potential to exceed water quality standards, ensure consistency with antidegradation policies, allocate load and waste loads as part of TMDLs, assess the need for mixing zones, and determine appropriate monitoring, among other critical functions.

Determinations necessary to issue a permit would often be infeasible (if not impossible) in the context of groundwater. If a permit cannot be obtained, the addition of pollutants must cease, or a public utility would be subject to federal enforcement and citizen suit challenges. The CWA is a strict liability statute and just one CWA violation can result in a civil penalty of $52,414 per day, in addition to injunctive relief and legal fees. NACWA members are currently facing CWA citizen suits based on this direct hydrologic connection theory.

To reduce liability, significant public resources would be needed to remove and/or replace infrastructure. The nation is already facing a public water infrastructure crisis with approximately $600 billion needed over the next 20 years to address aging public sewer lines and systems. There is no indication that Congress intended the CWA and citizen suit enforcement to be the tool used to address the nation's infrastructure.

Expanding the NPDES universe would have the unintended consequence of impeding beneficial and innovative public infrastructure projects such as groundwater recharge systems that are used to convey stormwater or recycled wastewater into aquifers to augment public water supplies, create seawater intrusion barriers, prevent land subsidence, and eliminate surface outfalls to protect water quality. Green infrastructure, a wet weather management tool used to retain and infiltrate stormwater into the ground to minimize discharges of municipal stormwater and combined sewer overflows, could also be subject to NPDES regulation and enforcement despite already getting the broad stamp of approval from EPA and Congress.

The CWA is clear that the release of pollutants into groundwater which then flows to navigable waters is not an "addition . . . to navigable waters from a point source." However, even if the CWA was not clear, EPA's direct hydrologic connection theory is not a reasonable interpretation of the Act. As a matter of good government, EPA has never gone through rulemaking to establish this direct hydrologic connection theory. None of the costs or regulatory burdens to public utilities and their local ratepayers have ever been considered by EPA through a public process. EPA has bypassed the

transparency and due process safeguards in the Administrative Procedure Act, which Congress enacted to provide public notice of proposed agency action, to encourage public participation, and to afford agencies with the framework to carefully consider all relevant factors before taking final agency action.

Further, there has not been a consistent federal government position on this issue. For example, in litigation defending federal facilities against CWA citizen suits, the United States has argued that the CWA does not prohibit pollutants that enter navigable waters from spills into the soil and groundwater. *Kelley v. United States*, 618 F.Supp. 1103, 1105-06 (W.D. Mich. 1985). The bottom line is that the federal government needs to provide certainly and clarity on this issue so that regulated entities – especially public clean water utilities – know what is expected of them. Until it does so, regulators and regulated parties alike will face uncertainty, and the risks and costs that unavoidably accompany it.

Public clean water utilities are on the front lines of environmental and public health protection, and fully support a strong regulatory framework to protect water resources. But such regulations must be grounded in statute and consistent with Congress's intent under the CWA. The direct hydrologic connection theory fails to meet this standard and threatens to hamper public clean water agencies in carrying out their critical public missions. Moreover, using the ill-suited NPDES permitting program to regulate discharges that are better addressed by other federal regulatory programs or state law will have a ripple effect of deterring projects that are otherwise environmentally beneficial.

Thank you again for holding this important hearing. I know that all parties and all witnesses here today want the same thing – clean and safe water – and I would be happy to answer any questions.

Testimony

on behalf of the

National Cattlemen's Beef Association
&
Public Lands Council

with regards to

"The Appropriate Role of the States and Federal Government in Regulating Groundwater"

submitted to the

United States Senate
Committee on Environment and Public Works
John Barrasso, Chairman

submitted by

Joe Guild
Treasurer
National Cattlemen's Beef Association
Member
Public Lands Council

April 18, 2018
Washington, D.C.

NCBA National Cattlemen's Beef Association

PUBLIC LANDS COUNCIL

Good morning, my name is Joe Guild. I am a rancher from Washoe County, Nevada, where I live with my wife, Catherine. I co-operate a cow-calf ranch for a family trust located on private and US Forest Service land in Douglas County, Nevada and Alpine County, California, in addition to running a small herd of my own cattle. Additionally, I'm a member of the management team for a large cattle, sheep, and dairy alfalfa ranch in Eastern Nevada that operates on private and public lands. I'm a past president of the Nevada Cattlemen's Association, member of the Public Lands Council, and current Treasurer of the National Cattlemen's Beef Association. Today, I represent nearly 25,000 of America's cattle producers who will be detrimentally impacted by federal regulation of groundwater under the Clean Water Act. Thank you, Chairman Barrasso and Ranking Member Carper, for allowing me to speak on this critical issue today.

One of the most complex environmental issues facing our country in recent history has been the Environmental Protection Agency's (EPA) attempted definition of Waters of the United States, known simply as WOTUS. NCBA has worked hard, and continues working to ensure that the definition of WOTUS is not expanded to include water that Congress never intended to regulate. However, if the EPA finds authority to regulate discharges to surface water via groundwater, any progress made on this front will be lost. The regulation of groundwater has the potential to impact even more cattle operations than the damaging 2015 WOTUS definition.

The Carson River runs through a portion of the range on the smaller ranch that I manage. The water is used to irrigate hay fields and mountain and valley pastures. A tributary runs through one of the valleys on the mountain range. To prevent degradation of the streambed, we move the cattle away from the stream as often as possible. I don't have an NPDES permit for this operation because, quite frankly, I don't need one. My cattle are not point sources, and thus do not meet the Clean Water Act's discharge standard. Through USDA-NRCS, I've implemented voluntary conservation practices on my operations, including the strategic placement of wells and underground pipelines to move water throughout the operation. Such voluntary practices increase efficiency and maintain natural resource quality, both on my operation and downstream. However, the expansion of the Clean Water Act to regulate discharges into groundwater would change all of this. Not only would such an expansion directly contradict the intent of the law, but take authority from those who can best manage groundwater quality.

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Currently, a range of thought exists when it comes to the appropriate regulation of groundwater at the federal and state level. Among those who believe federal groundwater regulation to be necessary, two schools of thought exist. The conduit theory argues that groundwater is a point source, while the direct hydrologic connection theory claims that groundwater is a conveyance. Under the plain language of the Clean Water Act, groundwater is neither. Groundwater is sufficiently managed through state programs and the Safe Drinking Water Act. Regulation under the Clean Water Act would only lead to unnecessary, duplicative permitting and enforcement, usurping current state authority.

States are uniquely positioned to manage and prevent the discharge of pollutants into groundwater.

The Clean Water Act begins by stating that it is the "policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act." This important statement indicates the key role that states play in protecting the quality of our nation's water. Unfortunately, the EPA's direct hydrologic connection theory completely obliterates this federal-state partnership through a *de facto* declaration that all waters are federal.

When Congress enacted the Clean Water Act in 1972, then amended the Act in 1987, one theme remained constant; the Clean Water Act is intended to regulate discharges to jurisdictional surface waters from point sources. The Act specifically defines a point source as a discernable, confined, and discrete conveyance that discharges pollutants to a jurisdictional surface water. By limiting Clean Water Act jurisdiction to point sources, Congress ensured that responsibility would remain with the states to regulate groundwater quality. This wasn't an accident – Congress understood that groundwater regulation could not be a one-size-fits all approach.

Only states have the flexibility to regulate groundwater discharges in a way that is most beneficial to the environment. The state of Nevada has a robust environmental regulatory regime, much of which is dedicated to maintaining groundwater quality. In western states like Nevada, water quality is directly tied into a question of water quantity. Questions of water quantity are

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often tied directly to questions of water quality, and states cannot effectively manage water rights if they have no control over the regulation of groundwater quality.

In Nevada, we have a number of different subsurface water systems that are unique to our region. Certainly, underground flow of glacial water, which is a unique piece in Nevada's water quality regulatory framework, should not be regulated in Mississippi, New Jersey, or Florida. One of the things I love most about our country is its geographic and topographic variety – every state provides a new adventure. But those new adventures present new challenges to overcome, and states are the only parties that can address soil and water quality in a holistic manner to ensure that our agricultural operations stay in business for many generations to come.

Groundwater is not a point source, and regulating it as such blurs the line between point and non-point source standards that are key to the integrity of the Clean Water Act.

The theory that groundwater may be regulated as a point source defeats the Act's bifurcated approach by blurring the line between sources and non-point sources. Bringing non-point sources into the realm of Clean Water Act regulation will exponentially expand EPA's permitting and enforcement authority, while providing little environmental benefit.

To determine if federally regulating groundwater as a point source under the Clean Water Act really provides a significant benefit, Congress and the EPA must consider what environmental benefit will be gained, and if that benefit outweighs a significant increase in operation costs. In the cattle industry, Concentrated Animal Feeding Operations (CAFOs) are defined as point sources under the Clean Water Act, and are therefore required to have an NPDES permit if there is a discharge from their operation into a jurisdictional surface water. Under the NPDES permit, CAFOs are required to implement manure management practices that prevent their operation from discharging. A CAFO does not receive an NPDES permit until it meets set requirements for nutrient management.

So who will this additional permitting requirement effect in the cattle industry? Me, the pasture-based cow-calf rancher, and the other ranchers like me across the country. We work hard to maintain the soil and water quality on our operations through the implementation of voluntary USDA-NRCS programs. Due to the unpredictable, diffuse flow of groundwater that varies depending on the hydrological and geological features in each region, it is difficult to calculate

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what amount of nutrients could be coming from my ranching operation and flowing through groundwater to distant or adjacent surface water. That all said, it would be devastating to the farming community for the government to require farmers and ranchers to get NPDES permits for groundwater flow.

To put it in perspective, the number of cattle that graze today on pasture in the United States is less than the number of buffalo that grazed America's prairies prior to westward expansion. Waste from non-point, pasture-based agriculture is simply not a regulatable source of surface water pollutant. By regulating groundwater, the EPA accomplishes nothing other than a significant expansion of Clean Water Act authority to manage operations that, frankly, do not need to be federally managed. Presently, discharges to groundwater are managed at the state level, and should remain so.

Groundwater is not a conveyance as defined by the Clean Water Act.

While it is clear that groundwater should not be regulated as a point source, additional confusion remains as to whether groundwater can be classified as a "conveyance" under the Clean Water Act. While the Act provides no definition for conveyance, the general definitions section of the Act clarifies that conveyances must be "discernable, confined, and discrete." All prior case law in this area finds that a point source may be separated from a jurisdictional surface water, and that point source can still be subject to permitting and enforcement if a conveyance exists which connects it to the surface water. However, in all cases, the conveyances considered met the qualifications provided by the Clean Water Act. In fact, these conveyances were specifically engineered to convey pollutants from one point to another. Naturally flowing and diffuse groundwater is nothing like conveyances that were designed, built, and maintained with the sole purpose of moving effluent from one point to another.

Interpretation of the Clean Water Act to regulate groundwater as a conveyance presents a significant risk to any diversified producer. Earlier, I mentioned that I assist in managing a large operation to produce alfalfa for beef cattle, dairy cattle, and sheep. On this operation, we fertilize crops and consult with experts to ensure that nutrients are no over applied. But scientific data tells us that, even with the best precision application practices – even when we do everything possible to ensure that the application of nutrients to a crop is exact, there will always be some amount of nutrient that pass the root zone. If we do our job right, that amount will be filtered out

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by soil in the groundwater system, and has little to no environmental or public health impact. However, under the direct hydrologic connection, because a risk exists of discharging to surface water, even though that risk is minimal, operations will be required to get an NPDES permit.

If Congress allows the expanded interpretation of "conveyance" to include groundwater, all sectors of the cattle industry will face additional federal regulation and scrutiny, with little to no environmental benefit. Without an incentive, farmers and ranchers will stop working voluntarily with state and federal conservation programs to protect water quality. As producers sell off their cattle out of frustration with further regulation, the industry will face further consolidation because smaller producers are unable to comply with overly burdensome permitting requirements.

Thank you for taking the time to hear my concerns, and for listening to livestock producers around the country. The key to environmental sustainability is working together with states and stakeholders, not fighting us. Thank you for your time, and I look forward to answering your questions.

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Message

From: Moody, Christina [Moody.Christina@epa.gov]
Sent: 4/17/2018 12:05:21 PM
To: Richardson, RobinH [Richardson.RobinH@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: Table of contents
Attachments: TOC as of Friday 041318.docx; ATT00001.txt

Here's the latest TOC for the budget fact sheets. If there are any that you need let me know and I can pull it for you.

Message

From: Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]
Sent: 5/21/2018 10:20:17 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]
CC: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Willson, James (EPW) [James_Willson@epw.senate.gov]
Subject: Comments submitted on docket on EPA water notice
Attachments: EPW Committee Comments.pdf

Importance: High

Troy and Christian,

Attached is a courtesy electronic copy of comments from Chairman Barrasso and seven other members of the EPW Committee on EPA's notice entitled "**Clean Water Act Coverage of Discharges of Pollutants via a Direct Hydrologic Connection to Surface Water**."

These comments were just filed in the electronic docket on regulations.gov. A hard copy will follow in the mail, addressed to Assistant Administrator Ross.

Elizabeth

Elizabeth L. Horner
Majority Senior Counsel
Senate Committee on Environment and Public Works
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JOHN BARRASSO, WYOMING, CHAIRMAN

[illegible]

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

May 21, 2018

David P. Ross
Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: *EPA Docket ID No. EPA-HQ-OW-2018-0063, Clean Water Act Coverage of "Discharges of Pollutants" via a Direct Hydrologic Connection to Surface Water*

Dear Assistant Administrator Ross:

We commend you for requesting comment on whether the Environmental Protection Agency (EPA) should consider clarification or revision of past statements on Clean Water Act (CWA) jurisdiction as it relates to groundwater. Specifically, the proposal solicits comment on whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation.

We urge you to clarify that discharges through groundwater are not subject to regulation as point sources under the CWA.

On February 1, 2018, the U.S. Circuit Court of Appeals for the Ninth Circuit ruled that discharges into groundwater by the County of Maui wastewater treatment plant conflicted with the National Pollution Discharge Elimination System (NPDES) permitting program under the CWA. Soon after, Congress weighed in, and explained how recent court decisions were inconsistent with Congress's intended reach of the program. The report language accompanying the Consolidated Appropriations Act of 2018 stated:

> *Regulation of Groundwater.*—Since enactment in 1972, the Clean Water Act (CWA) has regulated impacts to navigable waters, while regulation of groundwater has remained outside of the Act's jurisdiction. Instead, legislative history surrounding the CWA indicates that Congress intended for groundwater pollution to be regulated through CWA's nonpoint source programs and other Federal and State laws. For example, releases into groundwater from solid waste units are regulated at a Federal level by the Resource Conservation and Recovery Act (RCRA). Recently, some courts have imposed a broad view of CWA liability based on a theory of hydrological connection between groundwater and surface water. Other courts have taken a more narrow view and have focused on statutory distinctions between surface water and groundwater. The

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> Committees are aware that the Agency has requested comment on its previous statements 'regarding the Clean Water Act (CWA) and whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation.' After completing the public comment process, the Committees encourage the Agency to consider whether it is appropriate to promulgate a rule to clarify that groundwater releases from solid waste units are regulated under RCRA and are not considered point sources, and, that releases of pollutants through groundwater are not subject to regulation as point sources under the CWA. The Agency is directed to brief the Committees about its findings and any plans for future rulemaking.

In a follow-up to the report, on April 18, 2018, the Senate Committee on Environment and Public Works (EPW Committee) held a hearing entitled, *"The Appropriate Role of States and the Federal Government in Protecting Groundwater."* During that hearing, EPW Committee members heard testimony from experts and stakeholders on this important issue, and how an expanded view of the CWA's point source program to include groundwater could have significant negative impacts on municipal, state, and agricultural interests.

We submit this comment letter and enclosures providing materials from the hearing for your consideration.

The CWA Does Not Require NPDES Permits For Discharges Into Groundwater.

The CWA is a profoundly important law that protects the environment and public health. It is the primary federal law governing pollution of surface waters, and was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."[1]

To carry out this objective, the CWA relies on a framework of cooperative federalism. The Federal Water Pollution Control Act Amendments of 1972 (FWPCA) established a regulatory framework for point source pollution control. A "point source" is "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged."[2] The 1987 amendments to the CWA gave states primary authority to regulate nonpoint source pollution, including groundwater. Thus, the CWA does not regulate all sources of pollution at the federal level; rather, the Act distinguishes between point source and nonpoint source pollution, and does not directly regulate the latter, reserving such authority for the states.[3]

Regarding groundwater, the question is not *whether* it should be protected, but rather *how*. It is clear that groundwater is not a point source under the Clean Water Act. Considering that

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[1] 33 U.S.C. § 1251(a).

[2] *Id.* § 1362(14).

[3] "[The CWA] contains no mechanism for direct federal regulation of nonpoint source pollution." *Shanty Town Assocs. Ltd. P'ship v. EPA*, 843 F.2d 782, 791 (4th Cir. 1988).

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discharges into groundwater are complex and site-specific, states are uniquely positioned to address these types of discharges.[4] As such, every state regulates discharges into groundwater in some manner.[5] Further, other federal environmental laws, such as RCRA and CERCLA, regulate discharges into groundwater under specific circumstances.

Congress's decision not to include discharges into groundwater under the CWA's point source program is supported by the legislative history. Congress explicitly rejected amendments that would have extended CWA point source regulation to groundwater. The Senate Committee on Public Works report for the 1972 amendments stated: "Several bills pending before the Committee provided authority to establish federally approved standards for groundwaters which permeate rock, soil, and other subsurface formations. Because the jurisdiction regarding groundwaters is so complex and varied from State to State, the Committee did not adopt this recommendation."[6] This is a clear indication of intent that discharges traveling through groundwater are to be excluded from NPDES regulation.

Courts have stated that the Senate report language is unambiguous:

- *Exxon Corp. v. Train*, 554 F.2d 1310, 1326 (5th Cir. 1977) ("[A]s we read the Senate report, the committee did not intend to interfere with or displace the 'complex and varied' state jurisdictions over groundwaters. Rather, it meant only to help provide the states with the information needed to operate their own groundwater pollution control programs.")

- *Rice v. Harken Expl. Co.*, 250 F.3d 264, 271 (5th Cir. 2001) ("Congress was aware that there was a connection between ground and surface waters but nonetheless decided to leave groundwater unregulated by the CWA.")

- *Kelley ex rel. Mich. v. United States*, 618 F. Supp. 1103, 1107 (W.D. Mich. 1985) ("[T]he unmistakably clear legislative history … demonstrate[s] that Congress did not intend the Clean Water Act to extend federal regulatory and enforcement authority over groundwater contamination. Rather, such authority was to be left to the states.")

Likewise, courts have held that the regulation of groundwater under the NPDES program would frustrate Congressional intent:

- *Vill. of Oconomowoc Lake v. Dayton Hudson Corp.*, 24 F.3d 962, 965 (7th Cir. 1994) ("Neither the Clean Water Act nor the EPA's definition asserts authority over ground waters, just because these may be hydrologically connected with surface waters … The omission of ground waters from the regulations is not an oversight. Members of Congress have proposed adding ground waters to the scope of the Clean Water Act, but these proposals have been defeated …")

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[4] Written testimony of Martha Clark Mettler before the EPW Committee (April 18, 2018).

[5] Questions for the record responses of Amanda Waters before the EPW Committee (April 18, 2018).

[6] *See* S. Rept. 92-414, 92nd Cong. 1st Sess. 73.

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- *26 Crown Assocs., LLC v. Greater New Haven Reg'l Water Pollution Control Auth.*, 2017 WL 2960506, at *9 (D. Conn. July 11, 2017) ("[I]f the Clean Water Act were to apply as a routine matter to the discharge of pollution onto the ground that ends up seeping into the ground water, then Congress's purpose to limit the scope of the Clean Water Act would be easily thwarted.")

- *Cape Fear River Watch, Inc. v. Duke Energy Progress, Inc.*, 25 F. Supp. 3d 798, 810 (E.D.N.C. 2014) ("Congress did not intend for the CWA to extend federal regulatory authority over groundwater, regardless of whether that groundwater is eventually or somehow 'hydrologically connected' to navigable surface waters.")

- *Cooper Indus., Inc. v. Abbott Labs.*, 1995 WL 17079612, at *4 (W.D. Mich. May 5, 1995) ("[T]he fact that ... ground waters are hydrologically connected to some surface waters is insufficient to transform [a] case to a FWPCA cause of action.")

NPDES Regulation of Groundwater Would Have Significant Negative Consequences.

Congress intentionally excluded groundwater from the scope of point source NPDES permitting because such regulation would be impractical and unfeasible. Nonetheless, some courts have recently held that discharges that travel through groundwater may be subject to NPDES regulation.[7] If upheld and applied broadly, these courts' rulings would have significant negative effects.

Eighteen states, led by the State of Arizona, explained how a recent Ninth Circuit court ruling threatens to "create an unworkable regulatory environment by extending an onerous federal regulatory structure over what has been a traditional area of state responsibility."[8] For example, NPDES permitting in Arizona alone could balloon 200,000% under the court's expansive interpretation of the law.[9]

Expansion of the NPDES program's reach would also hamper municipal water agencies from carrying out their critical mission, and threaten to derail or deter projects that are environmentally beneficial. For example, innovative public infrastructure projects, such as groundwater recharge systems and green infrastructure projects, could be stymied.[10]

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[7] *Hawai'i Wildlife Fund v. Cty. of Maui*, 886 F.3d 737 (9th Cir. 2018); *Upstate Forever v. Kinder Morgan Energy Partners*, L.P., 887 F.3d 637, 651 (4th Cir. 2018).

[8] *See* Brief of Eighteen States as Amici Curiae in Support of Petition for Rehearing En Banc of *Hawai'i Wildlife Fund v. Cty. of Maui* at 7, No. 1:12-cv-00198-SOM-BMK (Mar. 12, 2018) at 7 (hereinafter "State Amici Brief").

[9] *See id* at 8.

[10] Written testimony of Amanda Waters before the EPW Committee (April 18, 2018).

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This precedent also has the potential to cause confusion and harm private interests, such as the agricultural sector. Indeed, Joe Guild, Treasurer of the National Cattlemen's Beef Association, stated in written testimony before the EPW Committee:

> [A]ll sectors of the cattle industry will face additional federal regulation and scrutiny, with little to no environmental benefit. Without an incentive, farmers and ranchers will stop working voluntarily with state and federal conservation programs to protect water quality. As producers sell off their cattle out of frustration with further regulation, the industry will face further consolidation because smaller producers are unable to comply with overly burdensome permitting requirements.[11]

Finally, allowing NPDES permitting to regulate discharges into groundwater could have a broad effect on residential areas, as even residential septic tanks could require NPDES permits. The State of Arizona estimates that 282,897 septic systems could suddenly become subject to CWA point source regulation.[12] Such an expansion of NPDES permitting requirements would represent an unprecedented erosion of the cooperative federalism framework of the CWA.

EPA Clarification Is Critical: The Clean Water Act's NPDES Program Does Not Apply to Groundwater.

These inconsistent judicial rulings can be partially attributed to EPA's inability to articulate a consistent stance on the matter over the years. EPA's request for comment states that the Agency "has previously stated that pollutants discharged from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional water may be subject to CWA permitting requirements." EPA has made statements that contradict this assertion. For example, EPA has stated:

- "[D]ischarges to groundwater are not regulated by the NPDES program … *if* a discharge to groundwater requires a permit, the [NPDES] is not the permit program authority under which such discharges can be covered... Discharges directly or indirectly to the ground [are] subject to other program authority, including the Underground Injection Control (UIC) Program under authority of the Safe Drinking Water Act, a State groundwater discharge permit program, or a similar program authority." EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, at 7 (March 9, 2017).

- "NPDES permits are applicable for point source discharges to waters of the U.S.; discharges to groundwater are not addressed in the NPDES program and as such are not addressed by this permit." EPA, Fact Sheet, Draft General Permits for Stormwater Discharges Systems from Small Municipal Separate Sewer Systems in Massachusetts at 18 (Sept. 30, 2014).

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[11] Written testimony of Joe Guild before the EPW Committee (April 18, 2018).

[12] See State Amici Brief at 9.

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- "Under the Clean Water Act, EPA and the States regulate facilities either discharge wastewaters directly to surface waters or discharge to municipal treatment systems. … While a number of States have incorporated ground water discharges into their NPDES permits and pretreatment requirements, there is no national requirement to do so." EPA, Final Comprehensive State Groundwater Protection Guidance at 1-27 (December 1992).[13]

These statements demonstrate that EPA's stance on CWA permitting requirements for discharges into groundwater has been inconsistent at best. It is therefore imperative that EPA clarify its position.

EPA must clarify that discharges into groundwater are not subject to NPDES permitting requirements.

Thank you for considering these comments and supporting documents as you consider this matter.

Sincerely,

John Barrasso, M.D.
Chairman

Shelley Moore Capito
U.S. Senator

Joni K. Ernst
U.S. Senator

Jerry Moran
U.S. Senator

Deb Fischer
U.S. Senator

Roger F. Wicker
U.S. Senator

[13] *See* Questions for the record responses of Amanda Waters before the EPW Committee (April 18, 2018) (identifying these and other past EPA statements).

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Dan Sullivan
U.S. Senator

John Boozman
U.S. Senator

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For Immediate Release:
April 18, 2018

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Barrasso Opening Remarks at Hearing on State & Federal Governments' Roles in Protecting Groundwater

"Everyday activities, including farming, ranching, or having a septic tank in your backyard could require a federal discharge permit. This is not what Congress intended when it passed the Clean Water Act."

Click here to watch Chairman Barrasso's remarks.

WASHINGTON, D.C. — Today, U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW), delivered the following remarks at a hearing on the "Appropriate Role of States and the Federal Government in Protecting Groundwater."

The hearing featured testimony from Amanda Waters, general counsel at the National Association of Clean Water Agencies; Martha Clark Mettler, assistant commissioner at the Indiana Department of Environmental Management's Office of Water Quality; Joe Guild, treasurer at the National Cattlemen's Beef Association; Frank Holleman III, senior attorney at the Southern Environmental Law Center; and Anthony Brown, chief executive officer and principal hydrologist at aquilogic.

For more information on their testimonies click here.

Senator Barrasso's remarks:

"Today, we are here to discuss a timely and important issue.

"What is the best way to protect groundwater, and what is the appropriate role of the federal government?

"This issue has come to a forefront recently before all three branches of government.

"As we will hear from our witnesses today, a number of federal courts have generated confusing and conflicting opinions on the issue.

"In February, EPA recognized this confusion and asked for members of the public to file comments with the agency by May 21 of this year.

"And finally, last month, Congress weighed in.

"Congress directed EPA to resolve this issue as part of the omnibus spending bill.

"The bill's report specified releases through groundwater should not be regulated as point sources under the Clean Water Act.

"As chairman of the Senate Committee with jurisdiction over the Clean Water Act, I want our members to hear from the experts and determine what additional actions are needed.

"In 1971, the predecessor to this committee –the Committee on Public Works – rejected attempts to set federal standards for groundwater.

"Now, 37 years later, states, cities, farmers, water utilities, and private citizens have grave concerns that Congress's intent has been turned on its head by recent court decisions.

"Those decisions place Washington in charge of permitting when groundwater connects a source of pollution with a 'Water of the United States.'

"This is a disturbing development.

"A broad group of municipalities and water utilities have opposed this idea.

"Including: the city of San Francisco, the city of New York, and the Narragansett Bay Commission in Rhode Island.

"They voiced their opposition in a brief filed in federal court last year.

"Under the misguided theory, everyday activities including farming, ranching, or having a septic tank in your backyard could require a federal discharge permit.

"This is not what Congress intended when it passed the Clean Water Act.

"Eighteen states also recently filed a brief in opposition to this expanded and unreasonable interpretation.

"My home state of Wyoming joined that brief.

"The states explained the alarming consequences of a recent federal court's ruling in California.

"If the court's ruling stands, many more individuals and companies will need to apply for federal permits.

"In the brief, the state of Arizona pointed out the number of activities that would require federal permits could jump more than 200,000 percent.

"For example, up to 282,897 septic systems in that state could become federally regulated.

"Making matters worse, the additional permitting would come with significant added costs but no additional environmental benefit.

"States already have comprehensive groundwater protection laws.

"In addition, the Safe Drinking Water Act and the Resource Conservation and Recovery Act already protect groundwater at the federal level."

"The additional permitting would sow great confusion and result in tremendous cost.

"I believe it is a harmful expansion of Washington's authority."

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http://epw.senate.gov
Twitter | YouTube

No. 15-17447

In the United States Court of Appeals for the Ninth Circuit

HAWAI'I WILDLIFE FUND, A HAWAII NON-PROFIT CORPORATION; SIERRA CLUB-MAUI GROUP, A NON-PROFIT CORPORATION; SURFRIDER FOUNDATION, A NON-PROFIT CORPORATION; WEST MAUI PRESERVATION ASSOCIATION, A HAWAII NON-PROFIT CORPORATION,

Plaintiffs–Appellees,

v.

COUNTY OF MAUI,

Defendant-Appellant.

Appeal from the United States District Court
For the District of Hawaii
Case No. 1:12-cv-00198-SOM-BMK

BRIEF OF AMICI CURIAE STATES OF ARIZONA, ALABAMA, ALASKA, ARKANSAS, GEORGIA, INDIANA, KANSAS, LOUISIANA, MISSOURI, MONTANA, NEBRASKA, NEVADA, OKLAHOMA, SOUTH CAROLINA, TEXAS, UTAH, WEST VIRGINIA, AND WYOMING IN SUPPORT OF PETITION FOR REHEARING EN BANC

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STATEMENT OF AMICI CURIAE

The States of Arizona, Alabama, Alaska, Arkansas, Georgia, Indiana, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, Oklahoma, South Carolina, Texas, Utah, West Virginia, and Wyoming file this brief under Circuit Rule 29-2(a) to spotlight the effect of the February 1, 2018 panel decision and speak in furtherance of their interests in (and sovereignty over) intrastate water management, in particular when the actions of state political subdivisions are at issue. The panel decision, which threatens to deny state and local governments their traditional primary authority to regulate and manage intrastate land and water uses, is bad for the Amici States, wrong for the environment, and contrary to the principles of our "compound republic." *Quoting* Federalist No. 51, reprinted in 1 Debate on the Constitution 323 (B. Bailyn ed. 1993) (J. Madison).

The Amici States have a significant interest in en banc rehearing because of their sovereign status and long history of responsible governance over intrastate lands and waters, including groundwaters. Arizona's efforts in this regard include its Aquifer Protection Permit and Aquifer Water Quality Standards programs, which protect

groundwaters and aquifers. *See, e.g.*, A.R.S. §§ 49-203(A)(4), 223, 224(B). And other Amici States have their own permitting and water quality standards programs.[1]

SUMMARY OF ARGUMENT

The petition for rehearing en banc should be granted because the panel decision wrongly extends Clean Water Act ("CWA") jurisdiction to intrastate "point sources" that are hydrologically connected only through intrastate nonpoint sources, such as groundwaters, to navigable waters. The panel's decision usurps from state and local governments their traditional regulatory and management authority in

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[1] For example, pursuant to the Nevada Water Pollution Control Law, the Nevada Division of Environmental Protection issues discharge permits that define the quality of a permitted discharge deemed necessary to protect the waters of the State. *See* NRS 445A.300-700. Nevada's definition of waters of the State is broad and includes "all waters situated wholly or partly within or bordering upon [the] State, including but not limited to: (1) [a]ll streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and (2) [a]ll bodies or accumulations of water, surface and underground, natural or artificial." NRS 445A.415. Further, NRS 445A.465 specifically prohibits the discharge of a pollutant without a permit. The Nevada Division of Environmental Protection has a long history of successfully overseeing this program. Accordingly, the Nevada Water Pollution Control Law would address the types of discharges contemplated while being protective of all waters of the State.

the sphere of intrastate land and water uses, and thus presents an issue of exceptional importance.

CWA point source jurisdiction is limited to intrastate point sources that themselves convey a pollutant into navigable waters because the governing statutory definition of "discharge of any pollutant" omits any reference to nonpoint sources, such as groundwaters, as a conveyance of a pollutant. Properly construed under the canon "expressio unius est exclusio alterius," this omission precludes CWA point source jurisdiction when pollutants are conveyed to navigable waters solely by groundwaters or other nonpoint sources.

In reaching a contrary conclusion, the panel decision circumvents Supreme Court precedent, conflicts with opinions from other circuits, and undermines a rule of national application on a question of exceptional importance in which there is an overriding need for uniformity.

ARGUMENT

The mistaken expansion of CWA point source jurisdiction embraced by the panel decision is understandable from a certain perspective—everyone wants a clean, safe and healthy environment.

But the federal government need not usurp state authority to achieve that outcome, and Congress intended no such complete occupation of the field. State and local governments have the plenary power to protect public health, safety, and welfare; this includes protecting intrastate groundwaters from point source discharges. As compared to any federal agency, state and local governments are closer to the problem sources and more responsive to the people. The CWA even authorizes states to form interstate compacts to furnish solutions to interstate problems. 33 U.S.C. § 1253(b). As discussed below, both the environment and the rule of law are best protected by respecting the statutory text, the congressional intent, and the principles of cooperative federalism embraced by the CWA.

I. THE PANEL DECISION INVOLVES A QUESTION OF EXCEPTIONAL IMPORTANCE BECAUSE IT CLASHES WITH OTHER CIRCUITS AND WOULD SWEEP AWAY TRADITIONAL STATE AND LOCAL AUTHORITY

"'It was said of the late Justice Story, that if a bucket of water were brought into his court with a corn cob floating in it, he would at once extend the admiralty jurisdiction of the United States over it.'" *Village of Oconomowoc Lake v. Dayton Hudson Corporation*, 24 F.3d 962, 965 (7th Cir. 1994). Courts should avoid adopting a similar

approach to CWA point source jurisdiction. Nevetheless, the panel held that CWA point source jurisdiction extends to a "point source" whenever a pollutant added to navigable waters in a more than de minimis amount is "fairly traceable" to a point source, regardless of how the pollutant traveled from the point source. Dkt. 65 18-19, 25.[2] The panel specifically ruled that a county-operated injection well, which was used for water reclamation and waste management, was required to secure federal National Pollutant Discharge Elimination System ("NPDES") permitting because pollutants traceable to the well reached the ocean by seeping through intermediating groundwaters. In other words, under the panel's decision, the jurisdictional element for liability under the CWA is satisfied whenever there is an indirect hydrological connection between a point source and navigable waters, regardless of intervening nonpoint sources, even if the intervening medium is groundwaters.[3]

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[2] For the sake of brevity, reference to "navigable waters" is used collectively to include both "navigable waters" and "waters of the contiguous zone or ocean." *See* 33 U.S.C. §1362(12)(A), (B).

[3] "It is basic science that ground water is widely diffused by saturation within the crevices of underground rocks and soil," and "[a]bsent exceptional proof of something akin to a mythical Styx-like subterranean river," "passive migration of pollutants" through

But neither admiralty nor CWA point source jurisdiction extends to every bucket of water (or well) that is hydrologically connected through inadvertent seepage to navigable waters, especially if that connection is through groundwaters. Contrary to the panel decision, other circuits have held that a point source must *itself* convey a pollutant into navigable waters to trigger CWA point source jurisdiction—*without* the pollutant travelling through nonpoint sources, such as groundwaters.[4] The Seventh Circuit, for example, has observed that, even if groundwaters were thought within the scope of federal

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groundwater is not a discharge from a point source. *26 Crown Assocs., LLC v. Greater New Haven Reg'l Water Pollution Control Auth.*, 2017 WL 2960506, at *8 (D. Conn. July 11, 2017).

[4] *Village of Oconomowoc Lake*, 24 F.3d at 965 (CWA does not assert "authority over groundwaters, just because these may be hydrologically connected with surface waters"); *see also Rice v. Harken Exploration Co.*, 250 F.3d 264, 272 (5th Cir. 2001) ("a generalized assertion that covered surface waters will eventually be affected by remote, gradual, natural seepage from the contaminated groundwater" was outside the scope of the Oil Pollution Act in order "to respect Congress's decision to leave the regulation of groundwater to the States"); *Cape Fear River Watch v. Duke Energy Progress*, 25 F. Supp. 3d 798, 810 (E.D.N.C. 2014) ("Congress did not intend for the CWA to extend federal regulatory authority over groundwater, regardless of whether that groundwater is eventually or somehow 'hydrologically connected' to navigable surface waters"); *see generally Catskill Mountains v. City of New York*, 273 F.3d 481, 493 (2d Cir. 2001) (point source "refers only to the proximate source from which the pollutant is directly introduced to the destination water body"); *Nat'l Wildlife Fed'n v. Gorsuch*, 693 F.2d 156, 165, 175-76 (D.C. Cir. 1982) (affirming reasonableness of EPA interpretation that "the point source must *introduce* the pollutant into navigable water").

regulatory authority (an unsettled question), "the Clean Water Act does not attempt to assert national power to the fullest." *Village of Oconomowoc Lake*, 24 F.3d at 965. The circuit reasoned that Congress repeatedly refused to pass proposals to add groundwaters "to the scope of the Clean Water Act." *Id.* (citing *Exxon Corp. v. Train*, 554 F.2d 1310, 1325-29 (5th Cir.1977)). The Seventh Circuit further explained that there was a clear reason for Congress's refusal: *impracticality*. As stated by the Senate Committee on Public Works in 1972, Congress rejected proposals to add jurisdiction over groundwaters "[b]ecause the jurisdiction regarding groundwaters is so complex and varied from State to State." *Id.* at 965.

Congress was right. The panel decision threatens to create an unworkable regulatory environment by extending an onerous federal regulatory structure over what has been a traditional area of state responsibility. Whether and how pollutants seep through groundwaters into navigable waters from a point source is exceedingly difficult to observe and measure, much less predict, due to numerous factors including difficulty of access, temperature changes, chemical interactions, movement of the earth, tides, transpiration, evaporation,

groundwater withdrawals, vegetative conditions, atmospheric conditions, and surrounding surface and below-ground land uses. *See* T.C. Winter, et al, Ground Water and Surface Water: A Single Resource, U.S. Geological Survey Circular 1139 (1998). And yet, under the panel's reading of the CWA, unforeseeable criminal and civil liability could arise whenever any point source is shown *in hindsight* to have caused the addition of some pollution to any navigable waters through *even the most unpredictable, improbable and multistepped causal chain*. *See, e.g.*, 33 U.S.C. §§ 1319(c), (d), 1365(a).

The civil and criminal exposure threatened by the panel decision would haunt far more than traditional waste management facilities. Section 1362(6) defines "pollutant" broadly to include much more than traditional wastes.[5] Point sources that require NPDES permitting in Arizona alone could possibly jump more than *200,000%*—from the current ~150 permitted facilities to most (if not all) of the State's 35,382

[5] Even potable water can be considered a pollutant due to the residuals of the disinfection process. *See, e.g., W.R. Grace & Co. v. United States EPA*, 261 F.3d 330, 333 (3d Cir. 2001) (describing disinfection process for potable water as creating chloramines).

Class V Wells and potentially even an estimated 282,897 septic systems.[6]

If anything, a *multi-thousand percent increase* in the number of alleged mandatory NPDES permittees is a conservative estimate of the regulatory impact of the panel decision. The regulatory effort compelled by the panel decision would need to range to the entire network of ever changing, externally influenced underground capillaries and seeps that ultimately feed "navigable waters." *See* 33 U.S.C. § 1342(c)(3). It is hard to imagine *any* land or water use with any *potential* for runoff, spillage, or leakage (much less *any* water storage, transportation, recycling, or waste management activity) that would not have this *possible* or *eventual* hydrological connection to navigable waters, particularly if viewed in hindsight. Every fluid or semi-fluid discharge that is capable of seepage, runoff, spillage, leakage, or evaporation is likely hydrologically connected to navigable waters indirectly through

[6] *Compare* "FY 2017 Non-Tribal Permits Detailed Percent Current Status," https://www.epa.gov/sites/production/files/2018-01/documents/final_fy17_eoy_non-tribal_backlog_report_card.pdf, *with* "National Underground Injection Control Inventory-Federal Fiscal Year 2016," https://www.epa.gov/sites/production/files/2017-06/documents/state_fy_16_inventory_format_508.pdf, and "Septic Stats: Arizona," http://www.nesc.wvu.edu/septic_idb/arizona.htm (all last visited 3.1.2018).

nonpoint sources, such as groundwaters. And almost every land or water use is capable of generating such discharges. As quipped in *Village of Oconomowoc Lake*, even a bucket of water can be hydrologically connected to navigable waters. 24 F.3d at 965.

In short, extending CWA liability to any point source that is connected by groundwaters, or other nonpoint sources, to navigable waters threatens to force Arizona (and other Amici States that have accepted primacy) to undertake a massive expansion of NPDES permitting in areas the CWA was never intended to reach, as the far more reasonable approach of other circuits has confirmed.

II. THE PANEL REACHED ITS SWEEPING OUTCOME BY DISREGARDING A TRADITIONAL CANON OF CONSTRUCTION AND THE COOPERATIVE FEDERALISM EMBODIED IN THE CWA

En banc rehearing would allow for correction of the panel's error through a straightforward application of a basic canon of statutory interpretation with due consideration for principles of cooperative federalism.

A. The Panel Disregarded The Interpretative Canon "Expressio Unius Est Exclusio Alterius"

Under the interpretative canon "expressio unius exclusio alterius," the omission of a relevant term from a statutory provision is presumed

to exclude intentionally what has been omitted. *Lamie v. United States Trustee*, 540 U.S. 526, 537 (2004); *U.S. v. Vonn*, 535 U.S. 55, 64 (2002). This canon compels the conclusion that CWA point source jurisdiction cannot be triggered, such that a NPDES permit becomes necessary, unless a point source is *the* conveyance that adds pollution to navigable waters—to the exclusion of nonpoint sources, such as groundwaters.

The jurisdictional reach of the CWA is established by the meaning of "discharge of any pollutant" in the Act's declaration that "the discharge of any pollutant by any person shall be unlawful." 33 U.S.C. § 1311(a). The definition of "discharge of a pollutant" (and "discharge of pollutants") is "any addition of any pollutant to navigable waters [or waters of the contiguous zone or the ocean] from any point source [other than a vessel or other floating craft]." *Id.* § 1362(12)(A), (B). However, the reference in this definition to "any point source" is emphatically *not* a reference to a mere source for a pollutant. A "point source" is expressly defined as *more* than a source; it is defined as a type of "conveyance" that is "discernible, confined, and discrete." 33 U.S.C. § 1362(14). A conveyance is a "means or way of conveying," it is *not*

merely a "source."[7] Thus, in the definition of "discharge of a pollutant," Congress chose to reference "any point source" as the *only* designated "means or way of conveying" a pollutant into navigable waters.

Congress's stark omission of any reference to nonpoint sources, such as groundwaters, as a "means or way of conveying" a pollutant in 33 U.S.C. § 1362(12) should not be ignored. Congress repeatedly rejected amendments that would have extended the CWA to groundwater. S. Rep. No. 92-414, at 3735-3739 (1971). Furthermore, whether the conveyance of a pollutant is a point or nonpoint source is highly relevant to the CWA. Numerous provisions of the CWA distinguish between point and nonpoint sources. *See, e.g.*, 33 U.S.C. §§ 1251, 1255, 1270, 1281, 1285, 1311, 1314, 1319, 1324, 1330, 1346. Congress was clearly aware that a nonpoint source, such as groundwaters, could be a relevant conveyance of pollution to navigable waters. Yet, Congress made no mention of any nonpoint source in the

[7] *Conveyance*, Webster's New International Dictionary of the English Language Unabridged (3rd ed. 1993) ("1: the action of conveying . . . b: carrying, transporting, transportation. . . 2: a means or way of conveying . . . c: a channel or passage for conduction or transmission . . . d: a means of carrying or transporting something"); *see also conveyance*, Webster's New International Dictionary of the English Language Unabridged (2nd ed. 1950).

definition of "discharge of a pollutant," which controls the reach of CWA point source jurisdiction. *Compare* 33 U.S.C. § 1311(a) *with* § 1362(12)(A), (B). This omission should be read as intentional.

Given the omission of any reference to any nonpoint source in the governing definitions, a straightforward application of the "expressio unius exclusio alterius" canon confirms that CWA point source jurisdiction (and NPDES permitting) applies only to point sources that themselves convey pollution into navigable waters, to the exclusion of any nonpoint source, such as groundwaters. *See Nat'l R.R. Passenger Corp. v. Nat'l Ass'n of R.R. Passengers*, 414 U.S. 453, 458 (1974) ("'When a statute limits a thing to be done in a particular mode, it includes the negative of any other mode.' This principle of statutory construction reflects an ancient maxim—*expressio unius est exclusio alterius*.").

To sustain CWA point source jurisdiction, a "point source" must be *the* "conveyance" of the pollutant into navigable waters, not merely the source, because *it is the only conveyance mentioned*. This natural interpretation, which has been adopted by other circuits as discussed above, defeats the claim that CWA point source jurisdiction can be

sustained by a mere indirect hydrological connection between a point source and navigable waters through nonpoint sources, such as groundwaters. *See also Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Dabit*, 547 U.S. 71, 87–88 (2006) ("The existence of these carve-outs both evinces congressional sensitivity to state prerogatives in this field and makes it inappropriate for courts to create additional, implied exceptions.").

B. The Panel Disregarded The Cooperative Federalism Principles Embodied In The CWA

The CWA is a quintessential example of "cooperative federalism." *Catskill Mountains Chapter of Trout Unlimited, Inc. v. EPA*, 846 F.3d 492, 514 (2nd Cir. 2017) ("Act largely preserves states' traditional authority over water allocation and use"). The CWA emphasizes that Congress had the intention to accommodate the traditional and "primary" role of state and local government in the field of environmental regulation. 33 U.S.C. §1251(b). The CWA also repeatedly emphasizes that federal agencies are to act in "cooperation" with the States. 33 U.S.C. §§ 1251(g), 1252(a).

When it comes to state authority to "allocate quantities of water," such as in the Arizona Recharge Program, the CWA includes a

powerfully deferential savings clause to bar federal regulation from interfering with state primacy. 33 U.S.C. § 1251(g).[8] And this savings clause is reinforced by 33 U.S.C. §1370, which states: "except as expressly provided in this chapter, nothing in this chapter shall . . . be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

The panel decision's indirect hydrological connection theory of CWA point source jurisdiction is inconsistent with these manifestations of cooperative federalism in the CWA, which even the EPA recognizes. *Definition of "Waters of the United States"—Recodification of Pre-Existing Rules*, 82 FR 34899, 34900 (July 27, 2017) (identifying policy goals of CWA as "(a) To restore and maintain the nation's waters; and (b) to preserve the States' primary responsibility and right to prevent, reduce, and eliminate pollution"). It disregards the traditional

[8] As part of its Recharge Program, Arizona currently oversees and regulates a vast array of groundwater storage facilities, many, if not most, of which are not currently regarded as subject to NPDES permitting. *Underground Water Storage, Savings and Replenishment*, available at https://new.azwater.gov/recharge (last visited 2.26.2018). Planning is underway for many more such facilities on the assumption that NPDES permitting is not necessary. *USF Permit Application Online Noticing*, available at https://new.azwater.gov/recharge/permitted-facilities (last visited 2.26.2018).

management and regulatory authority of states over local land and water uses. *FERC v. Mississippi*, 456 U.S. 742, 767 n.30 (1982) (management and regulation of local lands and waters "is perhaps the quintessential state activity"). And, by threatening a nearly limitless expansion of preemptive federal jurisdiction, the panel decision wrongly circumvents the Supreme Court's efforts to moderate similarly limitless interpretations of "waters of the United States" in *Rapanos v. United States*, 547 U.S. 715, 779, 786 (2006) (Scalia, J., concurring; Kennedy, J., plurality), and *SWANCC v. U.S. Army Corps of Engineers*, 531 U.S. 159, 172-74 (2001).[9] For these reasons, the panel's indirect hydrological connection theory of CWA point source jurisdiction, which lacks any clear and manifest textual support in the Act, should be rejected in

[9] The doctrine of constitutional avoidance requires courts to construe statutes, "if fairly possible, so as to avoid not only the conclusion that it is unconstitutional, but also grave doubts upon that score." *United States v. Jin Fuey Moy*, 241 U.S. 394, 401 (1916). A mere indirect hydrological connection between a point source and navigable waters might not be a sufficient "jurisdictional element" for Commerce Clause authority under *U.S. v. Morrison*, 529 U.S. 598 (2000), and *U.S. v. Lopez*, 514 U.S. 549 (1995). The panel's theory is also constitutionally questionable because it may effectively authorize federal permitting to supersede nearly all state authority over intrastate land and water uses. *SWANCC*, 531 U.S. at 172-74 ("significant constitutional questions" are raised by "permitting federal encroachment upon a traditional state power"); *see also Bond v. U.S.*, 564 U.S. 211, 222 (2011) (observing our system of dual sovereignty denies "any one government complete jurisdiction over all the concerns of public life").

favor of the interpretation that a point source must *itself* be the conveyance of pollutants into navigable waters.[10]

CONCLUSION

For the forgoing reasons, the undersigned Amici States request that the petition for en banc rehearing be granted.

March 12, 2018

Respectfully Submitted,

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[10] A federal statute should not be construed to preempt state laws or traditional sovereign interests unless such intent is evidenced by a clear and manifest statement from Congress. *Wyeth v. Levine*, 555 U.S. 555, 565 (2009); *Gonzales v. Oregon*, 546 U.S. 243, 255, 270-72 (2006). This doctrine is applicable with special force in the context of cooperative federalism. *New York State Dep't of Social Services v. Dublino*, 413 U.S. 405, 421 (1973).

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C), the undersigned hereby certifies that this brief complies with the type-volume limitations of Fed. R. App. P. 29(b) as modified by Fed. R. App. P. 29-2(c)(2).

1. Exclusive of the exempted portions of the brief, as provided in Fed. R. App. P. 32(a)(7)(B)(iii) and (f), this brief is 3464 words.
2. This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Century type.

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

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April 18, 2018

Testimony of

Martha Clark Mettler

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On behalf of the
Association of Clean Water Administrators

U.S. Senate
Committee on Environment
and Public Works

Regarding

The Appropriate Role of States and the Federal Government in Protecting Groundwater

Introduction

Chairman Barasso, Ranking Member Carper, and members of the Committee, my name is Martha Clark Mettler and it is my pleasure to appear before you today to provide the Association of Clean Water Administrators' ("ACWA") perspectives on the appropriate role of states and the federal government in protecting groundwater. I am here today representing the members of ACWA as a long-time member and past president.

I am currently the Assistant Commissioner of the Office of Water Quality at the Indiana Department of Environmental Management ("IDEM"). IDEM is responsible for the daily implementation of the Clean Water Act ("CWA") water quality programs in Indiana. I have been with IDEM since 1995 and have served as Assistant Commissioner since 2015.

ACWA is the national, non-partisan professional organization representing the State, Interstate, and Territorial water quality control officials responsible for the implementation of surface water protection programs throughout the nation. ACWA members are on the front lines of CWA monitoring, permitting, inspection, compliance, and enforcement across the country and are dedicated to Congress' goal of restoring and maintaining the chemical, biological, and physical integrity of our nation's waters.

As the primary entities responsible for carrying out the CWA, states are uniquely positioned to provide input on the appropriate role of states and the federal government in regulating discharges of pollutants to groundwater, specifically those discharges that may lead to surface waters via direct hydrologic connection. Discharges to groundwater are often site-specific and complex and

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defining a "direct" hydrologic connection can be challenging. Due to this complexity, as well as varying state legal frameworks, there is great diversity of state approaches on the appropriate manner of regulating discharges of pollutants to groundwater. However, states are consistent in their desire to retain their current flexibilities to regulate these discharges using their discretion to determine which laws and regulatory schemes apply, including the federal Safe Drinking Water Act ("SDWA") Underground Injection Control ("UIC") Program, the federal Resource Conservation and Recovery Act ("RCRA"), state laws, as well as the CWA.

ACWA members are currently reviewing relevant case law, federal law, and their own state laws to submit comments responsive to EPA's recent request on the issue. My statement today does not supersede or alter the perspective or input of any individual state, including Indiana. I encourage the Committee to review individual state comments sent to the docket in response to EPA's request for comment on this issue so that you and the members of the Committee fully understand the diversity among the states.

Cooperative Federalism – State Input

ACWA appreciates EPA and this Committee seeking comment and testimony from stakeholders, especially the states. Because of states' role under the CWA as co-regulators, states encourage EPA to maintain regular contact, through forums, calls, and other communication, with ACWA and its members throughout the life of this effort. State regulators have significant experience dealing with this issue as well as technical expertise and particular knowledge of their own waters and regulatory structures. In the spirit of cooperative federalism, we look forward to working with EPA, as well as Congress, on this important issue.

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State Flexibility

States are currently equipped with legal frameworks to regulate discharges of pollutants to groundwater, including discharges that may lead to surface waters via direct hydrologic connection. However, there is significant diversity in the approaches states employ to regulate these discharges.

- Some states, like New York, Wisconsin, Wyoming, and Oklahoma, include groundwater under their definitions of "Waters of the State", allowing for the regulation of direct discharges of pollutants to groundwater through state programs;
- Some states, like Tennessee, Connecticut, South Dakota, West Virginia, and Nevada, utilize the federal Safe Drinking Water Act ("SDWA") Underground Injection Control ("UIC") Program to regulate certain discharges of pollutants to groundwater;
- Some states, like Maine and Kentucky, employ the Resource Recovery and Conservation Act to address groundwater pollution; and
- Some states, like Colorado and Alaska, use federal NPDES permitting authority to regulate discharges of pollutants into groundwater that may lead to surface waters via direct hydrologic connection.

Additionally, many states, including those listed, use variations and combinations of these regulatory controls.

It is critical that states retain maximum flexibility to regulate discharges to groundwater in ways that work for the states. Therefore, states prefer that EPA neither demand nor deny of the use of

NPDES for groundwater that may lead to surface water via direct hydrologic connection. States are in the best position to manage this issue for they are particularly situated to assess local environmental conditions, understand their own legal frameworks, have the expertise, and recognize how to appropriately implement the various federal and state laws that may cover a discharge of pollutants to groundwater, including discharges that may impact surface water. Therefore, ACWA supports the empowerment of states to utilize their own laws, federal laws, and CWA protections at their own discretion to manage discharges to groundwater.

Uncertainty Due to Court Decisions

We recognize that there are multiple federal courts currently addressing CWA citizen suits on this issue. The *Hawai'i Wildlife Fund v. County of Maui* decision in the Ninth Circuit established a specific test to determine when the CWA applies to discharges to groundwater. The Ninth Circuit explained that for a discharge of pollutants to groundwater to violate the CWA, (1) there must be a discharge of pollutants from a point source, (2) the pollutants must be "fairly traceable" from a point source to a navigable water such that the discharge is the functional equivalent of a discharge into a navigable water, and (3) the pollutant levels reaching a navigable water are more than *de minimus*. In their decision in *Upstate Forever, et al., v. Kinder Morgan Energy Partners*, the Fourth Circuit ruled similarly to the Ninth Circuit in *Maui* stating, "We do not hold that the CWA covers discharges to ground water itself. Instead, we hold only that an alleged discharge of pollutants, reaching navigable waters located 1000 feet or less from the point source by means of ground water with a direct hydrological connection to such navigable waters, falls within the scope of the CWA". There are also cases pending in the Second (*26 Crown Associates v. Greater New Haven Regional Water Pollution Control Authority*), Fourth (*Sierra Club v. Dominion Energy*),

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and Sixth (*Kentucky Waterways Alliance v. Kentucky Utilities* and *Tennessee Clean Water Network v. TVA*) Circuits on the issue. It is unclear how these courts will rule. However, there is a chance that circuit courts will end up split, causing national uncertainty. This would be problematic for states implementing the CWA. Therefore, states encourage EPA to clarify its previous statements on discharges to groundwater in order to explicitly empower states to continue to make decisions at their own discretion.

Congressional and Agency Action

The EPA request for comment, *Clean Water Act Coverage of "Discharges of Pollutants" via a Direct Hydrologic Connection to Surface Water* [EPA-HQ-OW-2018-0063], is an excellent opportunity for the Agency to work with states in the spirit of cooperative federalism. Therefore, Congress should allow the process to progress before taking legislative action on this issue. At a minimum, this Committee should encourage EPA to clarify previous statements on discharges to groundwater in order to explicitly empower states to continue to make decisions at their own discretion.

Further, because of states' role under the CWA as co-regulators, the fact that states are in the best position to assess local environmental conditions, understand their own legal frameworks, and implement the various federal and state laws that may cover a discharge of pollutants to groundwater, we urge this Committee to direct the Agency to coordinate with state programs and continue to monitor EPA's efforts, especially as the Agency reviews public comments on this issue and determines what future actions to take.

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Closing

Mr. Chairman, Ranking Member Carper and Members of the Committee, I thank you for this opportunity to share ACWA's perspectives on the appropriate role of states and the federal government in protecting groundwater. ACWA remains committed to the goals of the CWA and look forward to working with our partners at EPA as they move forward with efforts related to this issue. ACWA remains ready to answer any questions or concerns EPA or Congress may have and would be pleased to facilitate further dialogue with our state member agencies. I am happy to answer any questions that you may have.

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Senate Committee on Environment and Public Works
Hearing entitled, *"The Appropriate Role of States and the Federal Government in Protecting Groundwater"*

April 18, 2018
Responses for the Record

Amanda Waters
General Counsel
National Association of Clean Water Agencies

Chairman Barrasso

1. Ms. Waters, both the U.S. Court of Appeals for the Ninth Circuit and the U.S. Court of Appeals for the Fourth Circuit have issued recent decisions concerning the scope of the National Pollutant Discharge Elimination System (NPDES) program as it applies to situations where groundwater serves as a "conduit" between a point source and a surface water. Have the courts articulated a clear standard for when NPDES liability attaches?

   No. Because the "direct hydrologic connection" and "conduit" theories are not grounded in the text, structure, or legislative history of the CWA, courts have created a variety of vague and inconsistent standards for subjecting releases to groundwater to NPDES regulation. The Ninth Circuit ***rejected*** EPA's "direct hydrologic connection" test because it "reads two words into the CWA ('direct' and 'hydrological') that are not there." *Hawai'i Wildlife Fund v. County of Maui*, 886 F.3d 737, 749 n.3 (9th Cir. 2018). Ironically, the Ninth Circuit then invented yet another new standard, claiming that NPDES permitting requirements apply when pollutants are "fairly traceable" from a point source to a navigable water and the "pollutant levels reaching navigable water are more than de minimis." Like EPA's "direct hydrologic connection" standard, however, the Ninth Circuit's "fairly traceable" and "*de minimis*" standard appears nowhere in the statute, leaving permitting authorities, regulated parties, and courts to guess as to what those words mean. For its part, the Fourth Circuit's majority opinion adopted EPA's "direct hydrologic connection" interpretation, but overlooked critical indications of congressional intent in the CWA's text, structure, and legislative history. Even if these standards were grounded in the text of the CWA, they provide no direction to the regulated community, as either standard would require extensive and costly scientific study to determine whether a discharge falls within the definition.

2. Ms. Waters, Ranking Member Carper and Mr. Holleman asserted that the "direct hydrologic connection" or "conduit theory" interpretation they support has been the agency's consistent interpretation since the Clean Water Act was enacted. What is your view on that assertion?

   EPA's "direct hydrologic connection" and "conduit theory" interpretations are contrary to EPA's original interpretations and ongoing interpretations for the past 45 years. To demonstrate this, we have attached a list of EPA statements regarding discharges to

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groundwater from 1973 to 2017, showing that any suggestion that EPA's "direct hydrologic connection" and "conduit theory" interpretations have been longstanding or consistent grossly distorts the record. In seeking comments on the "direct hydrologic connection" interpretation, EPA itself recently acknowledged that it has approached this issue in "different ways ... over the years." EPA, Region 10 Tribal Newsletter (Apr. 2018).

3. Ms. Waters, to your knowledge, has the term "direct hydrological connection" ever been defined in federal statute or regulation?

   No. EPA has never defined "direct hydrologic connection" in any guidance or rule. In fact, when EPA was asked whether it could define "direct hydrologic connection" in 2001 (nearly 30 years after the CWA was enacted), the agency said it was "not sure how it should define this specifically in a national rule." EPA, CAFO Public Meeting, Denver, CO (Mar. 2001). Likewise, EPA recently said that "the connection between groundwater discharges and surface waters is too complex to determine a direct causal effect." EPA, Response to Comments on NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewers Systems in Massachusetts, at 219 (Apr. 4, 2016).

4. Ms. Waters, what role, if any, do you see Congress playing in helping to provide certainty for public wastewater and stormwater agencies?

   EPA's "direct hydrologic interpretation" has created a massive amount of uncertainty and confusion among courts, states, and regulated parties, including public wastewater and stormwater agencies. Although we agree with the courts that have found that the plain language of the Clean Water Act makes clear that discharges to surface water via groundwater are not subject to NPDES permitting (*see, e.g.*, *Ky. Waterways Alliance v. Ky. Utils.*, 2017 WL 6628917 (E.D. Ky. Dec. 28, 2017), Congress could, if necessary, amend the definition of "discharge of a pollutant" in 33 U.S.C § 1362(12) to confirm what these courts have found that the statute already expressly says, i.e., to exclude discharges to surface water via groundwater.

5. At the hearing, Mr. Holleman suggested that the "direct hydrologic connection" interpretation he supports is consistent with Rapanos v. United States, 547 U.S. 715 (2006). Is that true?

   No. The kind of "indirect" conveyances discussed in the plurality opinion were "sewer systems," "pipes," and "storm drains"—discrete conveyances that the plurality noted likely qualified as "point sources" themselves. 547 U.S. at 743. The plurality's recognition that the CWA permitting program may apply to a discharge from one point source to another point source that ultimately discharges into navigable waters does not support the "direct hydrologic connection" theory, which claims that the conveyance of pollutants by groundwater (an indisputable nonpoint source) to navigable waters triggers NPDES permitting requirements. Indeed, that contention is fundamentally inconsistent with the plurality's admonition that the CWA should not be interpreted to "result in a significant impingement of the States' traditional and primary power over land and water use." *Id.* at 747.

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6. Ms. Waters, given your knowledge of the NPDES permitting program, are there practical concerns with how that program would be applied on a permit-basis to situations such as groundwater seepage? Do you think the NPDES program is the appropriate tool to address this type of pollution?

   The NPDES program is not designed to require NPDES permits for the addition of pollutants to surface water via groundwater. Discharges of pollutants covered by section 402 are subject to "effluent limitations," which are specific, numeric limits on pollutants at the point of discharge. 33 U.S.C. § 1362(11). (The only exception under section 402 are discharges from municipal separate stormwater sewer systems, which are required to limit pollutants to the "maximum extent practicable" standard). As a result, the NPDES program requires identifiable discharge points for permitting. This approach only works for discernable, discrete and confined discharges to navigable waters, such as through a pipe. As EPA has explained: "[i]n contrast to ... nonpoint sources, point sources of water pollution are generally characterized by discrete and confined conveyances from which discharges of pollutants into navigable waters *can be controlled by effluent limitations*." 41 Fed. Reg. 24,709, 24,710 (June 18, 1976) (emphasis added). Neither EPA nor Mr. Holleman has ever explained how a permitting authority would apply effluent limitations to diffuse subsurface releases of pollutants to surface water or how a source could monitor them.

7. Ms. Waters, can you give an example of the types of regulation at the federal and state level that apply to your members' groundwater injection activities? Is groundwater protected in all the states in which your members operate?

   The Safe Drinking Water Act (SDWA) regulates underground injection wells through the underground injection control program. The SDWA is designed to protect the quality of drinking water in the United States, and specifically mandates the regulation of underground injection of fluids through wells. In addition, as indicated in the attached chart, all 50 states have robust laws that protect groundwater conditions, which in turn protects surface water conditions.

8. Ms. Waters, much of Mr. Holleman's testimony dealt with coal ash operations, which are regulated under the Resource Conservation and Recovery Act (RCRA). If the concerns are with coal ash, the RCRA program seems best suited to address those concerns. Do you agree? Would application of the conduit theory under the Clean Water Act's NPDES program affect more than the utility industry?

   As NACWA only works with municipal wastewater and stormwater utilities, I am not familiar enough with the practices of coal ash operations to answer the first question.

   EPA's "direct hydrological connection" theory is already affecting local governments and public water treatment agencies. Application of the theory will lead to a substantial expansion of the number and types of sources that are independently treated "point sources" and thus individually subject to the requirements of the CWA and the NPDES program. The result is the potential to trigger the regulation of an indeterminable array of diffuse and indistinct sources by blurring the distinction between whole systems that can

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be coherently managed and regulated, on the one hand, and components of such systems that would be subject to separate and piecemeal regulation. These diffuse sources could include public water distribution and sewer collection systems, retention ponds, municipal green infrastructure projects designed specifically to infiltrate stormwater into the ground and groundwater, and water recycling projects where recycled water is injected or seeps into groundwater.

9. At the hearing, Mr. Holleman testified that a source could avoid Clean Water Act regulation by moving a discharge back a few feet from a surface water and in turn "avoid the protections of the Nation's waters." Do you have input on that assertion?

   The hypothetical is unrealistic—no permitting authority would authorize the movement of a discharge pipe a few feet (or even further) simply to allow that pipe to discharge onto the ground and avoid NPDES regulation. Such a notion is also at odds with reality when considering engineering design and safety standards, and volume of effluent flows, at facilities.

   Indeed, at the hearing, Mr. Holleman failed to identify any instance of this occurring during the entire 45-year history of the NPDES program. In any event, the question is not whether such a discharge would be regulated, but how it would be regulated. For example, even if the discharge was not subject to NPDES permitting requirements under the CWA, the discharge still would be regulated as an underground injection well under the SDWA, or under CWA nonpoint source programs, other federal programs, and state programs like those identified in the attached chart summarizing groundwater protection laws in all 50 states.

10. Ms. Waters, in your testimony, you mention green infrastructure and water recharge projects. Can you further explain what those types of projects are and how they benefit health and the environment?

    EPA's "direct hydrologic connection" theory would likely discourage the construction or operation of a number of public and private treatment and pollution control infrastructure projects specifically designed to protect and preserve water resources. Groundwater recharge systems use spreading basins, percolation ponds, infiltration basins, and injection wells to convey stormwater or recycled wastewater into subsurface aquifers. These systems provide a host of ecological benefits; they augment public water supplies, create seawater intrusion barriers, and eliminate surface outfalls.

    The DHC theory could also put green infrastructure – intended to treat stormwater to further the water quality protection goals of the CWA – at risk of being regulated as point sources of pollutants subject to CWA jurisdiction. Specifically, every instance where stormwater runoff drains into green infrastructure – for the very purpose of preventing the pollutants carried in such runoff from entering surface waters – could be viewed as a discharge to groundwater that might have a "direct hydrological connection" to surface water. This type of approach is inconsistent with how States have categorized stormwater and the infiltration of stormwater. *See, e.g.*, Oyster Pond Embayment System TMDL at 4,

14 (Feb. 7, 2008) (Massachusetts assigned load allocations to stormwater runoff as nonpoint source pollution, knowing that "the vast majority of storm water percolates into the ground and aquifer and proceeds into the embayment systems *through groundwater migration*.")

11. Do you think it is important for EPA to articulate a clear, binding nationwide position concerning when NPDES permitting requirements attach to particular discharges?

Yes. The way EPA has framed the issue in the February Federal Register notice (e.g., "review and revise" the DHC theory) makes it appear that EPA believes the statute gives EPA a choice. In other words, it appears the Agency believes that it could simply review and revise the DHC theory based on policy or technical reasons. NACWA does not believe that is correct.

EPA should disavow its "direct hydrologic connection" theory as contrary to the CWA's plain language, structure and legislative history. EPA should promptly issue a memorandum (1) explaining that the agency no longer supports its statements on "direct hydrologic connection," including the amicus brief submitted by the United States in the Ninth Circuit; and (2) confirming that an addition of pollutants to surface water via groundwater is not an "addition ... to navigable waters from a point source" under the CWA.

Notwithstanding that the CWA is unambiguous on this issue and releasing short-term guidance, EPA should conduct an expedited notice and comment rulemaking so our members, other regulated entities, environmental activist organizations, the States, and other federal agencies can comment and then EPA can take final action through rulemaking on its position and how the CWA should be implemented and enforced. In part, what is so frustrating about this issue is that the public has never been able to weigh-in nor has EPA been able to hear from public entities on how this issue impacts them and the impossibility of using the NPDES permitting program to address these types of factual circumstances.

Ranking Member Carper

12. You write in your testimony that, "Despite being aware that pollutants in groundwater may enter navigable waters, the Senate and House rejected proposals to extend the CWA's reach."[1] In support of this proposition, you quote legislative history from the Committee of Public Works (the predecessor of this committee) showing the Committee intentionally declined to provide "authority to establish Federally approved standards for groundwaters . . . Because the jurisdiction regarding groundwaters is so complex and varied from State to State, the Committee did not adopt this recommendation."[2]

    a. Your citation appears to be confusing the difference between regulating groundwater as a water of the United States (for which, in the words of the Committee report, there would thus be "Federally approved standards"), and merely acknowledging that

[1] Testimony of Amanda Waters at 2–3.
[2] *Id.* (quoting S. Rep. No. 92-414, at 73 (1971))

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pollutants discharged from point sources can travel relatively direct paths through groundwater *into* a water of the United States. Did you understand that discrepancy when you cited this authority?

i. There is no discrepancy. As noted in my testimony, EPA requested authority over groundwater, in part, because pollutants in groundwater can enter surface waters. Indeed, the Committee "recognize[d] the essential link between ground and surface waters," S. Rep. No. 92-414, at 73 (1971), and members of Congress fully understood that pollution in groundwater could migrate to navigable waters "through seepage and other means," 118 Cong. Rec. 10666 (1972) (floor statement of Rep. Aspin).

b. Did either the Ninth Circuit in the *Hawaii Wildlife Fund* case or the Fourth Circuit in the *Kinder Morgan* case hold that the groundwaters are jurisdictional waters under the CWA (thus establishing the prospect that EPA could, in the Committee's terms, set "Federally approved standards for groundwaters")?

i. No. The central question in both cases is whether releases to surface water via groundwater are subject to the CWA's NPDES permitting program. As noted, the Ninth Circuit rejected EPA's "direct hydrologic connection" interpretation, because it "reads two words into the CWA ('direct' and 'hydrological') that are not there." *Hawai'i Wildlife Fund v. County of Maui*, 886 F.3d 737, 749 n.3 (9th Cir. 2018).

13. You write in your testimony that "EPA's direct hydrologic connection theory is contrary to the text and structure of the CWA . . . ." Your testimony also says that other statutes regulate pollutants that find their way into groundwater, citing SDWA, RCRA, and CERCLA.

a. Are you saying that the existence of SDWA, RCRA, and CERCLA illuminate congressional intent in enacting the CWA's discharge prohibition? If yes, why?

i. Yes. Almost twenty years ago, the Supreme Court held that "the meaning of one statute may be affected by other Acts, particularly where Congress has spoken subsequently and more specifically to the topic at hand." *FDA v. Brown & Williamson Tobacco Corp.*, 120 S. Ct. 1291, 1301 (2000). And here, Congress "has spoken subsequently and more specifically to the topic" of groundwater contamination and its impact on surface waters through SDWA, RCRA and CERCLA. The later enactment of these statutes, and the regulation of discharges to groundwater therein, reflect Congress' clear intent not to include discharges to groundwater within the CWA NPDES permit program.

b. The modern Clean Water Act — and the statutory language at issue in *Hawaii Wildlife Fund* and *Kinder Morgan* — was enacted in 1972. The statutes you cite were all passed *after* the CWA: SDWA (1974); RCRA (1976); CERCLA (1980).

When Congress wrote the discharge prohibition language, those statutes did not yet exist. When interpreting the CWA under *Chevron*, why should courts or regulators look to the existence of post-1972 statutes to define the scope of a statute enacted by the 92nd Congress?

i. See my response to Question 13.a. above.

c. What provision of RCRA is concerned with the protection of navigable waters? Are all discharges of pollutants conceivably capable of being regulated under RCRA?

i. As NACWA only works with municipal wastewater and stormwater utilities, I am not familiar enough with RCRA to answer this question. However, RCRA represents only one of several federal and state laws that regulate discharges to groundwater.

14. The April 18, 2018 hearing was conducted in the shadow of EPA's request for comment on whether to maintain its longstanding position that discharges directly to surface waters via hydrologically connected groundwater are regulated by the CWA. *See* 83 FR 7126.

a. To your knowledge, is it EPA's longstanding position that groundwater *itself* is a "water of the United States" under the CWA? Why do you believe that?

i. No. See my response to Question 2 above.

b. Were you previously aware of a 1979 Memorandum from EPA General Counsel Joan Z. Bernstein stating, "the CWA generally does not apply to groundwater," and that EPA thus lacks the ability to set "water quality standards [for groundwater] under [CWA] § 303"?

i. See attached list of EPA statements referenced in Question 2(a) above. While the list may not be comprehensive as to every EPA statement on groundwater, it nonetheless reflects that EPA's "direct hydrologic connection" and "conduit theory" interpretations have not been longstanding or consistent.

15. Mr. Guild's written testimony contains numerous concerns that groundwater may be regulated as a point source. Did either the Ninth Circuit in the *Hawaii Wildlife Fund* case or the Fourth Circuit in the *Kinder Morgan* case hold that the groundwater is a point source?

1. Neither court held that groundwater is a point source, but both decisions have the effect of transforming groundwater, as well as numerous sources long considered to be nonpoint sources, into point sources.

16. The thrust of your testimony would appear to have a much larger scope than just groundwater.

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a. Is it NACWA's legal position that *any* entry of pollutants to groundwater terminates Clean Water Act liability, no matter how short or direct the hydrologic flow is to a jurisdictional water, and no matter how toxic the pollutant is? Please explain your answer.

   i. As outlined in my testimony, other tools exist within the CWA, and there are other federal and state environmental laws, that are better designed and currently utilized to address the release of pollutants into groundwater.

b. Is NACWA's position limited to groundwater? For example, some streams have brief periods of subsurface flow. If a point source discharged into a foot-long stretch of subsurface flow, and the stream resurfaced as a surface water (containing the pollutants) one foot later, would that point source discharge be exempt from the Clean Water Act?

   i. See my response to Question 9 above.

17. Suppose you had two pipelines carrying chemical waste over the Delaware River. Pipeline #1 ruptures directly above the river, and chemical waste starts pouring in. Pipeline #2 ruptures 100 feet from the water, and chemical waste pours onto the ground, burns through the soil, and runs downhill through a shallow subsurface connection into the Delaware River. Neither pipeline has a NPDES permit for the discharge.

   a. Based on the facts presented, in your opinion, should the owner of Pipeline #1 be subject to CWA liability for that discharge? Why or why not?
   b. Based on the facts presented, in your opinion, should the owner of Pipeline #2 be subject to CWA liability for that discharge? Why or why not?
   c. Do you believe it would lead to absurd results if courts or the EPA regulated only one of those discharges? Why or why not?

      i. As to Questions 17(a) – (c), there are not enough facts and/or missing facts to be able to reasonably answer these questions. Further, NACWA only works with municipal wastewater and stormwater utilities, and I am therefore not familiar enough with regulation of pipelines or chemical waste to answer these questions. However, generally, Congress envisioned that these types of factual scenarios—spills or releases of oil and hazardous substances (e.g., chemical waste)—would be addressed via CWA section 311, not via section 301(a) and the NPDES program. Under section 311, a "discharge" is defined differently to mean "any spilling, leaking, pumping, pouring, emitting, emptying or dumping," section 311(a)(2), and such a discharge is prohibited "into or upon the navigable waters of the United States [or] adjoining shorelines." CWA section 311(b)(1).

Senator Merkley

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18. In your testimony before the Senate Environment and Public Works Committee, you state that the question that should be asked is how releases to groundwater that reach surface water should be regulated. You represent hundreds of public water utilities, much like the Lahaina Wastewater Reclamation Facility that was the basis for the Ninth Circuit decision (*Hawai'i Wildlife Fund v. County of Maui*). Please explain you how think a facility discharging to groundwater, where that discharge impacts surface waters, should be regulated.

    1. As outlined in my testimony, these discharges are currently regulated under other federal and state statutes. Specifically, the discharges at issue in *Hawaii Wildlife Fund v. County of Maui*, are regulated as underground injection wells under the Safe Drinking Water Act.

19. You stressed the importance of cooperative federalism in your testimony and how states should have control over groundwater impacts to surface waters in their states. Yet in the *Hawai'i Wildlife Fund v. County of Maui* case, the state was not controlling those groundwater discharges and it created an excursion of water quality standards in surface waters. There are many other cases where these types of discharges adversely impacted surface waters. What cooperative federalism approach would you propose to ensure states are regulating these types of discharges consistently across the country that gives citizens an assurance that their waters kept clean and safe?

    1. As outlined in my testimony, a myriad of state and federal environmental laws already operates in concert to address discharges that reach surface water via groundwater. If these statutes or regulations are not sufficiently protective of public health and the environment, the remedy is to revise those statutes or regulations at the state or federal level rather than to overlay the NPDES permit program on top of these existing regulations.

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EPA STATEMENTS ON DISCHARGES TO GROUNDWATER (1973-2017)

- **EPA Office of General Counsel Memorandum, 1973.**

In 1973, shortly after the CWA was enacted, EPA's Office of General Counsel issued a memorandum confirming that the term "discharge of a pollutant" is "defined so as to include *only* discharges into navigable waters," and that "[d]ischarges into ground waters are not included." *In re E.I. DuPont de Nemours & Co.*, Op. No. 6, 1975 WL 23850, at *3 (E.P.A.G.C. Apr. 8, 1975) (emphasis added).

- **United States Rule 12(b) Motion to Dismiss, 1984.**

About a decade later, the United States successfully argued in *Kelley ex rel. People of the State of Michigan* that discharges from a U.S. Coast Guard facility to groundwater allegedly hydrologically connected to nearby navigable waters were *not* regulated by the point source program. 618 F. Supp. 1103, 1105-07 (W.D. Mich. 1985). In moving to dismiss the case, the United States did not dispute a hydrologic connection, such that "chemicals [could] enter the groundwaters under the ... area *and be discharged into Grand Traverse Bay*." United States Mem. in Supp. of Rule 12(b) Mot. & In The Alternative for Summ. J. at 3-4, *Kelley ex rel. People of the State of Michigan v. United States*, 618 F. Supp. 1103 (W.D. Mich. 1985) (No. G83-630) (emphasis added). Rather, the United States argued that "Michigan cannot make these claims under the Clean Water Act since the Act does not regulate pollutant discharges onto soil or into underlying groundwater." *Id.* at 5. According to the United States, "[t]he statutory language, the legislative history, the case law, and EPA's interpretation of the Act all support this conclusion." *Id.* at 22.

- **EPA, Final Comprehensive State Groundwater Protection Guidance, 1992.**

In 1992, EPA issued guidance explaining that "EPA and the States regulate facilities [under the CWA] that either discharge wastewaters *directly* to surface waters or discharge to municipal treatment systems." EPA, Final Comprehensive State Groundwater Protection Guidance at 1-27 (December 1992). In addition, "[w]hile a number of States have incorporated ground water discharges into their NPDES permits and pretreatment requirements," EPA confirmed that "*there is no national requirement to do so*." *Id.* (emphasis added).

- **EPA, President Clinton's Clean Water Initiative, 1994.**

In 1994, EPA proposed a new Clean Water Initiative, including an "updated CWA" that addresses water quality issues "through a new, more targeted approach." In discussing this new approach, EPA said it was "presently unclear whether a discharge to the ground or to groundwater that rapidly moves into surface water through a 'direct hydrologic connection' between the point of discharge and the surface water is subject to NPDES regulation." To address this, EPA suggested that the "*CWA should be amended* so that ... a point source discharge to ground or to groundwater that has a direct hydrologic connection with surface waters is subject to regulation as a NPDES point source discharge." To mitigate the consequences of such an massive expansion of the NPDES program, however, EPA suggested

that this rule should only apply if: (1) "a reasonably foreseeable direct hydrologic connection to surface waters in the proximity of the release"; (2) "a greater than de minimis quantity of the pollutant must reasonably be able to reach the surface water"; and (3) "no other Federal statute directly addresses the activity causing the release." EPA, President Clinton's Clean Water Initiative at 104-105 (Feb. 1994).

- **EPA, Office of Wastewater Management, Case Study Questionnaire, 2000.**

In 2000, EPA issued a questionnaire to plants operating cooling water intake structures in connection with the development of regulations under Section 316(b) of the CWA, 33 U.S.C. § 1326(b). In the questionnaire, EPA noted that "NPDES permits are required to be held ... by any point source that discharges pollutants *directly* to waters of the United States." For facilities that discharge all of their "effluent" to "groundwater injection wells," the questionnaire directed the recipients to answer "no" to the question of whether "the facility presently ha[s] or ... [is] in the process of obtaining a ... NPDES ... permit." EPA, Office of Wastewater Management, Case Study Questionnaire (January 2000). In the questionnaire, EPA did not suggest that the facility should determine whether impacted groundwater has a "direct hydrologic connection" to surface water.

- **EPA, Memorandum to EPA Administrator Browner, 2000.**

Later that same year, high-ranking EPA officials (including EPA's Director of the Water Permits Division) issued a memorandum to EPA Administrator Browner concerning potential new regulations for Concentrated Animal Feeding Operations ("CAFOs"). As part these new regulations, the EPA officials indicated they were "exploring an *option* under which CAFOs would be required to determine whether they have a reasonable potential to discharge to groundwater with a direct hydrological connection to surface water." At the time, the EPA officials explained that this "determination would likely require hiring an assessor." If a "potential to discharge were established," the officials suggested that the proposed regulations "might specify additional monitoring (which may require the operator to drill wells), record keeping and reporting requirements and compliance requirements (e.g., lining existing lagoon(s) to prevent leaching) to prevent or reduce discharges to groundwater." In light of "the potentially high costs to small operators associated with such an option," however, the EPA officials noted that EPA should give "careful consideration" to the "associated small business impacts" and "balance these against any identified environmental benefits." In fact, the EPA officials recommended that EPA "streamlin[e] the[se] requirements for small businesses ... or *exempt[] them altogether*."

- **EPA, Update -- Concentrated Animal Feeding Operations (CAFOs) Regulation, 2001.**

In a 2001 update on CAFO regulation, EPA noted that "[e]xisting regulations do not explicitly address environmental concerns such as ... discharges to surface water via groundwater with a direct hydrologic connection." EPA, Concentrated Animal Feeding Operations Regulation – Update (Aug. 13, 2001).

- **EPA, Effectiveness of Effluent Guidelines Program for Reducing Pollutant Discharges Uncertain, 2004.**

In 2004, EPA published a report regarding effluent guidelines for reducing pollutant discharges. In that report, EPA indicated that the "National [NPDES] regulations apply to … [e]xisting facilities that discharge *directly* to surface waters," but did not provide any indication that those regulations also apply to releases to groundwater with a "direct hydrological connection" to surface water. EPA, Effectiveness of Effluent Guidelines Program for Reducing Pollutant Discharges Uncertain at Chapter 1, page 2 (August 24, 2014) (emphasis added).

- **EPA, Response to Comments on Draft NPDES Permit, Holyoke Gas & Electric Department, Cabot Street Station, 2005.**

In 2005, EPA responded to comments on a draft NPDES permit for Holyoke Gas & Electric Department's Cabot Street Station, which sits on the banks of the Holyoke Canal System (a tributary of the Connecticut River). In discussing the facility's options to avoid NPDES permitting requirements, EPA explained that direct surface water discharges "could be re-directed to a non-surface water discharge location, such as ground injection." EPA, Holyoke Gas & Electric Department Cabot Street Station Response to Comments on Draft National Pollutant Discharge Elimination System (NPDES) Permit No. MA0001520, at 20. Under these circumstances, EPA said that "NPDES … permit requirements would not apply, because there would be no *direct* discharge to a surface water of the United States." *Id.*

- **EPA, Fact Sheet, Draft NPDES Permit, Public Service of New Hampshire, Merrimack Station, 2011.**

In 2011, EPA issued a fact sheet related to a draft NPDES permit for the Public Service of New Hampshire's Merrimack Station, which sits next to the Merrimack River in Bow, New Hampshire. Although the previous NPDES permit included discharges from roof drains, EPA eliminated those discharges from the permit because "the roof drains convey rain water from [station's] roof and drain it into the ground." As a result, EPA concluded, the "roof drains do not constitute a point source with a *direct* discharge to the Merrimack River."

- **EPA, Response to Public Comments, EPA NPDES Pesticide General Permit, 2011.**

Also in 2011, in response to a comment on a final NPDES pesticide general permit stating that the permit should "ensure that discharges do not affect groundwater," EPA confirmed that the "NPDES program … is for the control of discharges to waters of the United States" and that "discharges to groundwater are not regulated under the NPDES program." EPA, Response to Public Comments, EPA NPDES Pesticide General Permit (Oct. 31, 2011) at xxii. In confirming that the NPDES program does not regulate "discharges to groundwater," EPA provided no indication that a source must consider whether that groundwater has a "direct" hydrological-connection to surface water.

- **EPA, Fact Sheet, Draft General Permits for Stormwater Discharges Systems from Small Municipal Separate Sewer Systems in Massachusetts, 2014.**

In 2014, EPA issued a fact sheet regarding the reissuance of three NPDES permits for the discharge of stormwater from municipal storm sewer systems to waters in Massachusetts. In addressing stormwater "discharges to the subsurface," EPA stated that "NPDES permits are applicable for point source discharges to waters of the U.S" and that "discharges to groundwater are not addressed in the NPDES program and as such are not addressed by this permit." EPA, Fact Sheet, Draft General Permits for Stormwater Discharges Systems from Small Municipal Separate Sewer Systems in Massachusetts at 18 (Sept. 30, 3014).

- **EPA, Response to Comments on NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewers Systems in Massachusetts, 2016.**

In 2016, in response to comments on NPDES General Permits in Massachusetts, EPA said that "[i]n general the connection between groundwater discharges and surface waters is too complex to determine a direct causal effect." EPA, Response to Comments on NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewers Systems in Massachusetts at 219 (April 4, 2016).

- **EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, 2017.**

In 2017, in response to public comments on draft NPDES permits authorizing remediation activity discharges in Massachusetts and New Hampshire, EPA again made clear that "discharges to groundwater are not regulated by the NPDES program," but "may be regulated under other discharge permit authorities." EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, at 7 (March 9, 2017). As EPA explained: "*if* a discharge to groundwater requires a permit, the [NPDES] is not the permit program authority under which such discharges can be covered." Rather, "such discharges are generally regulated under the [Underground Injection Control] Program" under the Safe Drinking Water Act, or "similar programs ... such as State groundwater discharge programs."

State	Standard	Enforcement Authorities	Other Relevant State Authority
Alabama	"Every person, prior to discharging any new or increased pollution into any waters of this state, shall apply to the commission in writing for a permit and must obtain such permit before discharging such pollution." Ala. Code § 22-22-9(I)(3).	Available enforcement includes administrative orders, injunctive relief, authority to initiate civil actions, and civil and criminal penalties. Ala. Code §§ 22-22-9(I)-(n), 22-22A-5(17)-(19), 22-22-14.	"Discharge" is defined as "The addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state." Ala. Code § 22-22-1. "Waters" is defined to mean "All waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Ala. Code § 22-22-1. All pollution is declared to be a public nuisance. Ala. Code § 22-22-9.
Alaska	"A person may not pollute or add to the pollution of the air, land, subsurface land, or water of the state." Alaska Stat. Ann. § 46.03.710.	Enforcement of this section is permitted through administrative penalties, injunctions, and compliance orders. Alaska Stat. Ann. § § 46.03.761, 46.03.850, 46.03.765.	"Pollution" is defined to mean "the contamination or altering of waters, land, or subsurface land of the state in a manner which creates a nuisance or makes waters, land, or subsurface land unclean, or noxious, or impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life." Alaska Stat. Ann. § 46.03.900. "Waters" is defined to include "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state." Alaska Stat. Ann. § 46.03.900.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Arizona	"It is unlawful to . . . Discharge without a permit or appropriate authority under this chapter . . . Fail to . . . report discharges as required by a permit . . . . Violate a discharge limitation specified in a permit . . . . [or] Violate a water quality standard." Ariz. Rev. Stat. Ann. § 49-263. ". . . any person who discharges or who owns or operates a facility that discharges shall obtain an aquifer protection permit from the director." (i.e., the Arizona Aquifer Protection Permit program). Ariz. Rev. Stat. Ann. § 49-241. "water quality standards for all navigable waters and for all waters in all aquifers to preserve and protect the quality of those waters for all present and reasonably foreseeable future uses" and in setting these standards the state considers "[t]he provisions and requirements of the clean water act and safe drinking water act and the regulations adopted pursuant to those acts; and [t]he degree to which standards for one category of waters could cause violations of standards for other, hydrologically connected, water categories." Ariz. Rev. Stat. Ann. § 49-221(A), (C).	Enforcement is available through compliance orders, preliminary and permanent injunctions, and civil penalties of up to $25,000 per day per violation. Ariz. Rev. Stat. Ann. §§ 49-261, 262. The statute also provides for misdemeanor and felony prosecutions and citizen suits. Ariz. Rev. Stat. Ann. §§ 49-263, 264.	"'Discharge' means the direct or indirect addition of any pollutant to the waters of the state from a facility. For purposes of the aquifer protection permit program prescribed by article 3 of this chapter, discharge means the addition of a pollutant from a facility either directly to an aquifer or to the land surface or the vadose zone in such a manner that there is a reasonable probability that the pollutant will reach an aquifer." Ariz. Rev. Stat. Ann. § 49-201. "'Waters of the state' means all waters within the jurisdiction of this state including all perennial or intermittent streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, aquifers, springs, irrigation systems, drainage systems and other bodies or accumulations of surface, underground, natural, artificial, public or private water situated wholly or partly in or bordering on the state." Ariz. Rev. Stat. Ann. § 49-201.
Arkansas	"It shall be unlawful for any person to . . . Cause pollution, as defined in § 8-4-102, of any of the waters of this state." Ark. Code Ann. § 8-4-217.	Arkansas Department of Environmental Quality may issue administrative enforcement orders and impose civil penalties of up to $10,000 per day per violation. Ark. Code Ann. §§ 8-4-103, 208. The statute also provides for criminal prosecutions of misdemeanor and felony violations of the chapter or related permit. Id.	"'Pollution' means such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, or such discharge of any liquid, gaseous, or solid substance in any waters of the state as will, or is likely to, render the waters harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish, or other aquatic life." Ark. Code Ann. § 8-4-102(6). "'Waters of the state' means all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state." Ark. Code Ann. § 8-4-102(10).

State	Standard	Enforcement Authorities	Other Relevant State Authority
California	A "report of discharge" is required for any "person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system." Cal. Water Code § 13260(1)(a). "A person who . . . has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action . . . ." Cal. Water Code § 13304(a).	Enforcement is available by order, injunction, or remedial action with cost recovery. Cal. Water Code § 13304(a). Other sections of the law provide for civil penalties, injunctions, misdemeanor prosecutions, and administrative orders. Cal. Water Code §§ 13261, 13265, 13268, 13301, 13304, 13305, 13308, 13323, 13331, 13399. The state may order the person to "cleanup the waste or abate the effects of the waste, or in the case of threatened pollution or nuisance, take another necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts" Cal. Water Code § 13304(a).	"'Waters of the state' means any surface water or groundwater, including saline waters, within the boundaries of the state." Cal. Water Code § 13050(e).
Colorado	"No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge . . . ." 5 Colo. Code Regs. § 1002-61:61.3.	The Department of Public health and Environment may enforce the prohibitions in this title through cease and desist orders, clean-up orders, restraining orders, injunctions, and criminal and civil penalties. Colo. Rev. Stat. Ann. §§ 25-8-605, 606, 607, 608, 609. Civil penalties may range as high as $10,000 per day per violation, and criminal penalties may be as high as $25,000. §§ 25-8-608, 609.	"Discharge of pollutants" means the introduction or addition of a pollutant into state waters." Colo. Rev. Stat. Ann. § 25-8-103. "'State waters' means any and all surface and subsurface waters which are contained in or flow in or through this state . . . ." Colo. Rev. Stat. Ann. § 25-8-103.
Connecticut	"No person or municipality shall initiate, create, originate or maintain any discharge of water, substance or material into the waters of the state without a permit for such discharge issued by the commissioner." Conn. Gen. Stat. Ann. § 22a-430. "No person or municipality shall cause pollution of any of the waters of the state or maintain a discharge of any treated or untreated wastes in violation of any provision of this chapter." Conn. Gen. Stat. Ann. § 22a-427.	Enforcement includes administrative orders for sources "which reasonably can be expected to create a source of pollution to the waters of the state," injunctive relief, civil penalties up to $25,000 for each violation, each day constituting a separate violation, and criminal penalties. Conn. Gen. Stat. Ann. §§ 22a-432, 435, 438. Orders may also be issued against landowners if different from the discharger. Conn. Gen. Stat. Ann. § 22a-433.	Discharge "means the emission of any water, substance or material into the waters of the state, whether or not such substance causes pollution." Conn. Gen. Stat. Ann. § 22a-423. Waters "means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof." Conn. Gen. Stat. Ann. § 22a-423.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Delaware	"No person shall, without first having obtained a permit from the Secretary, undertake any activity . . . which may cause or contribute to discharge of a pollutant into any surface or ground water . . . ." Del Code Ann. tit. 7, § 6003(a).	Enforcement of this chapter is permitted through temporary restraining orders, permanent injunctions, or monetary penalties, up to $10,000 per day for each completed violation. Penalties may be tripled for chronic violators. Del Code Ann. tit. 7, § 6005.	"'Discharge Of A Pollutant' means any addition of any pollutant, or combination of pollutants, to state waters or the contiguous zone, or the ocean, from any source or activity . . . ." Code Del. Regs. 7 7000 7201. "'State Waters' Or 'Waters Of The State' means all water, on the surface and under the ground, wholly or partially within, or bordering the State, or within its jurisdiction." Code Del. Regs. 7 7000 7201.
District of Columbia	"Except as provided in § 8-103.06, no person shall discharge a pollutant to the waters of the District." D.C. Code Ann. § 8-103.02.	Available enforcement mechanisms include administrative orders, civil penalties, injunctive relief, and criminal prosecution for willful or negligent violations. D.C. Code Ann. §§ 8-103.16, 103.17, 103.18. District of Columbia Code also provides for a private right of action against any person in violation of the Water Pollution Control subchapter. D.C. Code Ann. § 8-103.19.	"'Discharge' means the spilling, leaking, releasing, pumping, pouring, emitting, emptying, or dumping of any pollutant or hazardous substance, including a discharge from a storm sewer, into or so that it may enter District of Columbia waters." D.C. Code Ann. § 8-103.01(6). "'Waters of the District' or 'District waters' means flowing and still bodies of water, whether artificial or natural, whether underground or on land, so long as in the District of Columbia, but excludes water on private property prevented from reaching underground or land watercourses, and also excludes water in closed collection or distribution systems." D.C. Code Ann. § 8-103.01(25).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Florida	"It shall be a violation of this chapter, and it shall be prohibited for any person . . . [t]o cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property . . . . or [t]o fail to obtain any permit required by this chapter or by rule or regulation . . . ." Fla. Stat. Ann. § 403.161(1). "Without the written authorization of the department, a person may not discharge any waste into the waters of the state which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for such waters." Fla. Stat. Ann. § 403.088(1). "[n]o installation shall directly or indirectly discharge into groundwater any contaminant that causes a violation of the water quality standards or minimum criteria in the receiving groundwater as established in this Chapter…." F.A.C.§ 62-520.310(7). "discharge to groundwater shall not impair the designated use of contiguous surface waters." F.A.C.§ 62-520.310(2). FDEP's practice is to "incorporate groundwater discharge considerations into other [FDEP] permits, as appropriate, and not to require a separate permit for discharges to groundwater." F.A.C.§ 62-520.310(12).	Violators are subject to enforcement orders, injunctive relief, and criminal penalties. Fla. Stat. Ann. §§ 403.061, 403.131, 161. Private citizens may also initiate civil actions against violators or compel the government to enforce its laws, rules, or regulations relating to the protection of water and other natural resources. Fla. Stat. Ann. § 403.412.	"'Pollution' is the presence in the . . . waters of the state of any substances, contaminants, noise, or manmade or human-induced impairment of air or waters or alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law." Fla. Stat. Ann. § 403.031 (7). "'Waters' include, but are not limited to, rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural . . . ." Fla. Stat. Ann. § 403.031 (13).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Georgia	"Any person who owns or operates a facility of any type or who desires to erect, modify, alter, or commence operation of a facility of any type which results or will result in the discharge of pollutants from a point source into the waters of the state shall obtain from the director a permit to make such discharge." Ga. Code Ann. § 12-5-30(a). "Any person desiring to erect or modify facilities or commence or alter an operation of any type which will result in the discharge of pollutants from a nonpoint source into the waters of the state, which will render or is likely to render such waters harmful to the public health, safety, or welfare, or harmful or substantially less useful for domestic, municipal, industrial, agricultural, recreational, or other lawful uses, or for animals, birds, or aquatic life, shall obtain a permit from the director to make such discharge." Ga. Code Ann. § 12-5-30(b).	Enforcement of these prohibitions may be accomplished through enforcement orders, civil actions for permanent or temporary injunctions, civil actions for damages, and civil and criminal penalties. Ga. Code Ann. §§ 12-5-23, 48, 51, 52, 53.	"'Waters' or 'waters of the state' means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation." Ga. Code Ann. § 12-5-22.
Hawaii	"No person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director." Haw. Rev. Stat. Ann. § 342D-50.	The director of the Department of Health may enforce the title through administrative orders, injunctive relief in an environmental court, civil penalties of up to $25,000 per day per violation, and criminal penalties or imprisonment for negligent or knowing violations. Haw. Rev. Stat. Ann. §§ 342D-9, 342D-30, 342D-31, 342D-32, 342D-11.	"'State waters' means all waters, fresh, brackish, or salt, around and within the State, including, but not limited to, coastal waters, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground waters, and lakes; provided that drainage ditches, ponds, and reservoirs required as a part of a water pollution control system are excluded." Haw. Rev. Stat. Ann. § 342D-1. "Water pollution" means . . . [s]uch contamination or other alteration of the physical, chemical, or biological properties of any state waters . . . or is likely to create a nuisance or render such waters unreasonably harmful, detrimental, or injurious to public health, safety, or welfare, including harm, detriment, or injury to public water supplies, fish and aquatic life and wildlife, recreational purposes and agricultural and industrial research and scientific uses of such waters or as will or is likely to violate any water quality standards, effluent standards, treatment and pretreatment standards, or standards of performance for new sources adopted by the department." Haw. Rev. Stat. Ann. § 342D-1. Hawaii also administers a nonpoint source pollution management and control program to enforce and carry out all laws, rules, and programs relating to nonpoint source pollution in the state. Haw. Rev. Stat. Ann. § 342E-2.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Idaho	Unless prior agency approval has been obtained, "[n]o person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of an outstanding resource water, except for short-term or temporary nonpoint source activities which do not alter the essential character or special uses of a segment, issuance of water rights permits or licenses, allocation of water rights, or operation of water diversions or impoundments." Idaho Code Ann. §§ 39-3618, 39-3620. The Idaho Department of Environmental Quality has also promulgated rules to establish and protect ground water quality standards, which provide that "[n]o person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that . . . [c]auses a ground water quality standard to be exceeded . . .[i]njures a beneficial use of ground water; or . . . [i]s not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method." Idaho Admin. Code r. 58.01.11.400.	The director of the department may issue compliance orders, initiate administrative or civil enforcement actions against violators, issue monetary penalties up to $10,000 per violation or $1,000 for each day the violation continues (whichever is greater). Idaho Code Ann. §§ 39-108, 39-116; Idaho Admin. Code r. 58.01.11.400. The statute also provides for criminal prosecutions. Idaho Code Ann. § 39-109.	"All state agencies shall incorporate the adopted ground water quality protection plan in the administration of their programs and shall have such additional authority to promulgate rules to protect ground water quality as necessary to administer such programs which shall be in conformity with the ground water quality protection plan." Idaho Code Ann. § 39-126. "'Waters' means all accumulations of water, surface and underground, natural and artificial, public and private or parts thereof which are wholly or partially within, flow through or border upon this state except for private waters as defined in section 42-212, Idaho Code." Idaho Code Ann. § 39-103(18).
Illinois	"No person shall . . . Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act." 415 Ill. Comp. Stat. Ann. 5/12.	The prohibitions in the Illinois code are enforced through administrative citations and orders, injunctive relief, civil penalties ($50,000 for each violation and $10,000 for each day the violation continues), and criminal penalties. 415 Ill. Comp. Stat. Ann. 5/31.1, 5/33, 5/42-5/45.	"The Agency shall establish a Statewide groundwater monitoring network. Such network shall include a sufficient number of testing wells to assess the current levels of contamination in the groundwaters of the State and to detect any future degradation of groundwater resources." 415 Ill. Comp. Stat. Ann. 5/13.1. "'Waters' means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State of Illinois, except that sewers and treatment works are not included except as specially mentioned . . . ." Ill. Admin. Code tit. 35, § 301.440.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Indiana	"[A] person may not: (1) throw, run, drain, or otherwise dispose; or (2) cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed [] into any of the streams or waters of Indiana any organic or inorganic matter that causes or contributes to a polluted condition of any of the streams or waters of Indiana, as determined by a rule of the board . . ." Ind. Code Ann. § 13-18-4-5.	The Department of Environmental Management may enforce the statute through administrative compliance orders and civil actions seeking injunctive relief. Ind. Code Ann. §§ 13-18-4-6, § 13-14-2-6, 13-14-2-7, 13-30-4-1. Civil penalties of up to $25,000 per day of any violation are authorized, as well as criminal penalties. Ind. Code Ann. §§ 13-30-4-1, 13-30-10-1.5.	"'Waters', for purposes of water pollution control laws and environmental management laws, means: (1) the accumulations of water, surface and underground, natural and artificial, public and private; or (2) a part of the accumulations of water[,] that are wholly or partially within, flow through, or border upon Indiana." Ind. Code Ann. § 13-11-2-265.
Iowa	"A pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste in accordance with rules adopted by the commission." Iowa Code Ann. § 455B.186.	Enforcement mechanisms include cease and desist orders, civil penalties up to $5,000 per day for each violation, a range of criminal penalties, and temporary and permanent injunctions. Iowa Code Ann. §§ 455B.175, 455B.191.	Iowa's Groundwater Protection Act supplements Iowa's water quality laws to further promote its goal of "prevent[ing] contamination of groundwater from point and nonpoint sources of contamination to the maximum extent practical . . ." Iowa Code Ann. § 455E.4. "'Water of the state' means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof." Iowa Code Ann. § 455B.171(39).
Kansas	"No person, company, corporation, institution or municipality shall place or permit to be placed or discharge or permit to flow into any of the waters of the state any sewage . . . ." Kan. Stat. Ann. § 65-164.	Enforcement of the statute is perrmited through cease and desist orders, civil penalties, and criminal penalties. Kan. Stat. Ann. §§ 65-164 (d), 65-170d, 65-167.	"'[S]ewage' means any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic, manufacturing or other forms of industry." Kan. Stat. Ann. § 65-164. "'Waters of the state' means all streams and springs, and all bodies of surface and subsurface waters within the boundaries of the state . . ." Kan. Stat. Ann. § 65-161(a). "'[D]ischarge' means when used without qualification, the causing or permitting of sewage to enter, either directly or indirectly, into waters of the state . . . ." Kan. Stat. Ann. § 65-161(b).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Kentucky	"No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter." Ky. Rev. Stat. Ann. § 224.70-110.	Enforcement mechanisms include civil penalties, up to $25,000 per day as long as violation continues, Civil actions for injunctive relief and to recover penalties or damages for injury to fish or wildlife, criminal penalties and/or imprisonment. Ky. Rev. Stat. Ann. §§ 224.99-010 , 224.99-020, 224.1-070.	"'Pollutant' means and includes dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, chemical, biological or radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, industrial, municipal or agricultural waste, and any substance resulting from the development, processing, or recovery of any natural resource which may be discharged into water." Ky. Rev. Stat. Ann. § 224.1-010(34). "'Water pollution' means the alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the Commonwealth in such a manner, condition, or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural, or other legitimate purposes." Ky. Rev. Stat. Ann. § 224.1-010(33). "Water" or "waters of the Commonwealth" are defined to mean and include "any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes, and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction." Ky. Rev. Stat. Ann. § 224.1-010 (32).
Louisiana	"No person shall conduct any activity which results in the discharge of any substance into the waters of the state without the appropriate permit, variance, or license required under the regulations of the department adopted pursuant to this Chapter." La. Stat. Ann. § 30:2075. "No person shall discharge or allow to be discharged into any waters of the state: (a) Any waste or any other substance of any kind that will tend to cause water pollution in violation of any rule, order, or regulation; or (b) Any substance, the discharge of which violates any term, condition, or limit imposed by a permit." La. Stat. Ann. § 30:2076.	Available enforcement includes compliance orders, civil actions for permanent or temporary injunctions and/or damages against violators, civil penalties of up to $32,500 for each day of a violation, and criminal penalties. La. Stat. Ann. §§ 30:2025, 30:2050.2, 30:2076.1.	"'Discharge' means the placing, releasing, spilling, percolating, draining, pumping, leaking, seeping, emitting, or other escaping of pollutants into the air, waters, subsurface water, or ground as the result of a prior act or omission; or the placing of pollutants into pits, drums, barrels, or similar containers under conditions and circumstances that leaking, seeping, draining, or escaping of the pollutants can be reasonably anticipated." La. Stat. Ann. § 30:2004(10). "'Waters of the state' means both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, groundwaters, and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico. . . ." La. Stat. Ann. § 30:2073(7).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Maine	"No person may directly or indirectly discharge or cause to be discharged any pollutant without first obtaining a license therefor from the department." Me. Rev. Stat. tit. 38, § 413.	Enforcement of these provisions is permitted through administrative orders and consent agreements, civil actions, civil penalties amounting to not more than $10,000 per day for each violation, or $25,000 if the violation relates to hazardous waste, criminal penalties between $2,500 and $25,000 for each day of the violation, and debarment from department contracts for repeated violations. Me. Rev. Stat. tit. 38, § 347-A , 348, 349, 349-B.	"'Discharge' means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of any pollutant to water of the State. Me. Rev. Stat. tit. 38, § 361-A(1). "'Waters of the State' means any and all surface and subsurface waters that are contained within, flow through, or under or border upon this State or any portion of the State . . . ." Me. Rev. Stat. tit. 38, § 361-A(7).
Maryland	"[A] person may not discharge any pollutant into the waters of this State." Md. Code Ann., Envir. § 9-322.	Enforcement of these provisions is by administrative corrective action orders, injunctions, civil penalties not exceeding $10,000 per day (judicially) or $1,000 per day (administratively), or criminal prosecution. Md. Code Ann., Envir. §§ 9-334, 9-335, 9-338, 9-339, 9-342, 9-343.	"Discharge" is defined to mean "the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of this State" or "the placing of a pollutant in a location where the pollutant is likely to pollute." § 9-101(b). "Waters of this State" includes, in relevant part, "[b]oth surface and underground waters within the boundaries of this State subject to its jurisdiction. . . ." § 9-101(l)(1).
Massachusetts	"Any person who, directly or indirectly, throws, drains, runs, discharges or allows the discharge of any pollutant into waters of the commonwealth, except in conformity with a permit" shall be subject to the enforcement provisions. Mass. Gen. Laws Ann. ch. 21, § 42. "[n]o person shall engage in any other activity that may reasonably be expected to result, directly or indirectly, in discharge of pollutants into waters of the commonwealth." Mass. Gen. Laws Ann. ch. 21, § 43(2).	Violations of the standards shall punished by a fine, imprisonment, or shall be subject to a civil penalty not to exceed $25,000 per day of such violation. Enforcement mechanisms, in addition to civil penalties, include orders and injunctive relief. Mass. Gen. Laws Ann. ch. 21, §§ 44, 46.	"'Waters' and 'waters of the commonwealth,' all waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, coastal waters and groundwaters." Mass. Gen. Laws Ann. ch. 21, § 26A.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Michigan	"A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following: (a) To the public health, safety, or welfare . . . domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such water . . . .[t]o the value or utility of riparian lands . . . ." Mich. Comp. Laws Ann. § 324.3109(1). "A person shall not discharge without an authorization" under Part 22 Rules (Groundwater Quality), which establishes specific critieria for the "discharge," which is defined to means "any direct or indirect discharge . . . into the groundwater or on the ground." R §§ 323.2204, 323.2201(i).	Enforcement of these provisions is permitted through abatement orders, civil actions, civil fines of up to $25,000 per day per violation, criminal penalties and imprisonment. Mich. Comp. Laws Ann. §§ 324.1601, 324.3112, 324.3115.	"'Waters of the state' means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state." Mich. Comp. Laws Ann. § 324.3101(aa).
Minnesota	"[I]t is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state" Minn. Stat. Ann. § 115.061. "No sewage, industrial waste, or other wastes shall be discharged from either a point or a nonpoint source into the waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution as defined by law." Minn. R. 7050.0210.	Minnesota's Water Pollution Control Act may be enforced through civil actions, civil penalties, criminal penalties, and administrative orders. Minn. Stat. Ann. § 115.071.	"Discharge" means "the addition of any pollutant to the waters of the state or to any disposal system." Minn. Stat. Ann. § 115.01.(4). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state . . . ." Minn. Stat. Ann. § 115.01(22).
Mississippi	"[I]t is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state. It is also unlawful to discharge any wastes into any waters of the state which reduce the quality of those waters below the water quality standards established by the commission; or to violate any applicable pretreatment standards or limitations, technology-based effluent limitations, toxic standards or any other limitations established by the commission. Any such action is declared to be a public nuisance." Miss. Code. Ann. § 49-17-29(2)(a).	Available enforcement includes administrative orders, civil actions, civil penalties, and misdemeanor prosecution. Miss. Code. Ann. §§ 49-17-31, 49-17-43.	"Waters of the state" is defined to mean "all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the state . . . ." Miss. Code. Ann. § 49-17-5(1)(f).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Missouri	"It is unlawful for any person . . . [t]o cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state; [or] discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards . . . ." Mo. Ann. Stat. § 644.051.	Enforcement includes administrative orders, civil actions, administrative penalties and civil penalties. Mo. Ann. Stat. §§ 644.079, 644.076.	"Pollution" is defined to mean "such contamination or other alteration of the physical, chemical or biological properties of any waters of the state . . . or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life . . . " Mo. Ann. Stat. § 644.016(17). "Discharge" is defined to mean "the causing or permitting of one or more water contaminants to enter the waters of the state." Mo. Ann. Stat. § 644.016(6). "Waters of the state" means "all waters within the jurisdiction of this state, including all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state . . . ." Mo. Ann. Stat. § 644.016(27).
Montana	It is unlawful to "cause pollution . . . of any state waters or to place or cause to be placed any wastes where they will cause pollution of any state waters." Mont. Code Ann. § 75-5-605.	The department may enforce these provisions through administrative orders for abatement, compliance, or cleanup, administrative penalties, civil actions for inunctive relief, civil penalties, criminal penalties and/or imprisonment. Mont. Code Ann. §§ 75-5-611 to 75-5-614, 75-5-631, 75-5-632.	"Pollution" means "contamination or other alteration of the physical, chemical, or biological properties of state waters that exceeds that permitted by Montana water quality standards," or "the discharge, seepage, drainage, infiltration, or flow of liquid, gaseous, solid, radioactive, or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife." Mont. Code Ann. § 75-5-103 (30)(a). "State waters" is defined to mean "a body of water, irrigation system, or drainage system, either surface or underground." Mont. Code Ann. § 75-5-103(34)(a).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Nebraska	"It shall be unlawful for any person" to "cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state" or "discharge or emit any wastes into any air, waters, or land of the state which reduce the quality of such air, waters, or land below the air, water, or land quality standards established therefor by the council. Any such action is hereby declared to be a public nuisance." Neb. Rev. Stat. Ann. § 81-1506.	Enforcement is permitted through administrative corrective action orders, injunctions, civil penalties, felony and misdemeanor prosecution. Neb. Rev. Stat. Ann. §§ 81-1508, 81-1508.01, 81-1508.02.	"Water pollution shall mean the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water . . . " Neb. Rev. Stat. Ann. § 81-1502(20). "Waters of the state shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial . . . " Neb. Rev. Stat. Ann. § 81-1502(21). Nebraska also manages groundwater though the "Nebraska Ground Water Management and Protection Act." Neb. Rev. Stat. Ann. § 46-701 et seq.
Nevada	"[A] person shall not discharge a pollutant from a point source into any waters of the State without obtaining a permit from the Department." Nev. Admin. Code 445A.228. The Nevada Department of Conservation and Natural Resources possesses the authority to prescribe pollution controls for "diffuse sources", or delegate such authority to local municipalities. Nev. Rev. Stat. Ann. § 445A.570; Nev. Admin. Code 445A.314.	Persons who violate the statute or regulations are subject to administrative compliance orders, civil actions for injunctive relief, civil penalties, and criminal penalties. Nev. Rev. Stat. Ann. §§ 445A.675, 445A.690, 445A.695 445A.700. If the violation relates to a rule or regulation concerning diffuse sources, no civil or criminal penalties may be imposed for failing to obey an administrative order. Nev. Rev. Stat. Ann. § 445A.680.	"'Diffuse source' means any source of water pollution which is diffused to the extent that it is not readily discernible and cannot be confined to a discrete conveyance. This term is intended to be equivalent to the term "nonpoint source" as used in federal statutes and regulations." Nev. Rev. Stat. Ann. § 445A.335. "'Discharge' means any addition of a pollutant or pollutants to water." Nev. Rev. Stat. Ann. § 445A.345. "Waters of the State" is defined to mean "all waters situated wholly or partly within or bordering upon this State, including but not limited to . . . [a]ll streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and [] [a]ll bodies or accumulations of water, surface and underground, natural or artificial." Nev. Rev. Stat. Ann. § 445A.415.

State	Standard	Enforcement Authorities	Other Relevant State Authority
New Hampshire	"It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or groundwater of the state without first obtaining a written permit from the department of environmental services." N.H. Rev. Stat. Ann. § 485-A:13. "After adoption of a given classification for a stream, lake, pond, tidal water or section of such water . . . it shall be unlawful for any person or persons to dispose of any sewage, industrial, or other wastes, either alone or in conjunction with any other person or persons, in such a manner as will lower the quality of the waters . . . below the minimum requirements of the adopted classification." N.H. Rev. Stat. Ann. § 485-A:12.	Available enforcement includes administrative cease and desist orders, civil actions for injunctive relief, administrative penalties, civil penalties, and criminal penalties or imprisonment. N.H. Rev. Stat. Ann. §§ 485-A:22, 485-A:22-a.	"Waste" means "industrial waste and other wastes." N.H. Rev. Stat. Ann. § 485-A:2. XVI. "Other wastes" is defined to mean "garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substance harmful to human, animal, fish or aquatic life." N.H. Rev. Stat. Ann. § 485-A:2.VIII. "Sewage" means "the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present." N.H. Rev. Stat. Ann. § 485-A:2. X.
New Jersey	"It shall be unlawful for any person to discharge any pollutant, except as provided pursuant to [this section], or when the discharge conforms with a valid [state or federal discharge permit, e.g. a NPDES permit]." N.J. Stat. Ann. § 58:10A-6.	The commissioner of the New Jersey Department of Environmental Protection may enforce the state's water pollution statute through compliance orders, administrative penalties, civil action for injunctive relief, civil penalties, and criminal fines. N.J. Stat. Ann. §§ 58:10A-10, 58:10A-24.6.	"'Discharge' means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State, onto land or into wells from which it might flow or drain into said waters or into waters or onto lands outside the jurisdiction of the State, which pollutant enters the waters of the State." N.J. Stat. Ann. § 58:10A-3(e). "Waters of the State" is defined to mean "the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State." N.J. Stat. Ann. § 58:10A-3(t). The state also has a program to designate areawide waste treatment management planning areas that would include the establishment of regulations to, among other things, provide control mechanisms for nonpoint source pollution. N.J. Stat. Ann. § 58:11A-4.

State	Standard	Enforcement Authorities	Other Relevant State Authority
New Mexico	Under the state's water quality control commission's authority to promulgate rules to prevent or abate water pollution and develop water quality standards for surface and ground waters, New Mexico code provides that "[a]ny person intending to make a new water contaminant discharge or to alter the character or location of an existing water contaminant discharge . . . shall file a notice with the ground water quality bureau of the department for discharges that may affect ground water, and/ or the surface water quality bureau of the department for discharges that may affect surface water." N.M. Stat. Ann. § 74-6-4 ; N.M. Admin. Code 20.6.2.1201. The regulations further provide that, "[u]nless otherwise provided by this Part, no person shall cause or allow effluent or leachate to discharge so that it may move directly or indirectly into ground water unless he is discharging pursuant to a discharge permit issued by the secretary." N.M. Admin. Code 20.6.2.3104.	Enforcement is available through administrative compliance orders and penalties, civil penalties, and criminal penalties for knowing violations. N.M. Stat. Ann. §§ 74-6-10, 74-6-10.1,74-6-10.2.	"Water contaminant" is defined to mean "any substance that could alter, if discharged or spilled, the physical, chemical, biological or radiological qualities of water." N.M. Stat. Ann. § 74-6-2(B). "Water" is defines to mean "all water, including water situated wholly or partly within or bordering upon the state, whether surface or subsurface, public or private, except private waters that do not combine with other surface or subsurface water." N.M. Stat. Ann. § 74-6-2(H).
New York	"It shall be unlawful for any person, directly or indirectly, to throw, drain, run or otherwise discharge into such waters organic or inorganic matter that shall cause or contribute to a condition in contravention of the standards adopted by the department . . ." N.Y. Envtl. Conserv. Law § 17-0501.	Available enforcement mechanisms include administrative compliance orders, civil actions for injunctive relief or the recovery of penalties, civil penalties, criminal fines and/or imprisonment. N.Y. Envtl. Conserv. Law §§ 71-1707, 71-1711, 71-2727, 71-1929, 71-1931, 71-1933.	"Waters" or "waters of the state" are defined to include "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial limits of the state of New York and all other bodies of surface or underground water . . . which are wholly or partially within or bordering the state or within its jurisdiction." N.Y. Envtl. Conserv. Law § 17-0105(2).

State	Standard	Enforcement Authorities	Other Relevant State Authority
North Carolina	Unless a person has received a permit and complied with all conditions set forth in the permit, "no person shall . . . [c]ause or permit any waste, directly or indirectly, to be discharged to or in any manner intermixed with the waters of the State in violation of the water quality standards applicable to the assigned classifications or in violation of any effluent standards or limitations established for any point source, unless allowed as a condition of any permit, special order or other appropriate instrument . . . ." N.C. Gen. Stat. Ann. § 143-215.1(a)(6).	The North Carolina Environmental Management Commission may issue special orders "to any person whom it finds responsible for causing or contributing to any pollution of the waters of the State within the area for which standards have been established." N.C. Gen. Stat. Ann. § 143-215.2. The Commission may also enforce state water pollution laws through injunctive relief and civil and criminal penalties. N.C. Gen. Stat. Ann. §§ 143-215.6A, 143-215.6B, 143-215.6C.	The term "water pollution" is defined to mean "the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities." N.C. Gen. Stat. Ann. § 143-213(19). Reference to "discharge" or "discharge of waste" is interpreted to include "discharge, spillage, leakage, pumping, placement, emptying, or dumping into waters of the State . . . .". N.C. Gen. Stat. Ann. § 143-213(9). "'Waters' means any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State, including any portion of the Atlantic Ocean over which the State has jurisdiction." N.C. Gen. Stat. Ann. § 143-212(6).
North Dakota	"It shall be unlawful for any person" to "cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state," and "[t]o discharge any wastes into any waters of the state or to otherwise cause pollution, which reduces the quality of such waters below the water quality standards established therefor by the department." N.D. Cent. Code Ann. § 61-28-06.	The Department of Health may enforce the state's water pollution laws through orders for compliance or abatement, injunctive relief against threatened or continuing violations, civil and criminal penalties, and/or imprisonment. N.D. Cent. Code Ann. §§ 61-28-04, 61-28-07, 61-28-08.	"Pollution" is defined to mean "the manmade or man-induced alteration of the physical, chemical, biological, or radiological integrity of any waters of the state." N.D. Cent. Code Ann. § 61-28-02(7). "'Waters of the state' means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, and all other bodies or accumulations of water on or under the surface of the earth, natural or artificial, public or private, situated wholly or partly within or bordering upon the state . . . ." N.D. Cent. Code Ann. § 61-28-02(15).
Ohio	Unless holding a valid permit, "[n]o person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state," and "[s]uch an action . . . is hereby declared to be a public nuisance." Ohio Rev. Code Ann. § 6111.04.	Enforcement mechanisms include administrative orders, injunctions, civil penalties of up to $10,000 per day, criminal penalties, and/or imprisonment. Ohio Rev. Code Ann. §§ 6111.06, 6111.07, 6111.08, 6111.99.	"'Pollution' means the placing of any sewage, sludge, sludge materials, industrial waste, or other wastes in any waters of the state." Ohio Rev. Code Ann. § 6111.01(A). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state . . . ." Ohio Rev. Code Ann. § 6111.01(H).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Oklahoma	"It shall be unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance." Okla. Stat. Ann. tit. 27A, § 2-6-105.	Available enforcement includes cease and desist orders, civil penalties, injunctive relief, criminal penalties and/or imprisonment in county jail. Okla. Stat. Ann. tit. 27A, §§ 2-6-105, 2-6-901.	"'Pollution' means the presence in the environment of any substance, contaminant or pollutant, or any other alteration of the physical, chemical or biological properties of the environment or the release of any liquid, gaseous or solid substance into the environment in quantities which are or will likely create a nuisance or which render or will likely render the environment harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, or to property." Okla. Stat. Ann. tit. 27A, § 2-1-102(12). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof . . . ." Okla. Stat. Ann. tit. 27A, § 2-1-102(15).
Oregon	"[N]o person shall . . . [c]ause pollution of any waters of the state or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means" or "[d]ischarge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission." Or. Rev. Stat. Ann. § 468B.025(1); see § 468B.050. Violations of this section are considered a public nuisance. Or. Rev. Stat. Ann. § 468B.025(3).	Enforcement of the Oregon's water pollution control laws is permitted through compliance and abatement orders, civil action, and civil penalties of up to $25,000 per day for each violation. Or. Rev. Stat. Ann. §§ 468B.032, 468.090, 468.100, 468.140.	"Pollution" or "water pollution" are defined to mean "such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to . . . render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses . . . ." Or. Rev. Stat. Ann. § 468B.005(5). "Water" or "the waters of the state" is defined to include "lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters . . . wholly or partially within or bordering the state or within its jurisdiction." Or. Rev. Stat. Ann. § 468B.005(10).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Pennsylvania	"It shall be unlawful for any person or municipality to put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined. Any such discharge is hereby declared to be a nuisance." 35 Pa. Stat. Ann. § 691.401. "The waters of this Commonwealth may not contain toxic substances attributable to point or nonpoint source waste discharges in concentrations or amounts that are inimical to the water uses to be protected." 25 Pa. Code § 93.8a(a).	Enforcement mechanisms include abatement orders, injunctions, civil penalties up to $10,000 for each separate offense (each day constituting a new offense), criminal penalties, and imprisonment. 35 Pa. Stat. Ann. §§ 691.601, 691.610, § 691.605, 691.602.	"Pollution" is defined to mean "contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life . . . ." 35 Pa. Stat. Ann. § 691.1. "'Waters of the Commonwealth' shall be construed to include any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth." 35 Pa. Stat. Ann. § 691.1.
Rhode Island	"It shall be unlawful for any person to discharge any pollutant into the waters except as in compliance with the provisions of this chapter and any rules and regulations promulgated hereunder and pursuant to the terms and conditions of a permit." 46 R.I. Gen. Laws Ann. § 46-12-5(b) "It shall be unlawful for any person to place any pollutant in a location where it is likely to enter the waters or to place or cause to be placed any solid waste materials, junk, or debris of any kind whatsoever, organic or non organic, in any waters." 46 R.I. Gen. Laws Ann. § 46-12-5(a).	Enforcement of the Rhode Island water pollution laws may be achieved through compliance orders, injunctive relief, civil penalties of up to $25,000 per day, criminal penalties, and/or imprisonment. 46 R.I. Gen. Laws Ann. §§ 46-12-9, 46-12-13, 46-12-14, 46-12-16.	"Pollutant" is defined to mean "any material or effluent which may alter the chemical, physical, biological, or radiological characteristics and/or integrity of water, including but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, [or] biological materials . . . ." 46 R.I. Gen. Laws Ann. § 46-12-1(15). "'Waters' includes all surface waters including all waters of the territorial sea, tidewaters, all inland waters of any river, stream, brook, pond, or lake, and wetlands, as well as all groundwaters." 46 R.I. Gen. Laws Ann. § 46-12-1 (23).
South Carolina	"It is unlawful for a person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes, and other wastes, except in compliance with a permit issued by the department." S.C. Code Ann. § 48-1-90(A)(1).	Enforcement mechanisms include administrative orders for compliance or abatement, civil actions for injunctive relief or damages where appropriate, civil penalties, criminal penalties up to $25,000 per day for each violation, and/or up to two years imprisonment. S.C. Code Ann. §§ 48-1-50, 48-1-220, 48-1-320.	"'Environment' means the waters, ambient air, soil and/or land" S.C. Code Ann. § 48-1-10 (20). "Waters" is defined to mean "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction." S.C. Code Ann. § 48-1-10(2).

State	Standard	Enforcement Authorities	Other Relevant State Authority
South Dakota	"No person may discharge any wastes into any waters of the state which reduce the quality of such waters below the water quality level existing on March 27, 1973" and "[n]o person may cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state." S.D. Codified Laws §§ 34A-2-22, 34A-2-21.	Enforcement mechanisms include emergency abatement orders, civil actions for injunctive relief and recovery of penalties, civil penalties, and criminal fines and/or prosecution. S.D. Codified Laws §§ 34A-2-53, 34A-2-68, 34A-2-73 to 34A-2-75. Violations may also be abated as a public nuisance. S.D. Codified Laws §§ 34A-2-22, 34A-2-21.	"Waters of the state," is defined to mean "all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground . . . within or bordering upon the state . . ." S.D. Codified Laws § 34A-2-2(12). "Pollutant," is defined to mean "any dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, munitions, chemical waste, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt or any industrial, municipal or agricultural waste discharged into waters of the state." S.D. Codified Laws § 34A-2-2(5).
Tennessee	"It is unlawful for any person . . . to carry out any of the following activities, except in accordance with the conditions of a valid permit: [] The alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state . . . [] The discharge of sewage, industrial wastes or other wastes into waters, or a location from which it is likely that the discharged substance will move into waters [or] . . . the underground placement of fluids and other substances that do or may affect the waters of the state." Tenn. Code Ann. § 69-3-108(b).	The state's Department of Environment and Conservation may enforce provisions of the statute through orders for corrective action, emergency orders (without prior notice), civil penalties up to $10,000 per day for each day the violation continues, criminal penalties and prosecution. Tenn. Code Ann. §§ 69-3-109, 69-3-112, 69-3-113, 69-3-115, 69-3-116.	"Pollutant" means "sewage, industrial wastes, or other wastes." Tenn. Code Ann. § 69-3-103(27). "Industrial wastes" are "any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, or business . . ." Tenn. Code Ann. § 69-3-103 ((15)) "Other wastes" is defined to mean "any and all other substances or forms of energy, with the exception of sewage and industrial wastes, including, but not limited to, decayed wood, sand, garbage, silt, municipal refuse, sawdust, shavings, bark, lime, ashes, offal, oil, hazardous materials, tar, sludge, or other petroleum byproduct . . . ." Tenn. Code Ann. § 69-3-103 (23). "Sewage" means "water-carried waste or discharges from human beings or animals, from residences, public or private buildings, or industrial establishments . . . ." Tenn. Code Ann. § 69-3-103(34). "Waters" is defined to mean "any and all water, public or private, on or beneath the surface of the ground, that are contained within, flow through, or border upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership that do not combine or effect a junction with natural surface or underground waters." Tenn. Code Ann. § 69-3-103(44).

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State	Standard	Enforcement Authorities	Other Relevant State Authority
Texas	"[N]o person may: (1) discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state; (2) discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state . . . ." Tex. Water Code Ann. § 26.121(a).	The Texas Natural Resource Conservation Commission or its executive director may enforce state water code provisions through the initiation of civil actions for injunctive relief, issuance of compliance orders, administrative and civil penalties (both) up to $25,000 per day for each violation, attorney's fees if the state prevails, criminal penalties for unauthorized, intentional, or knowing discharges, and/or confinement. Tex. Water Code Ann. §§ 7.001, 7.002, 7.032, 7.051, 7.052, 7.101, 7.102, 7.105, 7.108, 7.152, 7.187.	"Waste" is defined to mean "sewage, industrial waste, municipal waste, recreational waste, agricultural waste, or other waste, as defined in this section." Tex. Water Code Ann. § 26.001(6) "Pollution" is defined to mean "the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose." Tex. Water Code Ann. § 26.001(14). "Water" or "water in the state" is defined to mean "groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state." Tex. Water Code Ann. § 26.001(5).
Utah	"[I]t is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any wastes in a location where there is probable cause to believe it will cause pollution." Utah Code Ann. § 19-5-107(1)(a). "[A]ny violation of this subsection is a public nuisance." Utah Code Ann. § 19-5-107(1)(b).	Available enforcement includes cease and desist orders, civil actions for injunctive relief, civil penalties up to $10,000 per day of violation, and criminal prosecution and penalties. Utah Code Ann. §§ 19-5-111, 19-5-115.	"'Pollution' means any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of any waters of the state . . . ." Utah Code Ann. § 19-5-102(13). "'Discharge' means the addition of any pollutant to any waters of the state." Utah Code Ann. § 19-5-102(7). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground . . .which are contained within, flow through, or border upon this state or any portion of the state . . . ." Utah Code Ann. § 19-5-102(23).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Vermont	"No person shall discharge any waste, substance, or material into waters of the State, nor shall any person discharge any waste, substance, or material into an injection well or discharge into a publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with those works or would have a substantial adverse effect on those works or on water quality, without first obtaining a permit for that discharge from the Secretary." Vt. Stat. Ann. tit. 10, § 1259.	Enforcement of Vermont's water pollution laws is permitted through administrative orders and penalties, civil actions for injunctive relief, civil penalties of not more than $100,000 for each continuing violation, and criminal penalties or imprisonment. Vt. Stat. Ann. tit. 10, §§ 1274, 1275, 8001-8018.	"'Discharge' means the placing, depositing, or emission of any wastes, directly or indirectly, into an injection well or into the waters of the State." Vt. Stat. Ann. tit. 10, § 1251(3). "'Waters' includes all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters, artificial or natural, which are contained within, flow through, or border upon the State or any portion of it." Vt. Stat. Ann. tit. 10, § 1251(13). "Waste" is defined to mean "effluent, sewage or any substance or material, liquid, gaseous, solid or radioactive, including heated liquids, whether or not harmful or deleterious to waters . . ." Vt. Stat. Ann. tit. 10, § 1251(12).
Virginia	Except in compliance with a certificate or permit . . . it shall be unlawful for any person to . . . [d]ischarge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances . . ." Va. Code Ann. § 62.1-44.5(A). "Except as otherwise permitted by law, it shall be unlawful for any person to dump, place or put, or cause to be dumped, placed or put into, upon the banks of or into the channels of any state waters any object or substance, noxious or otherwise, which may reasonably be expected to endanger, obstruct, impede, contaminate or substantially impair the lawful use or enjoyment of such waters and their environs by others." Va. Code Ann. § 62.1-194.1.	Enforcement of these provisions is by special order, civil actions for injunctive relief, civil and criminal penalties, and criminal prosecution. Va. Code Ann. § 62.1-44.32, 62.1-44.15:1.1, 62.1-44.15.	"'Other wastes' means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances except industrial wastes and sewage which may cause pollution in any state waters." Va. Code Ann. § 62.1-44.3. "Pollution" is defined to mean "such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life . . . ." Va. Code Ann. § 62.1-44.3. "'State waters' means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands." Va. Code Ann. § 62.1-44.3.
Washington	"It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters . . . ." Wash. Rev. Code 90.48.080. For the "disposal of solid or liquid waste material into the waters of the state," the person "shall procure a permit from . . . the [Department of Ecology]." Wash. Rev. Code 90.48.160	The Department of Ecology is authorized "to bring any appropriate action at law or in equity, including action for injunctive relief" to enforce the Code, including "with the assistance of the attorney general." Wash. Rev. Code 90.48.037. The Department of Ecology may also issue an order to abate "polluting content of waste discharged or to be discharged into any waters of the state." Wash. Rev. Code 90.48.120.	"'[W]aters of the state' shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington." Wash. Rev. Code 90.48.020.

State	Standard	Enforcement Authorities	Other Relevant State Authority
West Virginia	"It is unlawful for any person, unless the person holds a permit therefor from the department, which is in full force and effect, to . . . [a]llow sewage, industrial wastes or other wastes, or the effluent therefrom, produced by or emanating from any point source, to flow into the waters of this state," "[m]ake, cause or permit to be made any outlet, or substantially enlarge or add to the load of any existing outlet, for the discharge of sewage, industrial wastes or other wastes, or the effluent therefrom, into the waters of this state," [or] "[a]cquire, construct, install, modify or operate a disposal system or part thereof for the direct or indirect discharge or deposit of treated or untreated sewage, industrial wastes or other wastes, or the effluent therefrom, into the waters of this state . . . ." W. Va. Code Ann. § 22-11-8.	The state water pollution control act may be enforced through administrative orders for compliance or abatement, injunctive relief, administrative penalties, civil penalties, and criminal fines. W. Va. Code Ann. § 22-11-12, 22-11-16, 22-11-15, 22-11-22, 22-11-24.	"Water resources", "water" or "waters" are defined to mean "any and all water on or beneath the surface of the ground, whether percolating, standing, diffused or flowing, wholly or partially within this state, or bordering this state and within its jurisdiction, and includes, without limiting the generality of the foregoing, natural or artificial lakes, rivers, streams, creeks, branches, brooks, ponds (except farm ponds, industrial settling basins and ponds and water treatment facilities), impounding reservoirs, springs, wells, watercourses and wetlands . . . ." W. Va. Code Ann. § 22-11-3(23).
Wisconsin	Wisconsin's Department of Natural Resources is authorized to "issue general orders, and adopt rules applicable throughout the state for the construction, installation, use and operation of practicable and available systems, methods and means for preventing and abating pollution of the waters of the state." Wis. Stat. Ann. § 281.19 (1). The Department may also "[o]rder or cause the abatement of pollution which the department . . . has determined to be significant and caused by a nonpoint source . . . ." Wis. Stat. Ann. § 281.20(1)(a).	Enforcement of the department's orders are permitted through emergency orders, civil penalties., and civil action by the state attorney general. Wis. Stat. Ann. §§ 281.19, 281.20, 281.98.	"'Pollution' includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life." Wis. Stat. Ann. § 281.01(10). "'Waters of the state' includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction." Wis. Stat. Ann. § 281.01(18).
Wyoming	"No person, except when authorized by a permit issued pursuant to the provisions of this act, shall . . . Cause, threaten or allow the discharge of any pollution or wastes into the waters of the state," or "[a]lter the physical, chemical, radiological, biological or bacteriological properties of any waters of the state . . . ." Wyo. Stat. Ann. § 35-11-301.	Enforcement mechanisms include administrative cease and desist orders, civil penalties, criminal penalties or imprisonment, and injunctive relief. Wyo. Stat. Ann. §§ 35-11-701, 35-11-901, 35-11-903. Citizen suits are also permitted. Wyo. Stat. Ann. § 35-11-904.	"'Pollution' means contamination or other alteration of the physical, chemical or biological properties of any waters of the state . . . ." Wyo. Stat. Ann. § 35-11-103(i). "Waters of the state" is defined to mean "all surface and groundwater, including waters associated with wetlands, within Wyoming." Wyo. Stat. Ann. § 35-11-103(vi).

NACWA
A CLEAR COMMITMENT TO AMERICA'S WATERS

The Appropriate Role of States and the Federal Government in Protecting Groundwater

April 18, 2018

Written Testimony of:

Amanda Waters
General Counsel
National Association of Clean Water Agencies

Before the:

U.S. Senate Committee on Environment and Public Works

Chairman John Barrasso
Ranking Member Thomas R. Carper

Chairman Barrasso, Ranking Member Carper and members of the Committee, thank you for the opportunity to appear before you today. My name is Amanda Waters and I am General Counsel for the National Association of Clean Water Agencies. NACWA is a not-for-profit trade association that represents the interests of over 300 public clean water utilities nationwide who share a common objective and responsibility to protect the environment and public health by providing wastewater and stormwater treatment services for their communities in compliance with the Clean Water Act (CWA). I have worked on clean water issues for nearly two decades having previously served as General Counsel for a NACWA clean water utility in Northern Kentucky and for the Departments of Environment Protection in Kentucky and West Virginia. I was fortunate to begin my legal career at the Hudson Riverkeeper. The experience I gained working as a regulator, for a regulated entity, and as an environmental advocate has given me a well-rounded perspective on the interplay between local government, states, and the US Environmental Protection Agency (EPA). As a result, I have a pragmatic passion for advancing and ensuring transparent and definitive science-based clean water policies that adhere to the statutory requirements contained in the CWA.

On behalf of NACWA, I sincerely thank the Committee for holding this hearing to gather input on regulating releases to groundwater.

The question before us is not *whether* releases to groundwater that reach surface water should be regulated, but *how* such releases are and should be regulated; specifically, should a release of a pollutant that reaches groundwater and thereafter enters a CWA jurisdictional surface water be considered a "point source" discharge triggering the requirement for a CWA National Pollutant Discharge Elimination System (NPDES) permit. The answer requires a review of fundamental CWA provisions and, moreover, an understanding of how such releases *are already* regulated under other provisions of the CWA, other federal environmental statutes, and state laws, in accordance with Congressional intent.

The CWA is one of the most successful environmental statutes in the nation's history and public clean water utilities continue to be a paramount contributor to that success. Working closely with state and federal regulators, public utilities have collectively achieved an astonishing level of pollution reduction, both at their own facilities and at thousands of industrial facilities regulated by utilities under the federal pretreatment program, since the CWA was enacted.

These public utilities own, operate, and manage the nation's most critical infrastructure systems for protecting public health and the environment. Approximately 76% of the US population relies on the nation's treatment plants for wastewater treatment.

The CWA's prohibition against "the discharge of any pollutant" unless authorized, in relevant part, by a NPDES permit, 33 U.S.C. §1311(a), is limited to the addition of pollutants to navigable waters from a "point source," *id.* §1362(12), which means "any discernible, confined and discrete conveyance." *Id.* §1362(14). In accordance with these provisions, clean water utilities that discharge to surface waters operate pursuant to the CWA's NPDES permitting system, which is designed to be an "end-of-pipe" program under which pollutants can be effectively monitored and reported to permitting authorities. When the CWA was enacted, EPA asked Congress for authority over groundwater, in part, because EPA knew pollutants in groundwater can enter surface waters. Despite being aware that pollutants in groundwater may enter navigable waters, the Senate and the House rejected proposals to extend the

CWA's reach. *E.g.*, S. Rep. No. 92-414, at 73 (1971), *reprinted in* 1972 U.S.C.C.A.N. 3668, 3739 ("Several bills pending before the [Senate] Committee provided authority to establish Federally approved standards for groundwaters. ... Because the jurisdiction regarding groundwaters is so complex and varied from State to State, the Committee did not adopt this recommendation.").

Congress foresaw that an NPDES permit is not always the solution to address pollutants that reach navigable waters; there is not a "loophole" to allow the unregulated pollution of groundwater and surface waters. The CWA itself contains other tools, including total maximum daily loads ("TMDLs"), grants, planning, and nonpoint source management programs.

There are other federal environmental laws that are better designed and are currently utilized to address releases of pollutants into groundwater including the Safe Drinking Water Act (SDWA), the Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Most importantly, states may adopt more stringent requirements, *see* 33 U.S.C. §1370 (preserves states' ability to adopt any requirement to control pollution), and all 50 states have adopted laws and regulations that prohibit or regulate the release of pollutants into groundwater. The CWA is a cooperative federalism statute and groundwater and nonpoint source pollution is primarily the responsibility of the states.

EPA's direct hydrologic connection theory is contrary to the text and structure of the CWA, perpetuates regulatory uncertainty, and will significantly expand the universe of sources that would require NPDES permits or run the risk of government and citizen suit enforcement.

Public utilities have a compelling public interest in ensuring that the NPDES permitting program, and attendant CWA liability, remains predictable and lawfully within the scope of the Act. Regulatory certainty is necessary to allow utilities to plan prudently for the expenditure and investment of public funds.

There are many different entities and interests that are impacted by the important question the committee examines today, but it is important to note that NACWA's members are the only public entities that are directly impacted from a regulatory perspective. NACWA's members do not make a profit from their operations, nor do they answer to shareholders. They answer only to their local communities and ratepayers, many of whom could bear additional and unnecessary financial cost if this issue is not correctly addressed.

In addition to the lack of statutory authority, there are considerable practical and policy reasons to avoid extending the CWA prohibition to pollutants entering groundwater.

The existence of a direct hydrological connection is a fact-specific inquiry. It depends on site-specific factors, such as topography, climate, the distance to a surface water, geologic factors, and will require technical assessments. Yet, there is no clarity on how long and how far pollutants can travel for a connection to be considered "direct." The Ninth Circuit's recent decision in *Hawai'i Wildlife Fund v. County of Maui* demonstrates the nebulous nature of liability: "We leave for another day the task of

determining when, if ever, the connection between a point source and a navigable water is too tenuous to support liability under the CWA."

The costs to determine whether groundwater beneath a source has a direct hydrologic connection to navigable water will depend on the nature of the facility, its geographic location, and availability of trained hydrogeologists, among other factors. The real significance of the cost arises from the countless number of facilities upon which liability could be imposed. For example, systems that leak due to age or episodic failures include public water supply pipelines, recycled water pipelines, and sanitary sewer collection systems. These could all fall within the CWA prohibition under EPA's direct hydrologic connection interpretation.

Critically, even if public utilities err on the side of caution and apply for a permit, there is no certainty a permit can be obtained. As previously mentioned, the NPDES permitting regulations are "end-of-pipe." The permitting authority must calculate effluent limits, determine the potential to exceed water quality standards, ensure consistency with antidegradation policies, allocate load and waste loads as part of TMDLs, assess the need for mixing zones, and determine appropriate monitoring, among other critical functions.

Determinations necessary to issue a permit would often be infeasible (if not impossible) in the context of groundwater. If a permit cannot be obtained, the addition of pollutants must cease, or a public utility would be subject to federal enforcement and citizen suit challenges. The CWA is a strict liability statute and just one CWA violation can result in a civil penalty of $52,414 per day, in addition to injunctive relief and legal fees. NACWA members are currently facing CWA citizen suits based on this direct hydrologic connection theory.

To reduce liability, significant public resources would be needed to remove and/or replace infrastructure. The nation is already facing a public water infrastructure crisis with approximately $600 billion needed over the next 20 years to address aging public sewer lines and systems. There is no indication that Congress intended the CWA and citizen suit enforcement to be the tool used to address the nation's infrastructure.

Expanding the NPDES universe would have the unintended consequence of impeding beneficial and innovative public infrastructure projects such as groundwater recharge systems that are used to convey stormwater or recycled wastewater into aquifers to augment public water supplies, create seawater intrusion barriers, prevent land subsidence, and eliminate surface outfalls to protect water quality. Green infrastructure, a wet weather management tool used to retain and infiltrate stormwater into the ground to minimize discharges of municipal stormwater and combined sewer overflows, could also be subject to NPDES regulation and enforcement despite already getting the broad stamp of approval from EPA and Congress.

The CWA is clear that the release of pollutants into groundwater which then flows to navigable waters is not an "addition . . . to navigable waters from a point source." However, even if the CWA was not clear, EPA's direct hydrologic connection theory is not a reasonable interpretation of the Act. As a matter of good government, EPA has never gone through rulemaking to establish this direct hydrologic connection theory. None of the costs or regulatory burdens to public utilities and their local ratepayers have ever been considered by EPA through a public process. EPA has bypassed the

transparency and due process safeguards in the Administrative Procedure Act, which Congress enacted to provide public notice of proposed agency action, to encourage public participation, and to afford agencies with the framework to carefully consider all relevant factors before taking final agency action.

Further, there has not been a consistent federal government position on this issue. For example, in litigation defending federal facilities against CWA citizen suits, the United States has argued that the CWA does not prohibit pollutants that enter navigable waters from spills into the soil and groundwater. *Kelley v. United States*, 618 F.Supp. 1103, 1105-06 (W.D. Mich. 1985). The bottom line is that the federal government needs to provide certainly and clarity on this issue so that regulated entities – especially public clean water utilities – know what is expected of them. Until it does so, regulators and regulated parties alike will face uncertainty, and the risks and costs that unavoidably accompany it.

Public clean water utilities are on the front lines of environmental and public health protection, and fully support a strong regulatory framework to protect water resources. But such regulations must be grounded in statute and consistent with Congress's intent under the CWA. The direct hydrologic connection theory fails to meet this standard and threatens to hamper public clean water agencies in carrying out their critical public missions. Moreover, using the ill-suited NPDES permitting program to regulate discharges that are better addressed by other federal regulatory programs or state law will have a ripple effect of deterring projects that are otherwise environmentally beneficial.

Thank you again for holding this important hearing. I know that all parties and all witnesses here today want the same thing – clean and safe water – and I would be happy to answer any questions.

Testimony

on behalf of the

National Cattlemen's Beef Association
&
Public Lands Council

with regards to

"The Appropriate Role of the States and Federal Government in Regulating Groundwater"

submitted to the

United States Senate
Committee on Environment and Public Works
John Barrasso, Chairman

submitted by

Joe Guild
Treasurer
National Cattlemen's Beef Association
Member
Public Lands Council

April 18, 2018
Washington, D.C.

NCBA National Cattlemen's Beef Association

PUBLIC LANDS COUNCIL

Good morning, my name is Joe Guild. I am a rancher from Washoe County, Nevada, where I live with my wife, Catherine. I co-operate a cow-calf ranch for a family trust located on private and US Forest Service land in Douglas County, Nevada and Alpine County, California, in addition to running a small herd of my own cattle. Additionally, I'm a member of the management team for a large cattle, sheep, and dairy alfalfa ranch in Eastern Nevada that operates on private and public lands. I'm a past president of the Nevada Cattlemen's Association, member of the Public Lands Council, and current Treasurer of the National Cattlemen's Beef Association. Today, I represent nearly 25,000 of America's cattle producers who will be detrimentally impacted by federal regulation of groundwater under the Clean Water Act. Thank you, Chairman Barrasso and Ranking Member Carper, for allowing me to speak on this critical issue today.

One of the most complex environmental issues facing our country in recent history has been the Environmental Protection Agency's (EPA) attempted definition of Waters of the United States, known simply as WOTUS. NCBA has worked hard, and continues working to ensure that the definition of WOTUS is not expanded to include water that Congress never intended to regulate. However, if the EPA finds authority to regulate discharges to surface water via groundwater, any progress made on this front will be lost. The regulation of groundwater has the potential to impact even more cattle operations than the damaging 2015 WOTUS definition.

The Carson River runs through a portion of the range on the smaller ranch that I manage. The water is used to irrigate hay fields and mountain and valley pastures. A tributary runs through one of the valleys on the mountain range. To prevent degradation of the streambed, we move the cattle away from the stream as often as possible. I don't have an NPDES permit for this operation because, quite frankly, I don't need one. My cattle are not point sources, and thus do not meet the Clean Water Act's discharge standard. Through USDA-NRCS, I've implemented voluntary conservation practices on my operations, including the strategic placement of wells and underground pipelines to move water throughout the operation. Such voluntary practices increase efficiency and maintain natural resource quality, both on my operation and downstream. However, the expansion of the Clean Water Act to regulate discharges into groundwater would change all of this. Not only would such an expansion directly contradict the intent of the law, but take authority from those who can best manage groundwater quality.

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Currently, a range of thought exists when it comes to the appropriate regulation of groundwater at the federal and state level. Among those who believe federal groundwater regulation to be necessary, two schools of thought exist. The conduit theory argues that groundwater is a point source, while the direct hydrologic connection theory claims that groundwater is a conveyance. Under the plain language of the Clean Water Act, groundwater is neither. Groundwater is sufficiently managed through state programs and the Safe Drinking Water Act. Regulation under the Clean Water Act would only lead to unnecessary, duplicative permitting and enforcement, usurping current state authority.

States are uniquely positioned to manage and prevent the discharge of pollutants into groundwater.

The Clean Water Act begins by stating that it is the "policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act." This important statement indicates the key role that states play in protecting the quality of our nation's water. Unfortunately, the EPA's direct hydrologic connection theory completely obliterates this federal-state partnership through a *de facto* declaration that all waters are federal.

When Congress enacted the Clean Water Act in 1972, then amended the Act in 1987, one theme remained constant; the Clean Water Act is intended to regulate discharges to jurisdictional surface waters from point sources. The Act specifically defines a point source as a discernable, confined, and discrete conveyance that discharges pollutants to a jurisdictional surface water. By limiting Clean Water Act jurisdiction to point sources, Congress ensured that responsibility would remain with the states to regulate groundwater quality. This wasn't an accident – Congress understood that groundwater regulation could not be a one-size-fits all approach.

Only states have the flexibility to regulate groundwater discharges in a way that is most beneficial to the environment. The state of Nevada has a robust environmental regulatory regime, much of which is dedicated to maintaining groundwater quality. In western states like Nevada, water quality is directly tied into a question of water quantity. Questions of water quantity are

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often tied directly to questions of water quality, and states cannot effectively manage water rights if they have no control over the regulation of groundwater quality.

In Nevada, we have a number of different subsurface water systems that are unique to our region. Certainly, underground flow of glacial water, which is a unique piece in Nevada's water quality regulatory framework, should not be regulated in Mississippi, New Jersey, or Florida. One of the things I love most about our country is its geographic and topographic variety – every state provides a new adventure. But those new adventures present new challenges to overcome, and states are the only parties that can address soil and water quality in a holistic manner to ensure that our agricultural operations stay in business for many generations to come.

Groundwater is not a point source, and regulating it as such blurs the line between point and non-point source standards that are key to the integrity of the Clean Water Act.

The theory that groundwater may be regulated as a point source defeats the Act's bifurcated approach by blurring the line between sources and non-point sources. Bringing non-point sources into the realm of Clean Water Act regulation will exponentially expand EPA's permitting and enforcement authority, while providing little environmental benefit.

To determine if federally regulating groundwater as a point source under the Clean Water Act really provides a significant benefit, Congress and the EPA must consider what environmental benefit will be gained, and if that benefit outweighs a significant increase in operation costs. In the cattle industry, Concentrated Animal Feeding Operations (CAFOs) are defined as point sources under the Clean Water Act, and are therefore required to have an NPDES permit if there is a discharge from their operation into a jurisdictional surface water. Under the NPDES permit, CAFOs are required to implement manure management practices that prevent their operation from discharging. A CAFO does not receive an NPDES permit until it meets set requirements for nutrient management.

So who will this additional permitting requirement effect in the cattle industry? Me, the pasture-based cow-calf rancher, and the other ranchers like me across the country. We work hard to maintain the soil and water quality on our operations through the implementation of voluntary USDA-NRCS programs. Due to the unpredictable, diffuse flow of groundwater that varies depending on the hydrological and geological features in each region, it is difficult to calculate

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what amount of nutrients could be coming from my ranching operation and flowing through groundwater to distant or adjacent surface water. That all said, it would be devastating to the farming community for the government to require farmers and ranchers to get NPDES permits for groundwater flow.

To put it in perspective, the number of cattle that graze today on pasture in the United States is less than the number of buffalo that grazed America's prairies prior to westward expansion. Waste from non-point, pasture-based agriculture is simply not a regulatable source of surface water pollutant. By regulating groundwater, the EPA accomplishes nothing other than a significant expansion of Clean Water Act authority to manage operations that, frankly, do not need to be federally managed. Presently, discharges to groundwater are managed at the state level, and should remain so.

Groundwater is not a conveyance as defined by the Clean Water Act.

While it is clear that groundwater should not be regulated as a point source, additional confusion remains as to whether groundwater can be classified as a "conveyance" under the Clean Water Act. While the Act provides no definition for conveyance, the general definitions section of the Act clarifies that conveyances must be "discernable, confined, and discrete." All prior case law in this area finds that a point source may be separated from a jurisdictional surface water, and that point source can still be subject to permitting and enforcement if a conveyance exists which connects it to the surface water. However, in all cases, the conveyances considered met the qualifications provided by the Clean Water Act. In fact, these conveyances were specifically engineered to convey pollutants from one point to another. Naturally flowing and diffuse groundwater is nothing like conveyances that were designed, built, and maintained with the sole purpose of moving effluent from one point to another.

Interpretation of the Clean Water Act to regulate groundwater as a conveyance presents a significant risk to any diversified producer. Earlier, I mentioned that I assist in managing a large operation to produce alfalfa for beef cattle, dairy cattle, and sheep. On this operation, we fertilize crops and consult with experts to ensure that nutrients are no over applied. But scientific data tells us that, even with the best precision application practices – even when we do everything possible to ensure that the application of nutrients to a crop is exact, there will always be some amount of nutrient that pass the root zone. If we do our job right, that amount will be filtered out

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by soil in the groundwater system, and has little to no environmental or public health impact. However, under the direct hydrologic connection, because a risk exists of discharging to surface water, even though that risk is minimal, operations will be required to get an NPDES permit.

If Congress allows the expanded interpretation of "conveyance" to include groundwater, all sectors of the cattle industry will face additional federal regulation and scrutiny, with little to no environmental benefit. Without an incentive, farmers and ranchers will stop working voluntarily with state and federal conservation programs to protect water quality. As producers sell off their cattle out of frustration with further regulation, the industry will face further consolidation because smaller producers are unable to comply with overly burdensome permitting requirements.

Thank you for taking the time to hear my concerns, and for listening to livestock producers around the country. The key to environmental sustainability is working together with states and stakeholders, not fighting us. Thank you for your time, and I look forward to answering your questions.

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Message

From: Morris, Madeline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F42C86B4A2044779972AC94E098F0304-MORRIS, MAD]
Sent: 8/7/2017 2:04:30 PM
To: Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: Pending Meeting Request.xlsx
Attachments: Pending Meeting Request.xlsx

I would like to put this up on a secured share drive. Do you know how to do that? I also need to adjust the dates so they are sortable by dates.

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 3/22/2018 6:57:11 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: FW: SEPW member hot site issues

Per Carolyn this morning

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: 202.603.3225

From: Levine, Carolyn
Sent: Monday, March 19, 2018 4:49 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: SEPW member hot site issues

Hi Christian,

As I mentioned this morning, I was planning to work with the regions and OLEM on a hot sites issue paper for OLEM's nominee, Peter Wright. I'm only identifying a few issues based on sites that have media attention or that the Member is likely to mention, even if they don't ask questions of the nominee (e.g. Inhofe and Capito).

Listed below are the my suggested topics for "mini issue papers." I was planning to request that the regions provide 2-3 high-level bullets on the status at these sites—just enough for the nominee not to be totally blindsided but not too much that he should get into a discussion on details. Let me know how that sounds as well as the list below—any additions or deletions?

Ex. 5 - Deliberative Process

Thanks,
Carolyn

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 6/20/2018 1:55:25 AM
To: William McIntosh [Ex. 6 - Personal Privacy @icloud.com]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: Re: Schedule for Tuesday, 6.19

I will print first thing in the AM.

Tony

On Jun 19, 2018, at 9:13 PM, William McIntosh <Ex. 6 - Personal Privacy icloud.com> wrote:

> Tony -- sorry to bother but would you please print my notes in an easy to read font, one sided and punched for my notebook ?
>
> Thanks -- see y'all in the morning.
>
> Chad
>
> OWE A RESPONSE NOT AN ANSWER
>
> REPITITION
>
> MORE IS LESS
>
> TAKE YOUR TIME
>
> DO NOT FILL SILENCE
>
> PRUITT NEWS
> I DO NOT HAVE FIRST-HAND KNOWLEDGE OF THE STORIES YOU HAVE MENTIONED; THEREFORE I CANNOT COMMENT.
> DO I APPROVE, WHAT WOULD I DO IF ASKED
> IF CONFIRMED, I WILL CARRY OUT MY DUTIES FOLLOWING THE GUIDANCE FROM CAREER EPA ETHICS OFFICIALS AND ALL OF THE APPLICABLE AGENCY AND FEDERAL RULES APPLICABLE.
>
> RECUSALS
> I WILL RELY ON THE GUIDANCE FROM CAREER EPA ETHICS OFFICIALS TO DETERMINE ANY ISSUES FOR WHICH I AM TO BE RECUSED
>
> BEFORE CONFIRMATION
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> *Deputy Associate Administrator*
> *Office of Congressional & Intergovernmental Affairs*
> *U.S Environmental Protection Agency*
> *O: 202.564.4944*
> *C:* Ex. 6 - Personal Privacy
> *E: Palich.Christian@epa.gov*
>
> **From:** Palich, Christian
> **Sent:** Tuesday, June 19, 2018 9:03 AM
> **To:** Frye, Tony (Robert) <frye.robert@epa.gov>; Peter Wright [redacted]@mac.com>; William McIntosh Ex. 6 - Personal Privacy @icloud.com>
> **Cc:** Lyons, Troy <lyons.troy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
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From: Frye, Tony (Robert)
Sent: Monday, June 18, 2018 4:47 PM
To: Peter Wright <[redacted]@mac.com>; William McIntosh <Ex. 6 - Personal Privacy@icloud.com>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Schedule for Tuesday, 6.19

Hello Gentlemen – We are one day closer to the big day.

Hopefully you found today's debrief helpful, Peter. I have attached the updated talking point document reflecting our conversation.

Chad, we are looking forward to seeing you tomorrow and go through a second round of debrief with you. Feel free to take a look at the talking points document attached in advance of tomorrow.

Additionally, I have included the most recent schedule below. Let us know when you arrive and we'll get you through the door.

Tuesday, June 19th

- <!--[if !supportLists]--><!--[endif]-->10am: **Chad-** Mock hearing *(Location – EPA HQ)*
- <!--[if !supportLists]--><!--[endif]-->1:30pm: **Chad-** Meeting with Senator Markey Staff *(Location – 255 Dirksen SOB)*
- <!--[if !supportLists]--><!--[endif]-->3pm: **Chad-** Meeting with Ranking Member Carper *(Location – 513 Hart SOB)*
- <!--[if !supportLists]--><!--[endif]-->3:30pm: **Peter-** Meeting with Ranking Member Carper *(Location – 513 Hart SOB)*

Wednesday, June 20th

- <!--[if !supportLists]--><!--[endif]-->9:00am: **Peter and Chad**- Arrive at EPA HQ for transport to Dirksen SOB.
- <!--[if !supportLists]--><!--[endif]-->10am: **Peter and Chad-** NOMINATION HEARING!!!! *(Location – Dirksen SOB)*

Let us know if anything comes up before we speak tomorrow. Have a great evening.

Best,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 - Personal Privacy

<FINAL EDIT Nomination Main Talking Points (002).docx>

Message

From: William McIntosh [Ex. 6 - Personal Privacy @icloud.com]
Sent: 6/20/2018 1:13:10 AM
To: Palich, Christian [palich.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: Schedule for Tuesday, 6.19

Tony -- sorry to bother but would you please print my notes in an easy to read font, one sided and punched for my notebook ?

Thanks -- see y'all in the morning.

Chad

OWE A RESPONSE NOT AN ANSWER

REPITITION

MORE IS LESS

TAKE YOUR TIME

DO NOT FILL SILENCE

PRUITT NEWS
I DO NOT HAVE FIRST-HAND KNOWLEDGE OF THE STORIES YOU HAVE MENTIONED; THEREFORE I CANNOT COMMENT.
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Hello Gentlemen – We are one day closer to the big day.

Hopefully you found today's debrief helpful, Peter. I have attached the updated talking point document reflecting our conversation.

Chad, we are looking forward to seeing you tomorrow and go through a second round of debrief with you. Feel free to take a look at the talking points document attached in advance of tomorrow.

Additionally, I have included the most recent schedule below. Let us know when you arrive and we'll get you through the door.

Tuesday, June 19th

- <!--[if !supportLists]--><!--[endif]-->10am: **Chad-** Mock hearing *(Location – EPA HQ)*
- <!--[if !supportLists]--><!--[endif]-->1:30pm: **Chad-** Meeting with Senator Markey Staff *(Location – 255 Dirksen SOB)*

- <!--[if !supportLists]--><!--[endif]-->3pm: **Chad-** Meeting with Ranking Member Carper *(Location – 513 Hart SOB)*
- <!--[if !supportLists]--><!--[endif]-->3:30pm: **Peter-** Meeting with Ranking Member Carper *(Location – 513 Hart SOB)*

Wednesday, June 20th

- <!--[if !supportLists]--><!--[endif]-->9:00am: **Peter and Chad-** Arrive at EPA HQ for transport to Dirksen SOB.
- <!--[if !supportLists]--><!--[endif]-->10am: **Peter and Chad-** NOMINATION HEARING!!!! *(Location – Dirksen SOB)*

Let us know if anything comes up before we speak tomorrow. Have a great evening.

Best,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 - Personal Privacy

<FINAL EDIT Nomination Main Talking Points (002).docx>

Message

From: Wright, Jennie (Inhofe) [Jennie_Wright@inhofe.senate.gov]
Sent: 6/19/2018 10:25:18 PM
To: Palich, Christian [palich.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: 2018.06.20 JMI Questions DRAFT
Attachments: 2018.06.20 JMI Questions DRAFT.docx

Here is what I've drafted for Senator Inhofe. I have not had a chance to talk with him regarding the questions. If these change in any way, I'll let you know.

Sincerely,
Jennie H. Wright
U.S. Senator James M. Inhofe

Jennie: Ex. 6 - Personal Privacy

Environment and Public Works Committee
Hearing on, "Hearing on the Nominations of William Charles McIntosh and Peter C. Wright to be Assistant Administrators of the Environmental Protection Agency."
10:00am | Wednesday, June 20, 2018 | Dirksen 406

Witnesses:

- W. Charles "Chad" McIntosh, nominee, Assistant Administrator, Office of International and Tribal Affairs (OITA), U.S. Environmental Protection Agency
- Peter C. Wright, nominee, Assistant Administrator, Office of Land and Emergency Management (OLEM), U.S. Environmental Protection Agency

Questions:

1. Mr. McIntosh, In Northeast Oklahoma we have one of the largest Superfund sites in the nation known as Tar Creek. This former lead and zinc site spans about 40 square miles and currently contains about 50 million tons of mine waste and miles of underground mines causing many different health and safety issues. Oklahoma DEQ and the Quapaw Tribe are working well with EPA on the slow and methodical cleanup of the site. The waste from the mine – chat – can be useful when mixed with asphalt in the road construction industry, but the Quapaw Tribe has run into a barrier called the Bureau of Indian Affairs that has made it very difficult for the tribe to sell the chat on their lands while other landowners can.
   - **If confirmed as Assistant Administrator of OITA, will you work with the Tribe and BIA to explore ways to simplify the process for chat sales so that the tribe can re-enter the market and sell their chat as others are doing?**
2. Mr. McIntosh, the Quapaw Tribe is the lead agency for site cleanup and they are doing a great job of remediation – in fact, Oklahoma entered into their own agreement with them to clean up nontribal land – but they do find that EPA can be a bit inflexible when it comes how the remediation is being handled. For example, EPA will not allow topsoil to be replaced once contaminated soil is removed. This severely limits the use of the land once cleanup is completed.

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- **Can I get your commitment to ensure the tribe's wishes for how their land is remediated is given the proper weight and consideration they deserve?**

3. Mr. Wright, as nominee for the office that oversees the Superfund program you should know that you'll find no better partner than Chairman Berry and the Quapaw Tribe.
   - **Can I get your commitment too that the tribe's considerations for the condition they want their land in be given the weight it deserves?**
4. Thus far EPA has not investigated long term solutions to the contaminated mine water discharging into Tar Creek, and ultimately Grand Lake.
   - **Will you both commit to working with the Quapaw Tribe to find a permanent solution to this problem?**
5. Mr. Wright, the OLEM is an office that I'm very familiar with. I have a long history of working with them on the Tar Creek Superfund site and Oklahoma has many examples of the benefits from the Brownfields program. In fact, I authored the recent reauthorization of the program along with other EPW Sens. Markey, Rounds, Booker, Whitehouse, Carper and Gillibrand. That bill was included in the omnibus bill and is now law. If confirmed, you'll be in charge of implementing the reforms in this law.
   - **Do I have your commitment to implement the reforms as intended by Congress?**
6. The other side of the aisle always seems to think that working for an industry should be disqualifying when someone seeks public service. When I look at your bios, I see nominees that have a lot of experience and are familiar with our environmental laws.
   - **What will each of you and your experience bring to the Offices you're nominated for?**

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Message

From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 3/19/2018 8:49:23 PM
To: Palich, Christian [palich.christian@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: SEPW member hot site issues

Hi Christian,

As I mentioned this morning, I was planning to work with the regions and OLEM on a hot sites issue paper for OLEM's nominee, Peter Wright. I'm only identifying a few issues based on sites that have media attention or that the Member is likely to mention, even if they don't ask questions of the nominee (e.g. Inhofe and Capito).

Listed below are the my suggested topics for "mini issue papers." I was planning to request that the regions provide 2-3 high-level bullets on the status at these sites—just enough for the nominee not to be totally blindsided but not too much that he should get into a discussion on details. Let me know how that sounds as well as the list below—any additions or deletions?

Ex. 5 - Deliberative Process

Thanks,
Carolyn

Carolyn Levine
Office of Congressional and Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

Message

From: Falvo, Nicholas [falvo.nicholas@epa.gov]
Sent: 6/25/2018 7:27:36 PM
To: Sophie Miller [Sophie_Miller@daines.senate.gov]; Palich, Christian [palich.christian@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Most expensive Superfund sites

Sophie –
I'm getting follow up emails from the program office saying they have additional data regarding ROD estimates, however that data needs to be verified. (I.e. Portland Harbor). We will have more to come.

Also, please note the last line. If PRP expenditures were included, this list would look very different. I.e. Hudson River, where GE claims they have spent $2B+ in remediation costs.

From: Miller, Sophie (Daines) [mailto:Sophie_Miller@daines.senate.gov]
Sent: Monday, June 25, 2018 3:04 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Falvo, Nicholas <falvo.nicholas@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Most expensive Superfund sites

Thank you very much, all.

-Sophie

From: Palich, Christian <palich.christian@epa.gov>
Sent: Monday, June 25, 2018 3:01 PM
To: Miller, Sophie (Daines) <Sophie_Miller@daines.senate.gov>
Cc: Falvo, Nicholas <falvo.nicholas@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Most expensive Superfund sites

Hi Sophie,

The following table lists those sites where EPA has spent the most Superfund resources through the end of FY 2017. With the exception of reimbursable funds from other federal agencies, Homeland Security Supplemental appropriation, and Brownfields expenditures, the data include all EPA expenditures of Superfund appropriated and reimbursable (e.g., funds from settlements with potentially responsible parties (PRPs) resources for these sites through the end of FY 2017, including intramural (e.g., payroll) and extramural (e.g., contract, grant) expenditures.

Note: These data do not include costs incurred by PRPs as they are not required to provide that information to EPA. If we had data to include PRP expenditures, this list would look very different.

Region	State	EPA ID	Site Name	NPL Status	EPA Superfund expenditures through end of FY 2017
10	ID	IDD048340921	BUNKER HILL MINING & METALLURGICAL COMPLEX	Final	$604.2 Million
1	MA	MAD980731335	NEW BEDFORD	Final	$517.8 Million
8	MT	MT0009083840	LIBBY ASBESTOS SITE	Final	$418.0 Million

2	NJ	NJD986620995	WELSBACH & GENERAL GAS MANTLE (CAMDEN RADIATION)	Final	$346.6 Million
6	OK	OKD980629844	TAR CREEK (OTTAWA COUNTY)	Final	$271.7 Million

Source: IFMS/Compass data as of EOFY 2017 (in nominal dollars)

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov

From: Miller, Sophie (Daines) [mailto:Sophie_Miller@daines.senate.gov]
Sent: Wednesday, June 20, 2018 3:41 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: Most expensive Superfund sites

Hello Christian,

Would you be able to share which Superfund sites are the most expensive? I understand there may be two categories: EPA-funded and PRP-funded. If that's the case, two separate lists would be fine.

Thank you.

-Sophie

--

Sophie Miller
Legislative Assistant
U.S. Senator Steve Daines (MT)
202.224.2651 (o)
www.daines.senate.gov

Message

From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 6/13/2018 7:34:02 PM
To: Palich, Christian [palich.christian@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: For Review: Senator Udall staff Information request on Superfund sites

Thanks Christian.

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Palich, Christian
Sent: Wednesday, June 13, 2018 3:28 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Re: For Review: Senator Udall staff Information request on Superfund sites

Fine by me. Thanks Carolyn.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: 202.306.4656

Sent from my iPhone

On Jun 13, 2018, at 3:26 PM, Levine, Carolyn <Levine.Carolyn@epa.gov> wrote:

> Hi Christian,
>
> Attached is information from both OECA and OLEM to respond to Jonathan's request (below) for information on the Administrator's Emphasis List sites to include: NPL Hazard Ranking Score, list of PRPs. It is two separate documents because it was pulled from two databases. I tried to save the excel spreadsheet as pdf, but it changed the formatting and it became 170 pages. It just lists PRPs, no sensitive data, so I think Excel is fine—I marked it as final.
>
> For his request for PRP Notice Letters, I directed him to EPA's website for an example template for General and Special Notice letters: https://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/index.cfm?action=3&sub_id=1219
>
> Please let me know if you have any concerns with providing these spreadsheets. I'm happy to discuss.
>
> Thanks,
> Carolyn

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Thursday, June 07, 2018 12:04 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: Information request on Superfund sites

Hi Carolyn,

I'm hoping you can easily pull together some information for me. Below is the Administrator's list of Superfund sites targeted for immediate and intense action. I'd like to see the Hazardous Rating Scores for these sites as well as lists of Potentially Responsible Parties. I'd also like to also see any notice letters sent to the PRPs, but perhaps there is a template or something else that is easier to pull.

We are requesting information to help our office better understand the development of and progress on the Administrator's priority list of Superfund sites that have been initiated in the time following the Administrator's confirmation.

Thanks!
---Jonathan

FROM: https://www.epa.gov/superfund/superfund-sites-targeted-immediate-intense-action

Mohawk Tannery
Centredale Manor Restoration Project
American Cyanamid Co.
Diamond Alkali Co. (aka Upper Lower Passaic)
Ventron/Velsicol (aka Berry's Creek)
L. A. Clarke & Son
Delaware Sand & Gravel Landfill
B.F. Goodrich
Mississippi Phosphates Corporation
U.S. Smelter and Lead Refinery, Inc. (aka USS Lead or East Chicago)
Allied Paper, Inc./Portage Creek/Kalamazoo River
St. Regis Paper Co.
Tar Creek (Ottawa County)
Des Moines TCE (aka Dico Company)
West Lake Landfill
Bonita Peak Mining District
Anaconda Co. Smelter
Silver Bow Creek/Butte Area
Orange County North Basin
Casmalia Resources
Portland Harbor
Quendall Terminal

In addition to the sites on the list targeted for immediate and intense action, can you please supply the same information for these sites?

Quivara Vent Hole (Ashtabula, NM)
Hudepohl Brewery Site (Cincinnati, OH)
Zizzo Properties (Kenosha, WI)
Liberty Street Ansonia Copper and Brass Site (Ansonia, CT)
USS Lead (East Chicago, IL)
Madison County Mines (Fredericktown, MO)
Black Butte Mine Site (Cottage Grove, OR)
Burlington Industries/Highland Industries Site (Cheraw, DC)
Lower Darby Creek Area (Darby Township, PA)
Mississippi Phosphates Site (Pascagoula, MS)
35th Avenue Site (Birmingham, AL)
Wiley's Bridge Lead Site (Reading, PA)
Marina Spill Jersey City (Jersey City, NJ)
Hope Iron and Metal (Hope, AR)
Pittsburgh White Metal (Brooklyn, NY)
Oronogo-Duenweg Mining Belt (Joplin, MO)
Safety Light Corp (Bloomsburg, PA)
Tar Creek Site (Ottawa, OK)
Treece OU4 (Cherokee, KS)
Zephyr Oil Refinery (Muskogee, MI)

<AEL sites-HRS Scores.pdf>

<AEL sites -PRPs-June 2018.xlsx>

Message

From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 6/13/2018 7:26:54 PM
To: Palich, Christian [palich.christian@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: For Review: Senator Udall staff Information request on Superfund sites
Attachments: AEL sites-HRS Scores.pdf; AEL sites -PRPs-June 2018.xlsx

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Please let me know if you have any concerns with providing these spreadsheets. I'm happy to discuss.

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From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
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St. Regis Paper Co.
Tar Creek (Ottawa County)
Des Moines TCE (aka Dico Company)
West Lake Landfill
Bonita Peak Mining District
Anaconda Co. Smelter
Silver Bow Creek/Butte Area
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Casmalia Resources
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Marina Spill Jersey City (Jersey City, NJ)
Hope Iron and Metal (Hope, AR)
Pittsburgh White Metal (Brooklyn, NY)
Oronogo-Duenweg Mining Belt (Joplin, MO)
Safety Light Corp (Bloomsburg, PA)
Tar Creek Site (Ottawa, OK)
Treece OU4 (Cherokee, KS)
Zephyr Oil Refinery (Muskogee, MI)

Region	Site Name	EPA ID	NPL	Party Name
01	MOHAWK TANNERY	NHD981889629	P	CHESTER REALTY TRUST
				GRANITE STATE TANNING COMPANY INC
				KEAN WARREN W
				MOHAWK ASSOCIATES INC
				W RUSSEL KEAN REVOCABLE TRUST

Region	Site Name	EPA ID	NPL
01	CENTREDALE MANOR RESTORATION PROJECT	RID981203755	F

Party Name

ALLENDALE MILL ASSOCIATES LIMITED PARTNERSHIP
AMERICAN HOECHST CORP.
AMERICAN MINERAL SPIRITS COMPANY
ARCH CHEMICALS INC
BASF CORPORATION
BENNY'S OF RI INC
BERCEN INC
BLACK & DECKER, INC.
BLACK AND DECKER CORPORATION
BROOK VILLAGE ASSOCIATES LIMITED PARTNERSHIP
CENTREDALE MANOR ASSOCIATES
CENTREDALE MANOR ASSOCIATES LIMITED PARTNERSHIP
CIBA-GEIGY CORPORATION
CNA HOLDINGS INC
CONOCOPHILLIPS COMPANY
CRANSTON PRINT WORKS COMPANY
CROWN METRO INC
EASTERN COLOR & CHEMICAL
EASTERN SMELTING/REFINERY
ELI LILLY & CO
EMHART INDUSTRIES INC
EXXONMOBIL ENVIRONMENTAL SERVICES CO
LONZA, INC
NEW ENGLAND CONTAINER COMPANY, INC
OLIN CORP.
ORGANIC DYSTUFFS CORPORATION
ORIGINAL BRADFORD SOAP CO.
ORIGINAL BRADFORD SOAP WORKS
PHIBRO ANIMAL HEALTH CORPORATION
SEQUA CORPORATION
T. H. BAYLIS CHEMICAL
TEKNOR APEX CO
UNION OIL COMPANY OF CALIFORNIA
UNIVAR USA INC.
WARWICK CHEMICAL COMPANY
WOBURN STEEL DRUM

Region	Site Name	EPA ID	NPL
02	AMERICAN CYANAMID CO	NJD002173276	F

Party Name
WYETH HOLDINGS CORP.
CYTEC INDUSTRIES INC F/K/A AMERICAN CYANAMID
WYETH COMPANY

Region	Site Name	EPA ID	NPL	Party Name
02	DIAMOND ALKALI CO.	NJD980528996	F	ALCAN ALUMINUM CORP.
				ALLIANCE CHEMICAL
				ARKEMA INC
				ASHLAND INC.
				ATLANTIC RICHFIELD COMPANY
				BASF CORPORATION
				BELLEVILLE INDUSTRIAL CENTER
				BENJAMIN MOORE & CO
				BRADY IRON AND METALS CO.
				BRISTOL-MYERS SQUIBB COMPANY
				CBS CORPORATION
				CELANESE LTD.
				CHEMICAL LAND HOLDINGS, INC.
				CHEMTURA CORPORATION AND RACLAUR LLC
				CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY
				CITY OF NEWARK
				CNA HOLDINGS LLC
				COATS & CLARK INC
				COLTEC INDUSTRIES NC
				CONOPCO INC
				CONRAIL CORP.
				COOPER INDUSTRIES LLC
				COVANTA ESSEX COMPANY
				CRODA INC
				DII INDUSTRIES LLC
				DILORENZO PROPERTIES COMPANY
				DU PONT COMPANY
				E I DUPONT DE NEMOURS AND COMPANY
				EDEN WOOD CORPORATION
				ELAN CHEMICAL CO INC
				EM SERGEANT PULP & CHEMICAL CO.
				EPEC POLYMERS INC
				EQUISTAR CHEMICALS LP
				ESSEX CHEMICAL CORPORATION
				EXELIS INC
				FISKE BROTHERS REFINING CO.
				FLEXON INDUSTRIES CORP
				FRANKLIN-BURLINGTON PLASTICS INC
				GARFIELD MOLDING CO INC
				GENERAL ELECTRIC COMPANY
				GENERAL MOTORS CORPORATION
				GIVAUDAN FRAGRANCES CORP
				GOODRICH CORPORATION
				HERCULES CHEMICAL COMPANY INC
				HESS CORPORATION
				HEXCEL CORPORATION

HOFFMANN-LA ROCHE INC
HONEYWELL INTERNATIONAL INC
ISP CHEMICALS LLC
ITT CORPORATION
KAO BRANDS COMPANY
KEARNY INDUSTRIAL ASSOCIATES LP
LEEMILT'S PETROLEUM INC
LEGACY VULCAN CORP
LUCENT TECHNOLOGIES INC
MALLINCKRODT INC
MARCAL PAPER MILLS INC
MARISOL INC
MAXUS ENERGY CORPORATION
MHC INC
MILLENNIUM CHEMICALS INC
MILLENNIUM PETROCHEMICALS INC
NATIONAL-STANDARD LLC
NEWELL RUBBERMAID INC
NEWS PUBLISHING AUSTRALIA LTD
NOVELIS CORPORATION
NPEC INC
OCCIDENTAL CHEMICAL CORP.
OTIS ELEVATOR COMPANY
PFIZER INC.
PHARMACIA CORPORATION
PPG INDUSTRIES INC.
PUBLIC SERVICE ELECTRIC AND GAS COMPANY
PURDUE PHARMA TECHNOLOGIES INC
QUALITY CARRIERS INC
REICHOLD CHEMICALS, INC.
REVERE SMELTING & REFINING CORPORATION
RTC PROPERTIES, INC.
S&A REALTY CORP.
SAFETY KLEEN ENVIROSYSTEMS CO.
SEQUA CORPORATION
SETON TANNING
SHERWIN WILLIAMS CO.
STANLEY WORKS
STWB INC
SUN CHEMICAL CORPORATION
TATE & LYLE INGREDIENTS AMERICAS INC
TEVA PHARMACEUTICALS USA, INC.
TEVAL CORPORATION
TEXTRON INC
THE BOC GROUP INC
THE HARTZ CONSUMER GROUP
THE NEWARK GROUP INC

THREE COUNTY VOLKSWAGON CORP
TIERRA SOLUTIONS INC
TIFFANY AND COMPANY NEW YORK CORPORATION
VERTELLUS SPECIALTIES INC
VULCAN MATERIALS COMPANY
WALTER KIDDE & COMPANY INC
WYETH

Region	Site Name	EPA ID	NPL
02	VENTRON/VELSICOL	NJD980529879	F

Party Name
3M COMPANY
ABB INC
AIR PRODUCTS AND CHEMICALS INC
AKZO NOBEL COATINGS INC
ALCOA INC
ALLIED CHEMICAL
ANDERSEN LAND CORPORATION
ARKEMA INC
ARMSTRONG WORLD INDUSTRIES INC
ASHLAND INC
AVERY DENNISON CORP SUCCESSOR TO PAXAR CORPORATION
BASF CORPORATION
BECTON DICKINSON AND COMPANY
BEE CHEMICAL COMPANY
BELMONT METALS INC
BENJAMIN MOORE & CO
BER MAR MANUFACTURING CORP
BRISTOL-MYERS SQUIBB COMPANY
BROWNING FERRIS INDUSTRIES OF NEW JERSEY INC
CBS CORPORATION
CHEMCOAT INC
CIBA SPECIALTY CHEMICALS CORP
CNA HOLDINGS INC
COGNIS CORPORATION
COLUMBIA UNIVERSITY
CONGOLEUM CORPORATION
CONOPCO INC
CONTINENTAL HOLDINGS INC
COSAN CHEMICAL CORPORATION
CYCLE CHEM INC
D F GOLDSMITH CHEMICAL & METAL CORPORATION
DRI-PRINT FOILS INC
DUPONT COMPANY
EXXON MOBIL CORP
FRUIT OF THE LOOM INC
FUJIFILM GRAPHICS SYSTEMS USA INC
GARFIELD REFINING CO
GENERAL ELECTRIC COMPANY
GENERAL MOTORS CORP
HEXION SPECIALITY CHEMICALS INC
HOFFMAN-LAROCHE INC
HONEYWELL INTERNATIONAL INC
ISP ENVIRONMENTAL SERVICES INC
JOHN L ARMITAGE & CO
JOHNSON & JOHNSON
KIRKER ENTREPRISES INC

LANXESS CORPORATION
LE CARPENTER
LUCENT TECHNOLOGIES INC
MACK TRUCKS INC
MALLINCKRODT BAKER INC
MALLINCKRODT INC A DELAWARE CORPORATION
MANOR CARE INC
MANOR CARE OF AMERICA INC
MANORCARE HEALTH SERVICES INC
MATHESON TRI-GAS INC
MERCK & CO INC
MONROE CHEMICAL INC
MORTON INTERNATIONAL, INC.
MTA NEW YORK CITY TRANSIT
NATIONAL DIE & BUTTON MOULD CO INC
NEPERA INC
NEW ENGLAND LAMINATES CO INC
NEW JERSEY INSTITUTE OF TECHNOLOGY
NL INDUSTRIES INC GOLDSMITH DIV
NORTHROP GRUMMAN SYSTEMS CORP
OCCIDENTAL CHEMICAL CORP SUCCESSOR TO DIAMOND SHAMROCK
OLIN CORPORATION
OSRAM SYLVANIA INC
PAN TECHNOLOGIES INC
PERMACEL
PFIZER INC
PHARMACIA CORPORATION
PORTFOLIO ONE INC
PSE&G FOSSIL LLC
RECKITT BENCKISER INC
REVLON CONSUMER PRODUCTS CORPORATION
ROHM & HAAS COMPANY
SEAGRAVE COATINGS
SI GROUP INC
SI GROUP, INC
SIEGFRIED (USA) INC
SIMON WRECKING COMPANY INC
SMITHKLINE BEECHAM CORPORATION
SPECTRUM BRANDS
SPX CORPORATION
SUMITOMO MACHINERY CORPORATION OF AMERICA
SUN CHEMICAL CORPORATION
TATE AND LYLE INGREDIENTS AMERICAS INC
TECHNICAL COATINGS CO
TENNESSEE GAS PIPELINE CO
THE BOC GROUP INC
THE CUSTODIAL TRUST SUCCESSOR TO GENERATOR VELSICOL

THE DOW CHEMICAL COMPANY
THE GILLETTE COMPANY
THE PORT AUTHORITY OF NY & NJ
THE WELLA CORPORATION
TRANE US INC F/K/A AMERICAN STANDARD INC
UNION CARBIDE CORPORATION
UNITED TECHNOLOGIES CORPORATION
UNIVERSITY OF MINNESOTA
UOP LLC
VEOLIA ES TECHNICAL SOLUTIONS SUCCESSOR TO MARISOL INC
W A BAUM CO INC
WARNER-LAMBERT COMPANY LLC
WESTERN MICHIGAN UNIVERSITY
WYETH HOLDINGS CORPORATION

Region	Site Name	EPA ID	NPL
03	L.A. CLARKE & SON	VAD007972482	F

Party Name

L.A. CLARKE & SONS, INC.
MASSAPONAX SAND & GRAVEL CORPORATION
RICHMOND, FREDERICKSBURG & POTOMAC RAILROAD CO.INC
SOLITE CORP
WESTVACO CORP
WOODDUCK PARTNERS

Region	Site Name	EPA ID	NPL
03	DELAWARE SAND & GRAVEL LANDFILL	DED000605972	F

Party Name
ALLIED SIGNAL INC
AMERICAN CAN CO
AMERICAN CYANAMID CO.
AMERICAN CYANAMID CO./CYTEC INDUSTRIES
AMERICAN NATIONAL CAN CO.
AMETEK INC./HAVEG DIVISION
AMOCO CHEMICAL CORP
ATTWOODS INC
AVISON CORP THE
AVON PRODUCTS INC
B P AMERICA INC
BAYER CROPSCIENCE INC.
BELL ATLANTIC DELAWARE INC
BUDD CO.
CADILLAC PLASTIC GROUP, INC.
CHAMPLAIN CABLE CORP
CHEMTRON CHEMICALS
CHEMTURA CORPORATION
CHEVRON USA, INC.
CHICAGO BRIDGE & IRON CO
CHRYSLER CORP
CONGOLEUM CORP
CONTINENTAL CAN CO.
CYTEC INDUSTRIES, INC.
DAYCO CORP
DELAWARE SAND & GRAVEL CO
DELL'AVERSANO, JOSEPH AND ANITA
DELL'AVERSANO, VINCENT AND MARCELLA
DIAMOND STATE TELEPHONE CO THE
DUSTAN E. MCCOY
E. I. DU PONT DE NEMOURS AND COMPANY
EASTERN INDUSTRIAL CORP
ESSCHEM CORP
F M C CORP
GATES ENGINEERING CO.
GENE BANTA INC
GENERAL MOTORS CORP.
GRANTHAM LANE ASSOCIATES, LLC
H.M. HOLDINGS, INC.
HARVEY & HARVEY, INC.
HENRY M. JUSTI
HERCULES INC
HERCULES LLC
HOECHST CELANESE CORP
ICI AMERICAS, INC.
JOHNSON CONTROLS INC

KAUMAGRAPH CORP
KEYSOR CENTURY
KNOTTS, INC.
LEKSI, INC.
LIQUID REMOVAL SERVICE
LUDLOW CORP
MICUCIO BROTHERS, INC.
MOTOR WHEEL CORP
MRC HOLDINGS, INC.
N V F CO
NEW CASTLE COUNTY
OCCIDENTAL CHEMICAL CORP
OCCIDENTAL CHEMICAL CORP/DIAMOND SHAMROCK
PPG INDUSTRIES, INC.
PRIMERICA HOLDINGS, INC.
RALPH A. CICCONE, INC.
RHONE-POULENC INC.
RHONE-POULENC INC. (AS SUCCESSOR-BY-MERGER TO
ROLLINS ENVIRONMENTAL SERVICES, INC.
ROSE HILL DRUM CO.
S C M CORP GATES
SC HOLDINGS, INC.
SCA SERVICE, INC
STANDARD CHLORINE OF DELAWARE, INC.
SUN CO INC
TERANOVA & SONS, INC.
THE CHEMOURS COMPANY FC, LLC.
TRASH REMOVERS
TWARDUS & SONS
UNITED STATES REFINING
WASTE MANAGEMENT OF DELAWARE, INC
WASTE MANAGEMENT OF NORTH AMERICA, INC
WEAVERS POLE LINE CONSTRUCTION
WESTVACO CORP
WILMINGTON CHEMICAL CO INC
WILMINGTON FIBRE SPECIALITIES
WILMINGTON FIBRE SPECIALTY CO
WILMINGTON SHEET METAL WORKS INDUSTRIES, INC.
WITCO CHEMICAL CORP.
WITCO CORP
WSMW INDUSTRIES, INC.
ZENECA, INC

Region	Site Name	EPA ID	NPL	Party Name
04	B.F. GOODRICH	KYD006370167	F	AIR PRODUCTS & CHEMICALS, INC.
				B.F. GOODRICH CORPORATION
				B.O.C. GROUP, INC.
				BOC, INC.
				CYMETECH, LLC
				GOODRICH CORPORATION
				GOODRICH CORPORATIONS
				LUBRIZOL ADVANCED MATERIALS, INC.
				POLYONE CORPORATION
				WESTLAKE CHEMICAL CORPORATION

Region	Site Name
04	MISSISSIPPI PHOSPHATES CORPORATION

Ongoing Govt Removal - No Noticed parties at this Site

Mississippi Phosphates - Appears in both lists

EPA ID	NPL Status	**Party Name**
MSN000403508	Currently on the Final NPL	

Ongoing Govt Removal - No Noticed parties at this Site

Region
05

U.S. Smelter and Lead Refinery (East Chicago) - Appears in both lists - note that site is in Indiana not IL.

Site Name	EPA ID	NPL	Party Name
U.S. SMELTER AND LEAD REFINERY, INC.	IND047030226	F	ATLANTIC RICHFIELD COMPANY
			E.I. DUPONT DE NEMOURS & CO.
			THE CHEMOURS COMPANY FC, LLC.
			U.S. SMELTER AND LEAD REFINERY, INC.
			UNITED STATES METAL REFINING COMPANY

Region	Site Name	EPA ID	NPL
05	ALLIED PAPER, INC./PORTAGE CREEK/KALAMAZOO RIVER	MID006007306	F

Party Name

CHESAPEAKE CORPORATION
COLONIAL HEIGHTS PACKAGING INC
GEORGIA PACIFIC CORP.
H.M. HOLDINGS, INC./ALLIED PAPER CO.
INTERNATIONAL PAPER
MILLENNNUIM HOLDINGS, LLC
PHILLIP MORRIS USA INC
PLAINWELL HOLDING COMPANY
PLAINWELL INC
SIMPSON PAPER COMPANY
SIMPSON PLAINWELL PAPER CO.
WEYERHAEUSER COMPANY

Region	Site Name	EPA ID	NPL	Party Name
05	ST. REGIS PAPER CO.	MND057597940	F	BNSF RAILWAY CORPORATION
				CASS FOREST PRODUCTS
				CHAMPION INTERNATIONAL CORPORATION
				CITY OF CASS LAKE
				INTERNATIONAL PAPER COMPANY

Region	Site Name	EPA ID
06	TAR CREEK (OTTAWA COUNTY)	OKD980629844

Tar Creek - Appears three times - as Tar Creek in both lists and as Treece OU4.

NPL	Party Name
F	ASARCO LLC
	ASARCO, INC.
	AZCON CORP.
	BECK COMPANY, THE
	BERNSTEIN, MITCH
	BLUE TEE CORPORATION
	BREWER, W.A.
	BROWN, GAROLD
	CHILDRESS ROYALTY COMPANY
	CONRAD, ROBERT J., SR.
	DEWEY S. SIMS ESTATE
	DRYER, SAM
	EAGLE-PICHER INDUSTRIES, INC.
	EBY, HENRY
	GOLD FIELDS MINING CORPORATION
	KISER, TOM
	LTV JONES & LAUGHLIN STEEL CORP.
	MOORE, ORVILLE
	NL INDUSTRIES, INC
	NOOLLES, RICHARD
	O.K. TUCKER
	SCHWARTZ, JEFF
	ST. JOE MINERALS CORP.
	TAYLOR, RANDY
	THE DOE RUN RESOURCES COMPANY, INC
	TRI-STATE ZINC, INC.
	TUCKER, O.K.
	U. S. DEPARTMENT OF THE INTERIOR
	UNITED AMERICAN DEVELOPMENT CORP.
	VOLZ, CHRISTIAN
	WATERS, BARNEY
	YOUNGSTOWN SHEET & TUBE COMPANY

Region	Site Name	EPA ID	NPL	Party Name
07	DES MOINES TCE	IAD980687933	F	BAYER CORPORATION
				BP AMOCO PLC
				CHEVRON CHEMICAL COMPANY LLC
				DICO COMPANY, INC
				MONSANTO COMPANY
				SHELL OIL COMPANY

Region	Site Name	EPA ID	NPL	Party Name
07	WESTLAKE LANDFILL	MOD079900932	F	LAIDLAW WASTE SYSTEMS (BRIDGETON), INC.
				COTTER CORP., (N.S.L.)
				ROCK ROAD INDUSTRIES, INC.
				U.S. DEPARTMENT OF ENERGY

Region	Site Name	EPA ID	NPL	Party Name
08	BONITA PEAK MINING DISTRICT	CON000802497	F	MUELLER INDUSTRIES, INC.
				SUNNYSIDE GOLD CORPORATION
				WASHINGTON MINING COMPANY

Region	Site Name	EPA ID	NPL	Party Name
08	ANACONDA CO. SMELTER	MTD093291656	F	ATLANTIC RICHFIELD CO
				CLEVELAND WRECKING CO.

Region	Site Name	EPA ID	NPL
08	SILVER BOW CREEK/BUTTE AREA	MTD980502777	F

Party Name
ANACONDA COMPANY
AR MONTANA CORPORATION
ARCO COAL CO
ATLANTIC RICHFIELD CO
BGM EQUIPMENT CO INC
BLACK ROCK MINING CO
BLUE BIRD MINING CO
BURLINGTON NORTHERN RAILROAD
BUTTE HISTORIC PARKS RAILROAD
BUTTE SILVER BOW GOVERNMENT
BUTTE, ANACONDA, AND PACIFIC RAILROAD (BAP)
CENTRAL BUTTE MINING CORP
CITY OF WALKERVILLE
DEFENSE LOGISTICS AGENCY
EAST RIDGE MINING CO
EUREKA MINING CO
HARISTON CORP
INLAND PROPERTIES, INC.
KELLEY RESOURCE RECOVERY CORP
METANETIX CORP
MONTANA DEPARTMENT OF COMMERCE
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
MONTANA MINING PROPERTIES INC
MONTANA POWER CO
MONTANA RESOURCES INC
MONTANA WESTERN RAILWAY CO INC
MOUNTAIN CON MINING CORP
NEW BUTTE MINING INC
NORTH BUTTE MINING CO
OREGON SHORTLINE RAILROAD CO
RARAS RAILROAD
RARUS RAILWAY CO
TZARINA AND TRAVONA MINING CO
TZARINA TRAVONA MINING CORP
UNION PACIFIC RAILROAD CO
UNIVERSAL ROYAL APEX LTD
USA INVESTMENTS
WASHINGTON, DENNIS
WEST BUTTE METALS INC
WESTERN AND PACIFIC RESOURCES CORP
YANKEE MINING CO

Region	Site Name	NPL Status	City	State
09	ORANGE COUNTY NORTH BASIN	Proposed for NPL	FULLERTON AND ANAHEIM	CA

Region	Site Name	EPA ID	NPL
09	CASMALIA RESOURCES	CAD020748125	F

Party Name
A D S GOLD, INC.
A FINKL & SONS CO.
A J DIANI
A&G GERMAN CARS
A&H PLATING, INC.
A.O. SMITH CORPORATION
AAMCO TRANSMISSIONS INCORPORATED
ABB GROUP, INC.
ABB VETCO GRAY, INC.
ABBOTT LABORATORIES
ABC UNIFIED SCHOOL DISTRICT
ABM INDUSTRIES
AC TRANSIT
ACCURATE CONTAINER CORPORATION
ACCURIDE INTERNATIONAL INC.
ACDC ELECTRONICS
ACE CLEARWATER
ACE ORTHOPEDIC MANUFACTURING, INC.
ACME METALS INCORPORATED
ACME PRINTING INK COMPANY
ACROMIL CORPORATION
ACTION COMPUTER PRODUCTS SALES INC.
ACTION INSTRUMENTS
ACTIVE MAGNETIC INSPECTION, INC.
ACTIVE SUPPLY
ACTIVE USA, INC. SBM KENOSHA AUTO TRANSPORT, INC.
ACTON-AGUA DULCE UNIFIED SCHOOL DISTRICT
ACUREX CORPORATION
ADDMASTER CORP.
ADLER SCREW PRODUCTS, INC.
ADVANCED COATINGS & CHEMICAL
ADVANCED MICRO DEVICES, INC.
ADVANCED STRUCTURES CORPORATION
ADVENTIST HEALTH
AEROCHEM, INC.
AEROCRAFT HEAT TREATING COMPANY
AEROJET-GENERAL CORPORATION
AIR INDUSTRIES CORPORATION
AIR LOGISTICS CORPORATION
AIR PRODUCTS AND CHEMICALS, INC.
AJ DAW PRINTING INK CO.
AK STEEL CORPORATION
AKZO NOBEL COATINGS INC.
ALABAMA METAL INDUSTRIES CORP.
ALAMEDA COUNTY FIRE DEPARTMENT
ALCOA COMPOSITES INC.

ALCOA, INC
ALEXIS HUNTER CHERNOW
ALFLEX CORPORATION
ALL DIAMETER GRINDING INC.
ALL METALS PROCESSING OF ORANGE COUNTY
ALLAN HANCOCK JOINT COMMUINITY COLLEGE DISTRICT
ALLEN FOAM CORPORATION
ALLERGAN INC.
ALLIANT FOODSERVICE, INC.
ALLIED PACIFIC METAL STAMPING
ALLIED STEEL COMPANY, INC
ALLOYS CLEANING INC.
ALMA PISTON CO./TOMADUR ENGINE CO.
ALPHA CENTURION, INC.
ALPHA THERAPEUTIC CORP
ALPS ELECTRIC
AL'S PLATING CO.
AL-SAL OIL INC.
ALUMAX MILL PRODUCTS
ALUMIN-ART PLATING CO
ALUMINUM PRECISION PRODUCTS, INC.
ALVORD UNIFIED SCHOOL DISTRICT
ALYESKA PIPELINE SERVICE COMPANY
ALZETA CORPORATION
AMADA MFG.
AMBASSADOR AUTO
AMBASSADOR LAUNDRY
AMBER CHEMICAL
AMBERWICK CORPORATION
AMERCOM-ATLANTIC RESEARCH CORP
AMERICAN AIRLINES
AMERICAN APPLIANCE MFG. CORP.
AMERICAN BROADCASTING CO., INC.
AMERICAN CAN COMPANY
AMERICAN CHEMICAL ETCHING
AMERICAN CRYSTAL SUGAR COMPANY
AMERICAN ENVIRONMENTAL MANAGEMENT CORPORATION
AMERICAN FENCE COMPANY
AMERICAN HONDA MOTOR CO., INC.
AMERICAN MAGNETICS CORPORATION
AMERICAN METAL BEARING COMPANY
AMERICAN PACIFIC FORWARDERS
AMERICAN PHARMASEAL LABS
AMERICAN RUBBER MANUFACTURING
AMERICAN SECURITY PRODUCTS CO.
AMERIPRIDE SERVICES INC. FKA WELCH'S OVERALL CLEAN
AMERON INTERNATIONAL CORPORATION

AMEX SYSTEMS, INC.
AMICO WEST
AMPEX CORPORATION
AMSEC MAJOR
AMTRAK-NATIONAL RAILROAD PASSENGER CORP.
ANACAPA MARINE SERVICES
ANACOMP, INC.
ANALOGY DEVICES, INC AS SUCCESSOR TO PRECISION MONOLITHICS
ANALYTICAL SYSTEMS, DIVISION OF MARION LABS
ANCON MARINE ENVIRONMENTAL & TRANSPORTATION
ANGELUS BLOCK COMPANY
ANGELUS SANITARY CAN MACHINE CO.
ANHEUSER-BUSCH COMPANIES INC.
ANILLO INDUSTRIES, INC.
ANJA ENGINEERING CORPORATION
ANOMET METAL FINISHING
ANTIOCH UNIFIED SCHOOL DISTRICT
AOC, LLC
APACHE PLASTICS
APEX DRUM COMPANY, INC.
APL LIMITED
APPERSON BUSINESS FORMS
APPLE COMPUTERS
APPLERA CORPORATION
APPLIED MATERIALS, INC
APPLIED POWER INC.
AQUA CHEM LTD.
ARATEX SERVICES INC.
ARB, INC.
ARCADIA INC.
ARCADIA UNIFIED SCHOOL DISTRICT
ARCHITECTURAL PLYWOOD INC.
ARGONAUT ENERGY CORP.
ARLEN J. & EMILY J. RICHMAN
ARLON PRODUCTS
ARMCO, INC.
ARMO CONSTRUCTION
ARMORED TRANSPORT INC.
ARMSTRONG WORLD INDUSTRIES, INC. FKA ARMSTRONG COR
ARMTEC DEFENSE PRODUCTS CO.
ARNCO
ARVIN INDUSTRIES
ASBURY OIL CO., INC.
ASHLAND CHEMICAL COMPANY, DIVISION OF ASHLAND INC.
ASIAN GARDEN, LTD
ASPHALT PRODUCTS OIL CORP.
ASSOCIATED PLATING COMPANY, INC.

ASSOCIATED SPRING CORPORATION
ASSOCIATES INSECTARY
ASTECH/MCI MANUFACTURING INC.
ASTRO PAK CORPORATION
ASTRO PLATING
ASTRO SEAL
AT&T CORP
ATLANTIC RICHFIELD COMPANY (ARCO)
ATLAS GALVINIZING COMPANY
ATLAS RADIATOR SERVICE
AUTHENTIC SPECIALTY FOODS, INC
AUTOLOGIC INC.
AUTOMATION PLATING CORP.
AVANTEK
AVERY DENNISON CORPORATION
AVIALL INC.
AVIS BUDGET GROUP, INC.
AYERS CHAIRMAKERS, INC.
B&Z DISPOSAL
B/E AEROSPACE
BABBITT BEARING COMPANY, INC.
BABCOCK INC.
BACON INDUSTRIES
BAE SYSTEMS TECHNOLOGY SOLUTIONS & SERVICES INC.
BAHIA RESORT HOTEL
BAILEY BRIDGES, INC.
BAKER HUGHES
BAKER PERTROLITE CORPORATION
BAKERTANKS INC.
BALL CORPORATION
BANDAG INC.
BANDAG, INC. AST MASTER PROCESSING CORP.
BANKAMERICA CORPORATION
BARDEX
BARRON ANODIZING & PAINT
BASF CORP.
BASIC VEGETABLE PRODUCTS
BAUSCH & LOMB
BAXTER HEALTHCARE CORPORATION
BAY AREA RAPID TRANSIT DISTRICT
BEAUMAN TRUST/JOHN L. HUNTER & ASSOCIATES
BECKMAN COULTER
BEHR PROCESS CORPORATION
BEI MOTION SYSTEMS CO
BELDEN INC.
BELL FOUNDRY COMPANY
BELL INDUSTRIES

BELL SPORTS, INC.
BEMIS COMPANY, INC.
BEMIS CONSTRUCTION
BENCO SALES
BENETO, INC.
BENJAMIN AND/OR LARRY SEEWACK
BENJAMIN MOORE & CO.
BENMATT INDUSTRIES
BENTLY NEVADA CORP.
BERKSHIRE HATHAWAY INC.
BERTEA CORP.
BETHLEHEM STEEL CORP.
BETTER BILT ALUMINUM
BETTS SPRING COMPANY
BETZDEARBORN INC. FKA BETZ LABORATORIES, INC.
BEYLIK DRILLING INC.
BFI WASTE SYSTEMS OF NORTH AMERICA, INC.
BHP COATED STEEL CORP.
BHP COATED STEEL CORP. ST SUPRACOTE, INC.
BIG CREEK LUMBER COMPANY
BIO-RAD LABORATORIES, INC.
BIORESEARCH, INC
BIRD INC.
BISHOPS SCHOOL
BIXBY LAND COMPANY
BLACK & DECKER
BLOMBERG WINDOW SYSTEMS
BLOMMER CHOCOLATE COMPANY
BLOUNT INTERNATIONAL
BLUE CROSS LABORATORIES, INC.
BLUE DIAMOND GROWERS
BMC INDUSTRIES, INC.
BMW OF NORTH AMERICA
BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY
BOC GASES
BODY GLOVE
BONITA PACKING CO.
BORDEN, INC. ASIIT BORDEN CHEMICAL CO.
BORG-WARNER AUTOMOTIVE, INC.
BOURNS, INC.
BOYLES SNYDER COMPANY
BRANDENBURG, STAEDLER & MOORE
BRAZOS ASSET MANAGEMENT, INC.
BREGIN, INC.
BRIDGESTONE/FIRESTONE, INC
BRISTOL INDUSTRIES
BROWN AND CALDWELL

BROWN-PACIFIC INC.
BRUNSWICK CORPORATION
BRUSH WELLMAN INC.
BRYAN'S CLEANERS AND LAUNDRY
BUDGET INDUSTRIAL UNIFORM SUPPLY, INC.
BUDGET RENT A CAR
BUD'S OIL SERVICE
BUILDERS FENCE COMPANY
BUNKER RAMO CORP.
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
BURKE INDUSTRIES
BURLINGTON NORTHERN RAILROAD
BURNS INTERNATIONAL SERVICES CORP. FKA BORG-WARNER
BUTLER MANUFACTURING COMPANY
C & H DEVELOPMENT
C & W PALLET ENTERPRISES, INC.
C B S CORP
C&H SUGAR COMPANY
C.R. BARD, INC.
CABRILLO COMMUNITY COLLEGE DISTRICT
CACO PACIFIC CORPORATION
CADBURY SCHWEPPES AMERICAS BEVERAGES
CADIHAYES INC. FKA MYDRIN INC.
CAL AURUM INDUSTRIES
CAL COAST ACIDIZING SVC.
CAL DORAN
CAL NEV PIPE LINE, LLC.
CAL TECH CABINETS
CAL WESTERN PAINT, INC.
CALAFIORE & ASSOCIATES
CALDER, INC.
CALIFORNIA - OFFICE OF STATE PRINTING
CALIFORNIA ACRYLIC, INC
CALIFORNIA AIR RESOURCES BOARD
CALIFORNIA BOX
CALIFORNIA COMBINING CORPORATION
CALIFORNIA CONSERVATION CORPS
CALIFORNIA DEPT. OF CORRECTIONS
CALIFORNIA DEPT. OF FISH AND GAME
CALIFORNIA DEPT. OF FOOD AND AGRICULTURE
CALIFORNIA DEPT. OF FORESTRY & FIRE PROTECTION
CALIFORNIA DEPT. OF GENERAL SERVICES
CALIFORNIA DEPT. OF HEALTH SERVICES
CALIFORNIA DEPT. OF MENTAL HEALTH
CALIFORNIA DEPT. OF PARKS AND RECREATION
CALIFORNIA DEPT. OF TOXIC SUBSTANCES CONTROL
CALIFORNIA DEPT. OF WATER RESOURCES

CALIFORNIA DEPT. OF YOUTH AUTHORITY
CALIFORNIA DOMESTIC WATER
CALIFORNIA ELECTRO PLATING, INC.
CALIFORNIA FINE WIRE
CALIFORNIA FINISHED METALS, INC.
CALIFORNIA HIGHWAY PATROL
CALIFORNIA HOTWOOD, INC.
CALIFORNIA INSTITUTE OF TECHNOLOGY
CALIFORNIA INSTITUTE OF THE ARTS
CALIFORNIA NEON PRODUCTS
CALIFORNIA OIL RECYCLERS
CALIFORNIA OILS CORPORATION
CALIFORNIA STATE COMPENSATION INSURANCE FUND
CALIFORNIA STATE WATER QUALITY CONTROL BOARD
CALIFORNIA STEEL INDUSTRIES INC.
CALIFORNIA TECHNICAL PLATING INC.
CALIFORNIA VETERINARY DIAGNOSTICS LABORATORY
CALNAP TANNING CO
CALSTAR MOTORS, INC.
CAL-TRON PLATING
CALWEST GALVANIZING CO.
CAMCO INTERNATIONAL INC.
CAMPBELLS SOUP COMPANY
CAMSCO RESIDENTIAL
CAPUTO ASSOCIATES
CARGILL, INC
CARLIN FOODS
CARPENTER CO.
CARPENTER TECHNOLOGY CORPORATION
CARPINTERIA COUNTY WATER DISTRICT
CARRIER CORPORATION
CARTER PRECISION PARTS, INC.
CARTER-WALLACE INC.
CASCADE DIE CASTING GROUP, INC.
CASE CORPORATION
CASMALIA RESOURCES
CASPIAN INC.
CATE SCHOOL
CATELLUS DEVELOPMENT CORPORATION
CATERPILLAR INC
CATHERINE HOLLLISTER WALLENFELS
CB RICHARD ELLIS
C-BRITE METAL FINISHING
CEDARS-SINAI MEDICAL CENTER
CENTINELA VALLEY HIGH SCHOOL DISTRICT
CENTRAL CHEVROLET
CENTRAL CONCRETE SUPPLY COMPANY INC.

CENTRAL DIAGNOSTIC LABORATORIES
CENTRAL SANTA CLARA COUNTY REGIONAL
CENTURY WIRE & CABLE
CENVEO
CERADYNE INC.
CERAMIC DECORATING COMPANY, INC.
CERRITOS COMMUNITY COLLEGE DISTRICT
CERRO METAL PRODUCTS
CERTAIN-TEED CORP.
CERTIFIED ALLOY PRODUCTS, LLC.
CERTIFIED ENAMELING
CERTIFIED GROCERS
CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT
CHAFFEY COMMUNITY COLLEGE DISTRICT
CHAMPION CHEMICAL CORPORATION
CHAMPION INTERNATIONAL CORP. ASBMT ST. REGIS CORP.
CHANNEL INDUSTRIES, INC.
CHARLES H. LILLY CO.
CHARLESTON ROAD VENTURE I/II
CHART HOUSE ENTERPRISES, INC./CHE, INC.
CHARTER COMMUNITY HOSPITAL, INC.
CHASE BROS DAIRY
CHASE PACKAGING CORPORATION
CHEM PRO LABORATORY INC.
CHEMICAL TRANSPORTATION
CHEMIX, INC
CHEMREX COATINGS CORPORATION
CHEMRON INC.
CHEM-TECH SYSTEMS
CHEVRON ENVIRONMENTAL MANAGEMENT CO. ASIIT GULF OI
CHEVRON LAND AND DEVELOPMENT COMPANY
CHEVRON PIPELINE COMPANY
CHEVRON USA, INC.
CHIEF AUTO PARTS
CHILDRENS HOSPITAL LOS ANGELES
CHRISTOPHER CHEVROLET
CHROMAL PLATING COMPANY
CHROME CRANKSHAFT CO., INC.
CHROME NICKEL PLATING
CHRYSLER CORPORATION
CINTAS CORPORATION
CIPCO
CIRCLE SEAL
CIREXX CORPORATION
CITRUS COMMUNITY COLLEGE DISTRICT
CITY OF ALHAMBRA
CITY OF ANAHEIM

CITY OF AZUSA
CITY OF BARSTOW
CITY OF BEVERLY HILLS
CITY OF BUENA PARK
CITY OF BURBANK
CITY OF CARLSBAD
CITY OF CHINO
CITY OF CHULA VISTA
CITY OF CORONA
CITY OF COSTA MESA
CITY OF COVINA
CITY OF CULVER CITY
CITY OF EL SEGUNDO
CITY OF FONTANA
CITY OF FREMONT
CITY OF GARDENA
CITY OF GLENDALE
CITY OF GUADALUPE
CITY OF HAYWARD
CITY OF HOPE NATIONAL MEDICAL CENTER
CITY OF HUNTINGTON BEACH
CITY OF IRVINE
CITY OF LOMPOC
CITY OF LOS ANGELES
CITY OF LOS ANGELES ABAT LA DEP'T OF WATER AND POW
CITY OF LOS ANGELES AF LA DEP'T OF PUBLIC WORKS
CITY OF LOS ANGELES DEPT. OF AIRPORTS
CITY OF LOS ANGELES HARBOR DEPARTMENT
CITY OF LOS ANGELES SANITATION DISTRICT
CITY OF MANTECA
CITY OF MILPITAS
CITY OF MODESTO
CITY OF MONROVIA
CITY OF MONTCLAIR
CITY OF MONTEBELLO
CITY OF MOUNTAIN VIEW
CITY OF NEWPORT BEACH
CITY OF NORWALK
CITY OF OAKLAND
CITY OF ONTARIO
CITY OF ORANGE
CITY OF OXNARD
CITY OF PALO ALTO
CITY OF PASADENA
CITY OF PORT HUENEME
CITY OF REDDING
CITY OF REDLANDS

CITY OF REDONDO BEACH
CITY OF REDWOOD CITY
CITY OF RICHMOND
CITY OF RIVERSIDE
CITY OF SACRAMENTO
CITY OF SALINAS
CITY OF SAN BERNARDINO
CITY OF SAN DIEGO
CITY OF SAN JOSE
CITY OF SAN MARINO
CITY OF SAN RAFAEL
CITY OF SANTA CLARA
CITY OF SANTA FE SPRINGS
CITY OF SANTA MARIA
CITY OF SANTA MONICA
CITY OF SANTA PAULA
CITY OF SANTA ROSA
CITY OF SCOTTS VALLEY
CITY OF SIGNAL HILL
CITY OF SOUTH SAN FRANCISCO
CITY OF SUNNYVALE
CITY OF THOUSAND OAKS
CITY OF TORRANCE
CITY OF UNION CITY
CITY OF UPLAND
CITY OF VERNON
CITY OF WESTMINISTER
CITY OF WHITTIER
CLAIROL, INC.
CLAREMONT COLLEGES
CLAYTON INDUSTRIES
CLEAN SEAS
CLEVELAND WRECKING COMPANY
CLOUGHERTY PACKING CO.
CLOVERLEAF GROUP, INC.
CMH MANUFACTURING WEST, INC.
CMS ENERGY CORP
CNF TRANSPORTATION INC.
COAST COMMUNITY COLLEGE DISTRICT
COAST PLATING
COASTAL OIL & GAS CORPORATION
COASTCAST CORPORATION
COCA-COLA ENTERPRISES
COEN COMPANY, INC.
COHERENT, INC.
COHU INC. ELECTRONICS DIV.
COLLINS & AIKMAN FLOORCOVERINGS

COLONIAL ENGINEERING
COLTEC INDUSTRIES ASIIT MENASCO, INC.
COLTON-WARTSILA, INC.
COMAP, INC.
COMINER CORPORATION
COMMERCIAL PLATING AND ENGINEERING CORPORATION, INC.
COMMONWEALTH ALUMINUM CONCAST, INC.
COMPAQ COMPUTER CORPORATION
COMPRESSOR SERVICE COMPANY
COMSTOCK CROSSER & ASSOCIATES DEVELOPMENT COMPANY
CONAGRA FOODS, INC.
CONCORDE INTERSTATE BATTERY CO.
CONEJO CIRCUITS INC.
CONNECTOR PLATING CORP.
CONNELL PROCESSING INC
CONNOR SPRING MANUFACTURING
CONOCO INC.
CONOPCO, INC.
CONRAC CORPORATION/MARK IV INDUSTRIES, INC
CONSOLIDATED DRUM RECONDITIONING CO.
CONSOLIDATED FABRICATORS CORP.
CONSTRUCTION SPECIALTIES (CALIFORNIA), INC.
CONSUELO SANUDO
CONTINENTAL ACRYLICS
CONTINENTAL AIRLINES
CONTINENTAL CAN COMPANY, INC.
CONTINENTAL CHEMICAL CORP.
CONTINENTAL FORGE
CONTINENTAL HEAT TREATING, INC.
CONTINENTAL MANUFACTURING CO.
CONTINENTAL MARITIME
CONTINENTAL MATERIALS CORPORATION
CONTINENTAL PACIFIC BANK/BANK OF THE WEST
CONTINUOUS COATING CORP
CONTINUOUS CURVE CONTACT LENSES INC.
CONTRA COSTA COMMUNITY COLLEGE DISTRICT
CONTRA COSTA WATER DISTRICT
CONTROL COMPONENTS
CONWAY OIL COMPANY
COOK PAINT COMPANY
COOL TRANSPORTS, INC.
COOPER & BRAIN
COOPER INDUSTRIES, INC.
COOPER US, INC.
COORDINATED EQUIPMENT CO.
CORAL CHEMICAL COMPANY
CORDOVA PRINTED CIRCUITS

CORDOVA TRUCK DISMANTLERS
CORE LABORATORIES LP
CORONA CLIPPER
CORONET MANUFACTURING
COR-RAY PAINTING COMPANY
COSDEN OIL AND CHEMICAL
COSMOTRONIC COMPANY CORP.
COSTCO WHOLESALE CORP
COUNTY OF CONTRA COSTA
COUNTY OF FRESNO
COUNTY OF KERN
COUNTY OF KINGS
COUNTY OF LOS ANGELES
COUNTY OF MARIN
COUNTY OF MONTEREY
COUNTY OF NEVADA
COUNTY OF RIVERSIDE
COUNTY OF SACRAMENTO
COUNTY OF SAN BENITO
COUNTY OF SAN DIEGO
COUNTY OF SAN JOAQUIN
COUNTY OF SAN MATEO
COUNTY OF SANTA BARBARA
COUNTY OF SANTA CLARA
COUNTY OF SANTA CRUZ
COUNTY OF SONOMA
COUNTY OF VENTURA
COUNTY OF YOLO
COURT GALVANIZING, INC
COXCOM INC.
CR&R, INC.
CRANE COMPANY
CRENSHAW CHRISTIAN CHURCH OF LOS ANGELES
CREST BEVERAGE, LLC
CREST CAR WASH, INC.
CRESTLINE-LAKE ARROWHEAD WATER DISTRICT
CROCKER PLATING
CROCKETT CONTAINER CORPORATION
CROSBY & OVERTON, INC.
CROSBY AND OVERTON, INC.
CROSSFIELD PRODUCTS CORPORATION
CROWLEY MARITIME CORP.
CROWLEY MARITIME CORPORATION
CROWN BEVERAGE PACKAGING, INC.
CROWN CENTRAL PETROLEUM CORP
CROWN CIRCUITS
CROWN CORK & SEAL COMPANY

CROWN DISPOSAL INC.
CTS CORP.
CTS PRINTEX, INC.
CUBIC CORPORATION
CULLIGAN INDUSTRIAL WATER PURIFICATION
CULLIGAN INTERNATIONAL AND CULLIGAN WATER CONDITIO
CUSHMAN WAKEFIELD
CUSTOM CHEMICAL FORMULATORS, INC.
CYTEC ENGINEERED MATERIALS, INC.
CYTEC INDUSTRIES, INC.
D&D TANKS
D&S INDUSTRIES
D. H. HOLDINGS CORP.
D.A. STUART OIL CO. OF AMERICA
D.W. CRUISIO JR/ R.W. POOLE
DAH INCORPORATED
DAIMLERCHRYSLER CORP.
DANIELS ENGRAVING CO., INC.
DAUGHTERS OF CHARITY HEALTH SYSTEM
DAVID KARNEY CONTRACTOR
DAVIS WALKER CORP.
DAYTON-GRANGER, INC.
DECALTA INTERNATIONAL CORPORATION
DEFT INC.
DEFT, INC.
DEL MAR DEVELOPMENT COMPANY, INC
DEL MAR FAIRGROUNDS
DEL MAR WINDOW COVERINGS
DEL MONTE FOODS
DELANO GROWERS GRAPE PRODUCTS
DELTA AIR LINES, INC.
DELTA AIRLINES, INC. ASBMT WESTERN AIR LINES, INC.
DELTA TECH SERVICE, INC.
DELUXE PACKAGES
DENAULTS HARDWARE
DESERET INDUSTRIES
DEUTSCH CO.
DEUTSCH COMPANY
DEVELOPMENTAL SCIENCE
DEVINCENCI METAL PRODUCTS, INC.
DEWEY PEST CONTROL
DEXTER/HENKEL CORPORATION
DIAGNOSTIC PRODUCTS CORP.
DICKIES STANDARD INDUSTRIAL TOWEL & UNIFORM SUPPLY
DICKSON TESTING CO.
DIGITRAN
DIP BRAZE, INC.

DISK MEDIA, INC.
DIVERSEY CORP.
DIVERSIFIED CHEMICAL CORP.
DIXON HARD CHROME, INC.
DO ABLE PRODUCTS, INC.
DON E. KEITH TRANSPORTATION
DONREY MEDIA GROUP
DOUGLAS OIL CO. OF CAL.
DOUGLAS OIL COMPANY OF CALIFORNIA
DOUGLAS STATIONS, INC.
DOVER CORPORATION
DOW CHEMICAL COMPANY
DOWNEY GLASS
DRACKETT, INC.
DRESSER INDUSTRIES, INC.
DUBOIS CHEMICALS
DUNKEL BROTHERS TRUCKING
DUNN EDWARDS CORP.
DUNN SCHOOL
DUNN-EDWARDS CORP.
DURA-BOND BEARING CO.
DV INDUSTRIES, INC.
DYNACAST INC
DYNATECH CORPORATION
DYNATEM/R C CIRCUITS
E & T LLC
E L YEAGER CONSTRUCTION CO., INC.
E. I. DU PONT DE NEMOURS AND COMPANY
E.C. LOOMIS & SON
E.M. JOHANSING PARTNERSHIP
EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)
EAST BAY REGIONAL PARK DISTRICT
EASTERN CONTRA COSTA TRANSIT AUTHORITY
EASTMAN KODAK CO.
EASTON SPORTS
EATON CORP.
EATON CORPORATION
EAZ-LIFT SPRING CORPORATION
EBERHARD ROOFING
ECODYNE CORPORATION
ECONOLITE CONTROL PRODUCTS INC
EDO CORPORATION
EDOCO CONSTRUCTION & EQUIPMENT CORP.
EEMUS MANUFACTURING
EL CAMINO COMMUNITY COLLEGE DISTRICT
EL CAMINO HOSPITAL
EL CHORLITO MEXICAN RESTAURANT

EL PASO ELECTRIC CO.
ELCONIN & SAFFRIN
ELECTRO TEST, INC.
ELECTROFUSION CORPORATION
ELECTROLIZING, INC.
ELECTROLURGY, INC.
ELECTROMATIC INC.
ELECTRON PLATING III, INC.
ELECTRONIC CHROME CO., INC.
ELECTRONIC PLATING SERVICE INC.
ELEXSYS INTERNATIONAL
ELF ATOCHEM NORTH AMERICA, INC.
ELIXIR INDUSTRIES
ELK GROVE UNIFIED SCHOOL DISTRICT
EMBEE INC.
EME, INC.
EMERALD PACKAGING INC.
EMERSON & CUMING, INC.
EMERSON ELECTRIC COMPANY
EMERY AIR FREIGHT
ENERGY FACTORS INC.
ENTENMANN-ROVIN COMPANY
ENTENMANN'S / OROWHEAT
ENTHONE, INC.
ENTHONE-OMI, INC.
EPE, INC.
ERNEST CARLSON
ERNST BENARY OF AMERICA, INC.
ESCO ELECTRONICS CORPORATION
ESTATE OF CYRUS JHAFARI
ESTATE OF ELFRIDA HANCHETT AND HANCHETT FAMILY COR
ESTECH INC.
ESTERLINE TECHNOLOGIES
ESTHER & HAROLD MAZUR TRUST
ETCHED CIRCUITS, INC.
EVA FKIARAS
EVANS TANK LINES
EVEREST & JENNINGS
EVERGREEN OIL
EXAR CORPORATION
EXCAL INC.
EXEL CORP./EXEL MICROELECTRONICS, INC.
EXIDE CORP.
EXXON CORPORATION
EXXON MOBIL CORP. ASIIT EXXON U.S.A., MOBIL OIL CO
FABRI COTE
FACET ENERGY (GAMMALOY LTD.)

FACIT, INC.
FAIRCHILD INDUSTRIES, INC.
FAIRCHILD SEMICONDUCTOR CORPORATION
FALLBROOK PUBLIC UTILITY DISTRICT
FANSTEEL, INC.
FAR BEST CORP.
FARMERS INSURANCE COMPANY
FARR COMPANY
FARWEST CORROSION CONTROL
FEATHER RIVER FOREST PRODUCTS COMPANY
FEDCO INC.
FEDERAL BUREAU OF PRISONS
FEDERAL EXPRESS CORP. ASIIT FLYING TIGERS, INC.
FEDERAL EXPRESS CORPORATION
FEDERAL MANUFACTURING CORPORATION
FEDERAL MOGUL
FEDERAL RESERVE BANK
FEDEX FREIGHT CORPORATION
FEDEX OFFICE AND PRINT SERVICE
FERRO CORP. ASIIT PRODUCTOL CHEMICAL
FIAT PRODUCTS, INC.
FIBRE CONTAINER CORPORATION
FIBREBOARD CORP.
FIFIELD LAND COMPANY
FILBAR FURNITURE MANUFACTURING
FILLMORE PIRU CITRUS ASSOCIATION
FILM SALVAGE COMPANY
FINEGOOD HOLDINGS, INC.
FINISH KARE PRODUCTS, INC.
FINT INK CORP.
FIPP INVESTMENTS
FISHER DEVELOPMENT
FITZGERALD TRUCKING/ FITZGERALD PROPERTY
FLEET SERVICES INC.
FLEETWOOD ENTERPRISES, INC.
FLINT INK CORPORATION
FLO-KEM, INC.
FLOPETROL-JOHNSON
FLORESTONE PRODUCTS
FLOWER STREET PARTNERSHIP
FLOWSERVE CORPORATION
FMC CORPORATION
FONTANA WOOD PRESERVING, INC.
FOOTHILL BEVERAGE COMPANY
FOOTHILL-DEANZA COMMUNITY COLLEGE DISTRICT
FORD MOTOR CO.
FOREMOST ENAMELING

FORMICA CORP.
FORT HOWARD CORPORATION/LILY TULIP, INC.
FORT JAMES CORP. ASIIT TWO CROWN ZELLERBACH PLANTS
FORTIFIBER CORPORATION
FORTIN INDUSTRIES, INC
FOSTER & GARDNER INC.
FOSTER FARMS
FOUR SEASONS HOTELS AND RESORTS
FRANCESCA CASTAGNOLA HUNTER
FRAZEE INDUSTRIES INC.
FREEWAY TRUCK PARTS
FREMONT UNION HIGH SCHOOL DISTRICT
FREMONT-NEWARK COMMUNITY COLLEGE DISTRICT
FRESH EXPRESS INCORPORATED, FKA FRESHCO, INC.
FRITO-LAY, INC.
FRITZ BURNS FOUNDATION
FRY STEEL COMPANY
FUJI HUNT USA
FURUKAWA ELECTRIC NORTH AMERICA, INC
FUTURE FOAM
G & M OIL COMPANY
G&K SERVICES, INC.
GAEHWILER M. CONSTRUCTION INC.
GALLO GLASS
GANNETT CO INC
GANS INK & SUPPLY
GARDENIA FOODS COMPANY, INC
GARHAUER MARINE CORPORATION
GARNER GLASS COMPANY
GARRATT-CALLAHAN CO.
GATES LEARJET CORPORATION
GATX CORPORATION
GATX TERMINALS CORP.
GAYLORD CONTAINER CORP. ASIIT CROWN ZELLERBACH FAC
GCG CORPORATION
GEARHART INDUSTRIES
GEMINI INDUSTRIES, INC.
GENENTECH, INC.
GENERAL ATOMICS
GENERAL CHEMICAL CORPORATION
GENERAL DYNAMICS CORPORATION
GENERAL ELECTRIC CO.
GENERAL ELECTRIC COMPANY
GENERAL MAGNAPLATE
GENERAL MOTORS CORP.
GENERAL MOTORS CORPORATION
GENERAL TIRE SERVICE

GENLYTE THOMAS GROUP LLC
GEOPHYSICAL SERVICE, INC.
GEORGE CAMERON HOLLISTER
GEORGE INDUSTRIES
GEORGE MASKER
GEORGIA PACIFIC CORP.
GEORGIA-PACIFIC CORP.
GERARD METAL CRAFTSMEN
GILLESPIE FURNITURE COMPANY
GILLETTE COMPANY
GILMORE LIQUID AIR COMPANY
GINGER DOUILLARD
GLASTEEL TENNESSEE
GLENAIR, INC
GLENDALE COMMUNITY COLLEGE DISTRICT
GLENFED DEVELOPMENT CORPORATION
GLOBAL PLATING, INC.
GOLD COAST TRANSIT (F/K/A SOUTH COAST AREA TRANSIT)
GOLD FIELDS OPERATING COMPANY
GOLDEN ERA PRODUCTION
GOLDEN RAIN FOUNDATION
GOLDEN STATE FOODS CORPORATION
GOLETA UNION SCHOOL DISTRICT
GOLETA WATER DISTRICT
GONZALEZ STEEL DRUM
GOOD SAMARITAN HOSPITAL
GOOD SAMARITAN HOSPITAL OF SANTA CLARA VALLEY
GOULD ELECTRONIC, INC.
GREAT AMERICAN SPRING WATERS
GREAT LAKES CHEMICAL CORP.
GREAT WESTERN CARPET CUSHION
GREAT WESTERN CHEMICAL CO.
GREEN'S INDUSTRIAL PAINTING, INC.
GRIFFITH HOMES
GRINDLEY MANUFACTURING
GRISWOLD INDUSTRIES, INC
GROSSMONT UNION HIGH SCHOOL
GROSSMONT-CUYAMACA COMMUNITY COLLEGE DISTRICT
GT GOOD BEDROOMS
GTE CORPORATION
GUADALUPE UNION SCHOOL DISTRICT
GWF POWER MANUFACTURING SYSTEMS LP
GWYNN CHEVROLET
H&H PARAMOUNT LTD.
H.A. LUALLEN, INC.
H.B. FULLER COMPANY
H.F. COX PETROLEUM TRANSPORTATION

H.G. FENTON COMPANY
HALLIBURTON ENERGY SERVICES
HALLMARK CIRCUITS
HAMPTON FARMING COMPANY
HANDCRAFT TILE
HANNIBAL INDUSTRIES
HANSON PERMANENTE CEMENT, INC.
HARBOR DIESEL AND EQUIPMENT, INC.
HARRIMAN STREET PARTNERS
HARRIS CORPORATION
HART EXPLORATION AND PRODUCTION CO.
HARTNELL COMMUNITY COLLEGE DISTRICT
HARTSON'S AMBULANCE SERVICE
HARTWELL CORPORATION
HASA INC.
HAWKER PACIFIC AEROSPACE
HAWTHORNE/STONE REAL ESTATE
HAZ-CONTROL/SOUTH BAY CHEMICAL
HELICAL PRODUCTS COMPANY, INC.
HELLMAN PROPERTIES LLC ASIIT HELLMAN ESTATES OIL C
HENKEL CORP. ASIIT EMERY CHEMICALS
HENRY WONG & TOM PON
HERCULES INC
HERMETIC SEAL CORP
HERSHEY FOODS CORPORATION
HEUBLEIN INC
HEWLETT-PACKARD CO.
HEXCEL
HEXCEL CORPORATION
HI SHEAR CORPORATION
HILL BROTHERS CHEMICAL COMPANY
HILL REFRIGERATION CORPORATION
HI-REL CONNECTORS, INC.
HOBIE CAT (F/K/A COAST CATAMARAN CORP)
HOKE, INC.
HOLMES TUTTLE FORD INC.
HOLMES-HALLY INDUSTRIES
HOLT INC.
HOME DEPOT
HOME MOTORS
HONEYWELL, INC.
HOOKER INDUSTRIES
HOSOKAWA MICRON INTERNATIONAL INC.
HOST INTERNATIONAL
HOUSE OF PACKAGING
HOWARD PETERSEN
HUES METAL FINISHING, INC.

HUGHES AIRCRAFT COMPANY
HUGHES RESEARCH LABORATORIES INC.
HUGHES TELECOMMUNICATIONS AND SPACE COMPANY
HUMANA, INC.
HUNTER RESOURCES
HUNTER WOODWORKS
HUNTINGTON BEACH UNIFIED SCHOOL DISTRICT
HUNT-WESSON, INC. FKA HUNT WESSON FOODS, INC.
HURST CHEMICAL CO.
HUSSMANN CORPORATION
HYATT DIE CAST & ENGINEERING
HYUNDAI ELECTRONICS AMERICA
IBM CORPORATION
ICI AMERICAS, INC.
ICN PHARMACEUTICALS, INC.
ILLINOIS TOOL WORKS
IMPERIAL OIL & GREASE
INDASCO, INC
INDIAN HEAD INDUSTIRES, INC.
INDUSTRIAL POLYCHEMICAL SERVICE
INDUSTRIAL PROPERTY MANAGEMENT
INDUSTRIAL WASTE UTILIZATION, INC.
INDUSTRIAL WIRE PRODUCTS CORP.
INERSTATE BRANDS CORP.
INFORMATION MAGNETICS CORP.
INGERSOLL-RAND
INGERSOLL-RAND COMPANY
INK SYSTEMS INC.
INLAND KENWORTH, INC.
INLAND PAPERBOARD & PACKAGING, INC. FKA INLAND CON
INTEGRATED DEVICE TECHNOLOGY
INTEL CORP.
INTERMETRO
INTERNATIONAL CARBONICS
INTERNATIONAL COATINGS COMPANY, INC.
INTERNATIONAL ELECTRONIC RESEARCH CORPORATION
INTERNATIONAL EXTRUSION CORPORATION
INTERNATIONAL PAINT INC.
INTERNATIONAL PAPER COMPANY
INTERNATIONAL RECTIFIER CORPORATION
INTERNATIONAL TEXTILE GROUP, INC.
INTERSIL
IRV GUINN
IRVINE COMPANY
IRVINE RANCH WATER DISTRICT
ITT INDUSTRIES, INC.
IVERSEN MOTORS COMPANY, INC.

IVY HILL PACKAGING CORP
J L MANTA
J.B. DEWAR
J.C. CARTER COMPANY
J.C. SCHUMACHER COMPANY
J.R. SIMPLOT CO.
JACO OIL COMPANY
JAMES JONES COMPANY
JAMES SCOTT HOLLISTER
JASCO CHEMICAL CORP.
JASON HEADLEY
JBL SCIENTIFIC
JDS UNIPHASE CORPORATION
JEFFERSON SMURFIT CORP. (U.S.) FKA CONTAINER CORP.
JEFFRIES BANK NOTES
JENSEN GENERAL CONTRACTORS INC.
JET SERVICES (DELAWARE), INC. F/K/A JET SERVICES WEST, INC. A/K/A JET AIR, INC. AND CHROMALLOY SAN D
JIM BURKE FORD
JOHANSON DIALECTRICS
JOHN H. HARLAND COMPANY
JOHNS MANVILLE INTERNATIONAL, INC.
JOHNSON & JOHNSON
JOHNSON AND TURNER PAINTING COMPANY
JOHNSON CONTROLS
JORCO CHEMICAL CO
JOSLYN MANUFACTURING COMPANY
JULIUS L. ZELMAN CO.
JURUPA UNIFIED SCHOOL DISTRICT
K & L ANODIZING
K.M.S., INC.
KAISER AEROSPACE & ELECTRONICS CORP.
KAISER FOUNDATION HEALTH PLAN
KAL KAN FOODS
KALEX CHEMICAL PRODUCTS INC.
KAMEI INTERNATIONAL CORPORATION
KAUFMAN & BROAD HOMES CORPORATION
KAWASAKI STEEL HOLDINGS (USA), INC.
KAYNAR TECHNOLOGIES
KAYO OIL COMPANY
KEARFOTT CORPORATION
KEARNEY- KPF
KELLOGG BROWN & ROOT
KEMIRA CHEMICALS, INC.
KEN DALE
KENNETH HUNTER, JR.
KENYON MCINTYRE
KERN COMMUNITY COLLEGE DISTRICT

KERN HIGH SCHOOL DISTRICT
KERN INDUSTRIES
KERN OIL & REFINING COMPANY
KERR-MCGEE CORP. ASIIT SUN OIL CO. AND ORYX ENERGY
KEVEX CORPORATION
KEYES MOTORS, INC.
KEYSOR CENTURY CORP.
KEYSTONE AUTOMOTIVE INDUSTRIES, INC.
KEYSTONE SHIPPING COMPANY
KIK CUSTOM PRODUCTS
KIMBALL INTERNATIONAL, INC.
KIMBERLY-CLARK CORPORATION
KINBURSKY BROTHERS
KINDER MORGAN ENERGY PARTNERS, L.P.
KINGSBACHER-MURPHY, WESCO DIVISION
KLEINFELDERS & ASSOCIATES
KLIKLOK CORPORATION
KMART CORPORATION
KNOTT'S BERRY FARM
KOCH INDUSTRIES, INC.
KOH ATLAS CORPORATION
KOPPERS COMPANY INC. NKA BEAZER EAST, INC.
KRACO ENTERPRISES, INC.
KRUPP/TAYLOR USA
KUHLMAN CORPORATION
KYOCERA INTERNATIONAL
L & P PMC, INC.
L3 COMMUNICATION CORPORATION
L-3 INTEGRATED OPTICAL SYSTEMS
LA HABRA HEIGHTS COUNTY WATER DISTRICT
LAMSCO WEST INC.
LAYNE WESTERN
LEAR SIEGLER DIVERSIFIED HOLDINGS CORPORATION
LEFIELL MANUFACTURING
LEISURE VILLAGE ASSOCIATION, INC.
LENNOX INTERNATIONAL, INC.
LEVAN SPECIALTY COMPANY
LEVER BROTHERS COMPANY
LEVIN-RICHMOND TERMINAL CORP.
LEVITON MANUFACTURING COMPANY
LIBBY OWEN FORD CO.
LIBERTY VEGETABLE OIL CO.
LIFE TECHNOLOGIES, CORPORATION
LIFE TILE CORP.
LIGATURE
LIN DATA
LINCOLN PLACE ASSOCIATES LIMITED PARTNERSHIP

LINCOLN PROPERTY CO
LINDBERG CORPORATION
LINDBERG HEAT TREATING CO.
LIQUID INVESTMENT, INC.
LITHONIA WEST
LITHOTYPE COMPANY, INC.
LITRONIX, INC.
LITTON INDUSTRIES
LOCKHEED MARTIN CORP.
LOCKHEED MARTIN CORPORATION
LOCTITE CORPORATION
LODI DOOR
LODI METAL TECHNOLOGIES
LOMA LINDA OIL COMPANY
LOMPOC UNIFIED SCHOOL DISTRICT
LONE STAR INDUSTRIES
LONG BEACH COMMUNITY COLLEGE DISTRICT
LONG BEACH COMMUNITY MEDICAL CENTER
LONG BEACH MEMORIAL HOSPITAL
LONG BEACH OIL DEVELOPMENT CO.
LONG BEACH UNIFIED SCHOOL DISTRICT
LONGVIEW FIBRE COMPANY
LOPEZ CANYON CONFERENCE GROUND
LORETTA HEADLEY
LOS ANGELES CHEMICAL COMPANY
LOS ANGELES COMMUNITY COLLEGE DISTRICT
LOS ANGELES COUNTY METROPOLITAN TRANSIT AUTHORITY
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUT
LOS ANGELES GALVANIZING CO.
LOS ANGELES PLATING CO (NKA AMERICAN RACING EQUIPMENT, INC)
LOS ANGELES TIMES COMMUNICATIONS LLC ASIIT LOS ANG
LOS ANGELES TIMES, DIVISION OF TIMES MIRROR
LOS ANGELES TRADE-TECHNICAL COLLEGE
LOS ANGELES UNIFIED SCHOOL DISTRICT
LOS ANGELES WEST MOSQUITO ABATEMENT DISTRICT
LOS RIOS COMMUNITY COLLEGE DISTRICT
LOS ROBLES REGIONAL MEDICAL CENTER
LOST ARROW CORPORATION
LSI CORPORATION
LUBECO, INC.
LUCAS VALLEY PROPERTIES, INC.
LUCKY STORES, INC.
LUSTRE CAL NAMEPLATE
LUXFER INC.
M&M PRINTED BAGS, INC.
M.C. GILL CORP.
MACKLANBURG-DUNCAN CO

MACY'S
MAFCO/PNEUMO ABEX
MAGELLAN AEROSPACE
MAGNA PLATING CO., INC.
MAGNESIUM ALLOY PRODUCTS COMPANY
MALCOLITE CORPORATION
MANDALAY PROPERTIES
MAPO
MARATHON CONSTRUCTION CORPORATION
MARBORG INDUSTRIES
MARCEL ELECTRONICS
MARIAN HOSPITAL
MARIN COMMUNITY COLLEGE DISTRICT
MARINE TERMINALS CORPORATION
MARMON GROUP, INC.
MARTIN AVIATION, INC.
MARTINEZ SHOPPING CENTER
MARUICHI AMERICAN CORP
MARVIN ENGINEERING CO., INC.
MASCOTECH
MASCOTECH ASIIT GRANT TOOLS, NORRIS INDUSTRIES AND
MASTER BUILDERS
MASTER HALCO INC.
MASTER PLATING
MATHESON GAS PRODUCTS, INC.
MATLACK INC.
MATSON NAVIGATION COMPANY, INC.
MATTEL INC.
MAXWELL TECHNOLOGIES, INC.
MAYTAG CORP. ASIIT GAFFERS AND SATTLER
MAYTAG CORPORATION
MAYWOOD VILLAGE SQUARE L.P.
MAZDA NORTH AMERICAN OPERATIONS
MCC FLOW SEAL
MCCORMICK & COMPANY
MCCORMICK CONSTRUCTION
MCCOY MILLS FORD
MCDERMOTT INC
MCDONALD'S CORPORATION
MCDONNELL DOUGLAS CORPORATION
MCDONNELL DOUGLAS HELICOPTER COMPANY
MCDONNELL DOUGLAS REALTY COMPANY
MCDONNELL DOUGLAS TECHNOLOGIES, INC.
MCGEAN ROHCO
MCKESSON CORPORATION
MCWANE, INC.
MD (MEDEVA) PHARMACEUTICAL

MDT BIOLOGIC COMPANY
MECHANICAL METAL FINISHING CO.
MEDIA NEWS GROUP
MEDICAL ANALYSIS SYSTEMS, INC.
MEGGITT-USA
MEL CLAYTON FORD
MEMOREX TELEX CORPORATION/UNISYS
MENLO CASPIAN
MENTOR CORPORATION
MERCED COMMUNITY COLLEGE DISTRICT
MERCK & CO., INC. ASIIT CALGON CORP.
MERCURY SERVICES
MERCY HOSPITAL OF SACRAMENTO
MERLE NORMAN COSMETICS
MESA CENTER AUTOMOTIVE
MESTEK, INC
METAL CONTAINER CORPORATION OF CALIFORNIA
METHODIST HOSPITAL OF ARCADIA
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
MET-TEK, INC.
MGF INDUSTRIES INC.
MH GOLDEN
MICRO LINEAR CORPORATION
MICRO MATIC USA, INC.
MICRO METALLICS CORP.
MICRO METALS
MICRO POWER SYSTEMS
MID-STATE INDUSTRIAL INSULATION, INC
MIDWAY DRILLING
MID-WEST FABRICATING CO.
MIKE MILLER TOYOTA
MILARD GROUP, LTD.
MILLER CASTINGS COMPANY
MILLER DIAL CORP.
MILLS IRON WORKS
MILTON ROY
MINNESOTA MINING & MFG. CO.
MISSION INDUSTRIES
MISSION VALLEY FORD TRUCKS
MITCHELL ENERGY CORP.
MITSUBISHI SILICON AMERICA
MOBIL CHEMICAL COMPANY
MOBIL OIL CORPORATION
MODESTO IRRIGATION DISTRICT
MODESTO SCHOOL DISTRICT
MODINE MANUFACTURING COMPANY
MONOGRAM AEROSPACE FASTENERS

MONOGRAM INDUSTRIES
MONROVIA UNIFIED SCHOOL DISTRICT
MONTANA VISTA PARTNERSHIP
MONTEREY MUSHROOMS, INC
MONTROSE CHEMICAL CORP. OF CALIFORNIA
MOSHE SILAGI
MOTOROLA INC.
MOUNTAIN HIGH SKI RESORT
MOUNTAIN VIEW-LOS ALTOS HIGH SCHOOL DISTRICT
MT SAN ANTONIO COMMUNITY COLLEGE DISTRICT
MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT
MULLER CONSTRUCTION SUPPLY
MULTEK INC.
MULTICHROME COMPANY
MURCO DEVELOPMENT
NABISCO, INC.
NAKAMURA BERRY FARM
NALCO COMPANY
NAPP SYSTEMS, INC.
NASA AMES RESEARCH CENTER
NASA JET PROPULSION LABORATORY
NATIONAL CONTROLS INC.
NATIONAL METAL & STEEL CORP
NATIONAL OILWELL VARCO, LP
NATIONAL RAILROAD PASSENGER CORP. ("AMTRAK")
NATIONAL REFRACTORS
NATIONAL SEMICONDUCTOR CORP.
NATIONAL STEEL & SHIPBUILDING COMPANY
NATIONAL SUPPLY CO.
NCR COPORATION
NEAL FEAY COMPANY
NEC AMERICA, INC.
NEC ELECTRONICS
NEKOOSA PACKAGING
NELCO PRODUCTS
NELLA SUE HEADLEY
NELSON NAME PLATE CO.
NESTLE USA, INC. FKA CARNATION CO.
NESTLE'S USA, INC.
NEVILLE CHEMICAL COMPANY
NEW VICI, INC.
NEWELL RUBBERMAID, INC
NEWMAN & SONS
NH3 SERVICE COMPANY, INC.
NIELLO PORSCHE AUDI
NIKE INC.
NIKLOR CHEMICAL CORP, INC.

NL INDUSTRIES, INC FKA NL METALS
NORAC COMPANY
NOR-CAL FROZEN FOODS
NORTEK, INC.
NORTH AMERICAN CHEMICAL CO.
NORTH COUNTY TRANSIT DISTRICT
NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
NORTHERN CALIFORNIA POWER AGENCY
NORTHERN TELECOM ELECTRONICS
NORTHROP GRUMMAN CORPORATION
NORTHWEST PIPE AND CASING CO.
NORTON & SON INC.
NORTON PACKAGING
NORWALK-LA MIRADA UNIFIED SCHOOL DISTRICT
NOVA GROUP, INC.
NOVA TRANSPORTATION CORP
NOVARTIS CORPORATION
NOWSCO SERVICES, INC.
NU-METAL FINISHING INC
OAKDALE MEMORIAL PARK INC.
OAKITE
OAKLAND ACURA
OB MASCO WINDOW PRODUCTS
OBRIEN CORP THE
OCCIDENTAL CHEMICAL CORP. FKA ULTRAMAR DIAMOND SHA
OCCIDENTAL COATING COMPANY
OCCIDENTAL PETROLEUM CORP.
OCCIDENTAL RESEARCH
O'CONNOR HOSPITAL
OFFSHORE LOGISTICS INC.
OGDEN CORPORATION
OHIO CASUALTY INSURANCE COMPANY
OHMEGA TECHNOLOGIES
OIL AND SOLVENT PROCESS COMPANY
OJAI OIL COMPANY
OLIN CORPORATION
OLOCCO AGRICULTURAL SERVICES INC.
OLYMPIAN OIL
OMAHA CONAGRA
OMAR RENDERING CO.
OMNITRANS
O'NEIL DATA SYSTEMS, INC
OPERATING INDUSTRIES, INC.
OPTICAL RADIATION CORP.
ORANGE COUNTY PLATING CO., INC.
ORANGE HEIGHTS ORANGE ASSN.
ORANGE LINE OIL COMPANY

ORCUTT UNIFIED SCHOOL DISTRICT
OSBOURNE UNITED
OSCA, INC.
OWENS CORNING CORP.
OWENS CORNING CORPORATION
OWENS ILLINOIS, INC.
OWENS-ILLINOIS, INC.
OXNARD PEST CONTROL ASSOCIATION
OXNARD UNION HIGH SCHOOL DISTRICT
OXY METAL COATING
PAC FOUNDRY
PACCAR AS INDEMNITOR AND ON BEHALF OF TRICO-KOBE
PACCAR INC.
PACIFIC CAPITAL BANK, N.A.
PACIFIC COAST BUILDING PRODUCTS
PACIFIC COAST DRUM COMPANY
PACIFIC COAST PRODUCERS
PACIFIC CORRUGATED PIPE CO.
PACIFIC GAS & ELECTRIC
PACIFIC HOLDING COMPANY
PACIFIC MUTUAL FINANCIAL CORP
PACIFIC OFFSHORE PIPELINE COMPANY
PACIFIC PISTON RING CO., INC.
PACIFIC PUMP
PACIFIC RACING ASSOCIATION/GOLDEN GATE FIELDS
PACIFIC RADIATIOR SERVICE
PACIFIC REFINING CO.
PACIFIC SOUTHWEST MORTGAGE
PACIFIC TUBE CO.
PACIFICA REAL ESTATE GROUP
PACKAGING INDUSTRIES
PAKTANK CORPORATION, RICHMOND TERMINAL
PALACE PLATING
PALOMAR COMMUNITY COLLEGE DISTRICT
PAMARCO PACIFIC
PARCO INC.
PARK ENGINEERING AND MANUFACTURING CO.
PARKER HANNIFIN CORP.
PARKER SEAL
PASADENA AREA COMMUNITY COLLEGE DISTRICT
PASADENA CENTER OPERATING COMPANY
PASADENA IMAGING MEDICAL GROUP
PASHA SERVICES
PAVEMENT SPECIALISTS INC.
PB FASTENERS
PEBBLE BEACH COMPANY
PENETONE CORP.

PENINSULA LABS, INC.
PENNZOIL COMPANY
PENSKE TRUCK LEASING CO., L.P.
PENTAIR ENCLOSURES GROUP
PENTAIR, INC.
PENTRATE METAL PROCESSING INC.
PENWALT CORP.
PEPPER OIL COMPANY
PEPSI BOTTLING GROUP
PERALTA COMMUNITY COLLEGE DISTRICT
PERVO PAINT CO.
PETALUMA JOINT UNION HIGH SCHOOL DISTRICT
PETERSON TRACTOR COMPANY
PETRO-DIAMOND TERMINAL COMPANY
PETROLITE CORP.
PEYTON CRAMER FORD ISUZU
PFIZER INC.
PGP INDUSTRIES INC
PHIL WOOD, INC.
PHILIP MORRIS INDUSTRIAL
PHILIPS ELECTRONICS
PHOTO FABRICATORS, INC.
PHYLRICH INTERNATIONAL
PIERCE REALTY
PILKINGTON BARNES HIND
PILOT CHEMICAL CORPORATION
PIONEER NORTH AMERICA, INC.
PIONEER ROOFING & TILE
PIPER RANCH ASSOCIATION
PLAN HOLD CORPORATION
PLANT INSULATION COMPANY
PLASTIC DRESS-UP COMPANY
PLASTIC MATERIALS INC.
PLASTICS RESEARCH CORPORATION
PLATO PRODUCTS
PLESSEY PRECISION METALS
PLESSEY SEMICONDUCTORS, INC.
POLYCORE ELECTRONICS, INC.
POLYMETRICS, INC.
POMONA UNIFIED SCHOOL DISTRICT
POOL CALIFORNIA ENERGY SERVICES, INC.
POOL ENERGY SERVICES CO.
POOL WATER PRODUCTS
PORT OF OAKLAND
PORT OF SAN DIEGO
PORVENE ROLL-A-DOOR
POWAY UNIFIED SCHOOL DISTRICT

POWERINE OIL CO.
POWER-ONE INC.
PPG INDUSTRIES, INC.
PQ CORPORATION
PRC-DESOTO INTERNATIONAL INC.
PRECISION CASTPARTS CORP.
PRECISION FOUNDERS, INC.
PRECISION METAL PRODUCTS
PRECISION SPECIALTY METALS
PRECISION TUBE BENDING
PRICE CLUB
PRIME ALLOY STEEL CASTINGS
PRIMEX TECHNOLOGY
PRINTRONIX, INC.
PROCTOR & GAMBLE MANUFACTURING COMPANY
PRODUCTS ENGINEERING CORP.
PROPULSION CONTROLS ENGINEERING
PRUDENTIAL INSURANCE CO. OF AMERICA
PRUDENTIAL LIGHTING CORPORATION
PRUDENTIAL OVERALL SUPPLY
PRUDENTIAL OVERALL SUPPLY COMPANY
PUBLIC STORAGE MANAGEMENT INC.
PUREGRO COMPANY
QUAKER CHEMICAL CORPORATION
QUALITY METAL FINISHING
QUANTIC INDUSTRIES
QUEBECOR PRINTING
QUEMETCO, INC.
QUEST DIAGNOSTICS
QUINN GROUP, INC
QUINTANA PETROCHEMICAL COMPANY
QUINTEC MANUFACTURING
R BURKE CORP
R&D LATEX CORP.
R.R. DONNELLEY AND SONS CO.
RACHELLE LABORATORIES, INC.
RAFAEL SANUDO
RAIN BIRD SPRINKLER
RAINBOW DISPOSAL
RALPH HOROWITZ
RALPH'S GROCERY COMPANY
RALSTON PURINA COMPANY
RAMONA'S MEXICAN FOOD PRODUCTS
RANCHO CALIFORNIA WATER DISTRICT
RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT
RAYCHEM CORPORATION
RBC BEARINGS

RECTOR MOTOR CAR COMPANY
REDEVELOPMENT AGENCY OF SAN JOSE
REDIGER INVESTMENT CO
REDKEN LABORATORIES
REDMAN EQUIPMENT & MANUFACTURING CO
REDWOOD GENERAL TIRE
REGILLUS HOMEOWNERS ASSOCIATION
RELIABLE LUMBER, INC
RELIANCE STEEL
RELTON CORPORATION
REMO COMPANY
RENEE CASTAGNOLA
RENO NEWSPAPERS INC. DBA RENO GAZETTE
REPLACEMENT PARTS MANUFACTURING
REPUBLIC FASTERNERS MFG. CORP
REULAND ELECTRIC CO.
REVLON CONSUMER PRODUCTS CORP. FORMERLY RLL CORP.,
REVLON CONSUMER PRODUCTS CORPORATION
REYNOLDS & REYNOLDS
REYNOLDS INDUSTRY INC.
REYNOLDS METALS CO.
REYNOLDS METALS COMPANY
RGGL CORPORATION
RHEEM MANUFACTURING CO.
RHETT HEADLEY
RHONE-POULENC, INC.
RICHARD HEADLEY
RICHMOND HONDA
RICOH ELECTRONICS
RIVER EDGE FARM
RIVERSIDE CEMENT CO.
RIVERSIDE COMMUNITY HOSPITAL
RIVERSIDE PUBLISHING COMPANY
RIVERSIDE SUPERINTENDENT OF SCHOOLS
RIVERSIDE UNIFIED SCHOOL DISTRICT
ROBERT MACK PLUMBING
ROBERTS CONSOLIDATED INDUSTRIES INC
ROBERTS HOLDING, LLC
ROBERTS MANUFACTURING
ROBERTSON-CECO CORPORATION
ROCHE HOLDINGS/SYNTEX
ROCKWELL INTERNATIONAL CORPORATION
ROGERS CORPORATION
ROHR, INC.
ROHRBACK COSASCO SYSTEMS
ROLLINS INC. (AKA ORKIN PEST CONTROL)
ROLLS SCAFFOLD & EQUIPMENT INC.

ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION
RONLO ENGINEERING
ROSE HILLS MEMORIAL PARK
ROSEMARY FARM
ROYAL PAPER BOX COMPANY
ROYAL RUBBER & MANUFACTURING COMPANY
RUG DOCTOR, INC.
RUNNING SPRINGS WATER DISTRICT
RYDER TRUCK RENTAL
S&K PLATING, INC.
S. J. AMOROSO CONSTRUCTION CO., INC.
SACRAMENTO COUNTY SANITATION DISTRICT NO. 1
SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY
SACRAMENTO MUNICIPAL UTILITIES DISTRICT (SMUD)
SADDLEBACK VALLEY UNFIED SCHOOL DISTRICT
SAE INTERNATIONAL
SAFE PLATING COMPANY
SAFETY SPECIALISTS, INC.
SAFEWAY,INC.
SAFINA ENTERPRISES
SAGE ENERGY COMPANY
SAINT-GOBAIN NORTH AMERICA
SALK INSTITUTE FOR BIOLOGICAL STUDIES
SAN BERNARDINO COMMUNITY COLLEGE DISTRICT
SAN DIEGO COMMUNITY COLLEGE DISTRICT
SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD
SAN DIEGO REFINING CO
SAN DIEGO SCHOOL DISTRICT
SAN DIEGO WOOD PRESERVING
SAN DIEGO ZOOLOGICAL SOCIETY
SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
SAN FRANCISCO NEWSPAPER AGENCY
SAN JOAQUIN REFINING COMPANY INC.
SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT
SAN LUIS OBISPO COUNTY COMMUNITY COLLEGE DISTRICT
SAN MATEO COMMUNITY COLLEGE DISTRICT
SAN YSIDRO RANCH
SANDBERG FURNITURE MFG, INC.
SANDERS SERVICE INC.
SANDIA NATIONAL LABORATORY
SANTA BARBARA COMMUNITY COLLEGE DISTRICT
SANTA BARBARA COTTAGE HOSPITAL
SANTA BARBARA METROPOLITAN
SANTA CLARA UNIFIED SCHOOL DISTRICT
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
SANTA CLARA VALLEY WATER DISTRICT
SANTA CRUZ LUMBER CO

SANTA MARIA CHILI, INC.
SANTA MARIA DIESEL SERVICE
SANTA MARIA FORD
SANTA MARIA JOINT HIGH SCHOOL DISTRICT
SANTA MARIA PUBLIC AIRPORT DISTRICT
SANTA MARIA VALLEY WAREHOUSE
SANTA MONICA COMMUNITY COLLEGE DISTRICT
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
SANTA PALM CAR WASH
SANTA PAULA UNION SCHOOL DISTRICT
SANTA YNEZ VALLEY, COLLEGE ELEMENTARY SCHOOL DISTRICT
SANTEE DAIRIES
SANYO E&E CORPORATION
SARA LEE CORP.
SARES REGIS
SATICOY COUNTRY CLUB
SATICOY LEMON ASSOCIATION
SAV-O-MATIC/SAV-MOR-OIL
SAV-ON PLATING, INC.
SBC HOLDINGS, INC. ST JOSEPH SCHLITZ BREWING CO.
SCARLETT S. HEADLEY
SCHEIDT HAYDEN & HALL
SCHLOSSER FORGE
SCHLUMBERGER WELL SERVICE
SCHMID INSULATION CONTRACTORS, INC.
SCHULTZ STEEL COMPANY
SCHUTTE & KOERTING, INC.
SCOTT ENGINEERING, INC.
SCRIPPS RESEARCH INSTITUTE
SDI INDUSTRIES, INC.
SEACHROME CORPORATION
SEAGATE TECHNOLOGY
SEALED AIR CORPORATION
SEALRIGHT CO., INC.
SEARIVER MARITIME, INCORPORATED
SEARS, ROEBUCK AND CO.
SELMAN CHEVROLET
SEMTECH CORP
SENECA RESOURCES
SENIOR OPERATIONS, LLC
SEPULVEDA BUILDING MATERIALS
SEQUA CORP.
SEQUA CORPORATION
SERRA CORP
SERVICE PLATING COMPANY, INC.
SF RECYCLING & DISPOSAL, INC
SGL TECHNIC, INC.

SHAFCO INDUSTRIES
SHAHN HEADLEY
SHASTA-TEHAMA-TRINITY COMMUNITY COLLEGE DISTRICT
SHEA HOMES
SHEG'S GARAGE
SHELL OIL CO.
SHELL OIL COMPANY
SHELLER GLOBE CORPORATION
SHERWIN WILLIAMS
SHIPLEY COMPANY, INC.
SHIPPERS IMPERIAL, INC.
SIEBE INC.
SIEMENS ENERGY & AUTOMATION
SIEMENS INFORMATION & COMMUNICATION NETWORK, INC
SIEMENS MEDICAL SYSTEMS, INC., ONCOLOGY CARE SYSTEM GROUP
SIERRA ALUMINUM COMPANY
SIERRA CIRCUITS, INC.
SIERRACIN CORP.
SIGMA CIRCUITS INC.
SIGMA PLATING CO., INC.
SIGNAL HILL PETROLEUM, INC.
SIGNET ARMORLITE, INC.
SIGNETICS CORPORATION
SIKA CORPORATION
SILICON DETECTOR CORP
SILICONIX, INC.
SIMPSON TIMBER COMPANY
SIZE CONTROL PLATING CO INC
SKYLINE READY MIXED CONCRETE
SMART & FINAL
SMI HOLDING, LLC
SMITH BROTHERS CRANE RENTAL, INC.
SMITH INTERNATION INC.
SMURFIT-STONE CONTAINER CORP.
SNAP-ON INDUSTRIALS
SNOW SUMMIT SKI CORP
SNUGTOP
SOCO-LYNCH CORP.
SOGEM PRECIOUS METALS CORPORATION
SOILSERV
SOLID STATE DEVICES, INC.
SOLITRON
SONIC PLATING CO., INC.
SONOMA COUNTY COMMUNITY COLLEGE DISTRICT
SONY ELECTRONICS INC.
SOULE STEEL - ARNON LIQUIDATING AGENCY
SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

SOUTHERN CALIFORNIA EDISON
SOUTHERN CALIFORNIA GARDENERS' FEDERATION, INC.
SOUTHERN CALIFORNIA GAS CO.
SOUTHERN PACIFIC TRANSPORTATION
SOUTHLAND SOD FARM
SPARTON TECHNOLOGY INC.
SPEARS MANUFACTURING CO.
SPECTRA
SPECTRA PHYSICS
SPECTRA-TONE PAINT CORPORATION
SPEEDY CIRCUITS, INC.
SPRECKELS SUGAR COMPANY, INC
SPX CORPORATION
SQUARE D COMPANY
SRI INTERNATIONAL
ST&I
ST. JOSEPH HEALTH SYSTEM
ST. MARY'S HIGH SCHOOL
ST. MARY'S MEDICAL CENTER
STABILE PLATING CO. INC
STAINLESS MICRO-POLISH, INC
STA-LUBE INC.
STANDARD NICKEL CHROMIUM PLATING
STANDEX INTERNATIONAL CORP.
STANFORD UNIVERSITY
STATE CENTER COMMUNITY COLLEGE DISTRICT
STATE INDUSTRIES
STATE OF HAWAII
STATE OF OREGON - DEPARTMENT OF CORRECTIONS
STATE OF OREGON - DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF OREGON - OREGON STATE UNIVERSITY
STATE OF OREGON - UNIVERSITY OF OREGON
STEELCASE INC.
STEINY AND COMPANY, INC
STEPAN COMPANY
STERLING ELECTRIC INC.
STEVEDORING SERVICES OF AMERICA
STEVE'S PLATING CORPORATION
STI PROPERTIES, INC. C/O HEMISPHERE CORPORATION
STONE CONTAINER CORP. SIIT SOUTHWEST FOREST INDUST
STROH COMPANIES
STUTZMAN PLATING, INC.
SUBURBAN MOTEL
SULLAIR, LLC
SULLIVAN STANDARD
SUMIDEN WIRE PRODUCTS
SUMMERHILL HOMES

SUN CHEMICAL COMPANY
SUNDSTRAND CORPORATION
SUNKIST GROWERS, INC.
SUNNY DISTRIBUTORS
SUNNYVALE SCHOOL DISTRICT
SUPERIOR INDUSTRIES INTERNATIONAL INC.
SUPERIOR INDUSTRIES INTERNATIONAL, INC.
SUPERIOR METALS SHAPES INC.
SUPRA ALLOYS INC.
SURFACE PROTECTION INDUSTRIES
SUTTER HEALTH
SWEDLOW INC.
SWEETWATER UNION HIGH SCHOOL DISTRICT
SYMBOLIC DISPLAYS, INC.
SYSTRON DONNER
T W COOPER
T.G.L. ASSOCIATES, INC.
TA MANUFACTURING COMPANY
TABC INC.
TAILORED MASONRY OF CALIFORNIA
TAIYO YUDEN USA INC.
TANDY CORPORATION
TAORMINA INDUSTRIES, LLC
TARAVAT, INC.
TARGET STORES
TAYLOR-DUNN
TCR INDUSTRIES, INC
TDY INDUSTRIES, INC.
TECH-ETCH INC
TECHNI-CAST CORPORATION
TECHNICOLOR INC.
TECHNITRON INCORPORATED
TED LEVINE DRUM CO.
TELEDYNE TECHNOLOGIES
TELEFLEX INCORPORATED
TELFER TANK LINES
TEMPLE INLAND
TENNECO INC.
TENNECO PACKAGING, INC
TENSION ENVELOPE CORPORATION
TERADYNE
TERMINAL FREEZERS, INC.
TESORO PETROLEUM CORPORATION
TETRA TECH, INC.
TEXACO INC.
TEXAS INSTRUMENTS INC.
TEXAS PACIFIC OIL COMPANY

TEXTILE RUBBER & CHEMICAL CO.
TEXTRON, INC.
TEXTURED COATINGS OF AMERICA
THE AEROSPACE CORP.
THE ARCHDIOCESE OF LOS ANGELES
THE BEKINS COMPANY
THE BEVERLY CONNECTION GENERAL
THE BOEING CO. AND MCDONNELL DOUGLAS CORP.
THE CLOROX COMPANY
THE COCA COLA COMPANY
THE DEUTSCH CO.
THE DIAL CORPORATION
THE DOW CHEMICAL CO. ASIIT GENERAL LATEX & CHEMICA
THE EARTHGRAINS COMPANY
THE FLINTKOTE CO.
THE FLOOD COMPANY
THE GAINEY VINEYARD
THE GEORGE V. CASTAGNOLA FAMILY TRUST
THE GEORGE V. CASTAGNOLA MARITAL TRUST
THE GEORGE V. CASTAGNOLA SURVIVOR'S TRUST
THE GILLETTE COMPANY
THE GLADYS CASTAGNOLA TRUST A
THE GLADYS CASTAGNOLA TRUST B
THE GLADYS CASTAGNOLA TRUST B FBO NELLA SUE HEADLEY
THE GLADYS CASTAGNOLA TRUST B FBO RICHARD HEALEY
THE GLIDDEN CO. ASIIT AMERITONE PAINT AND TREWAX C
THE GLIDDEN COMPANY
THE HERTZ CORP.
THE HERTZ CORPORATION
THE HON COMPANY
THE INTERLAKE CORPORATION
THE KINGSFORDS PRODUCT COMPANY
THE MARMON GROUP
THE MEAD CORPORATION
THE MONADNOCK COMPANY
THE OKONITE CO., INC.
THE PERVO PAINT COMPANY
THE PICTSWEET COMPANY
THE PROCTOR & GAMBLE MANUFACTURING CO.
THE RENA G. CASTAGNOLA CHARITABLE ANNUITY LEAD TRUST
THE RENA G. CASTAGNOLA GST TRUST FBO RENEE CASTAGNOLA
THE RENA G. CASTAGNOLA GST TRUST FBO VIRGINIA HUNTER
THE RENA G. CASTAGNOLA SHORT TRUST
THE ROUSE COMPANY
THE SOUTHLAND CORPORATION
THE STANLEY WORKS
THE TAPMATIC CORPORATION

THE VALSPAR CORPORATION
THERMAL ENGINEERING INT'L (USA) INC. FKA SOUTHWEST
THERMO FINNIGAN LLC
THERMO SECURITIES CORPORATION
THERMO SEPARATION PRODUCT, INC
THOMAS PRINTING INK
THOMPSON PROPERTIES INC.
THOMSON-CSF COMPONENTS CORPORATION
THORCO INDUSTRIES
THREE BOND INTERNATIONAL, INC.
THREE D SERVICE COMPANY
THUMS LONG BEACH CO.
THUMS LONG BEACH CO.
THUNDERBOLT WOOD TREATMENT CO.
TIME WARNER
TIODIZE CO INC.
TMG PARTNERS (F/K/A MARTIN GROUP OF COMPANIES, INC)
TOBY'S AUTOMOTIVE
TODD PACIFIC SHIPYARDS CORP.
TOPPAN ELECTRONICS
TORRANCE UNIFIED SCHOOL DISTRICT
TOWN CENTER ASSOCIATES
TOYOTA MOTOR CORPORATION
TOYOTA OF EL CAJON
TRAILER TRAIN CO., CAL PRO DIVISION
TRANS KING
TRANS WORLD AIRLINES, INC.
TRANSPORTATION LEASING CO. FKA GREYHOUND LINES
TRANSTECHNOLOGY CORPORATION
TREASURE CHEST ADVERTISING COMPANY INC.
TREE ISLAND STEEL
TREFFERS PRECISION INC.
TRI VALLEY GROWERS
TRIANGLE PWC, INC.
TRIBUNE CO. ASIIT TIMES MIRROR PRESS
TRICAST, INC.
TRIDENT PLATING INC
TRI-EX TOWER CORPORATION
TRIMM INDUSTRIES
TRIPLE A MACHINE SHOP
TROPITONE FURNITURE, INC.
TRUCK RAIL HANDLING, INC.
TRUST SERVICES OF AMERICA
TRW INC.
TUCSON ELECTRIC POWER COMPANY
TUNNELL ROOFING COMPANY, INC.
TURNER INDUSTRIES

TUSONIX
TWENIETH CENTURY FOX FILM CORPORATION
TYCO PRINTED CIRCUIT GROUP INC., L.A. DIVISION
U.S. ARMY
U.S. BORDER PATROL
U.S. BUREAU OF INDIAN AFFAIRS
U.S. BUREAU OF LAND MANAGEMENT
U.S. BUREAU OF RECLAMATION
U.S. CHROME CORPORATION OF CALIFORNIA
U.S. CIRCUIT, INC.
U.S. CUSTOMS SERVICE
U.S. DEPARTMENT OF INTERIOR
U.S. DEPARTMENT OF VETERANS AFFAIRS
U.S. DEPT. OF AGRICULTURE
U.S. DEPT. OF DEFENSE
U.S. DEPT. OF ENERGY
U.S. DEPT. OF HUMAN AND HEALTH SERVICES (SIC)
U.S. DEPT. OF IMMIGRATION & NATURALIZATION
U.S. DEPT. OF TRANSPORTATION
U.S. DRUG ENFORCEMENT AGENCY
U.S. ENVIRONMENTAL PROTECTION AGENCY
U.S. FEDERAL BUREAU OF INVESTIGATION
U.S. FISH AND WILDLIFE SERVICE
U.S. GENERAL SERVICES ADMINISTRATION
U.S. GEOLOGICAL SURVEY
U.S. MARSHALL (SIC)
U.S. MINT
U.S. PARK SERVICE
U.S. PIPE AND FOUNDRY, CO.
U.S. PREFINISHED METALS
U.S. SMALL BUSINESS ADMINISTRATION
UAL CORPORATION
UIS INC.
ULTRASYSTEMS INC
UNIFIRST CORPORATION
UNION BANK OF CALIFORNIA
UNION CARBIDE CORP.
UNION ENGINEERING COMPANY
UNION OIL CO. OF CA.
UNION OIL COMPANY OF CALIFORNIA, INC.
UNION PACIFIC RAILROAD
UNION PACIFIC RAILROAD COMPANY
UNION PACIFIC RESOURCES
UNION PACIFIC RESOURCES CO.
UNION PACIFIC RESOURCES CO. ASIIT CHAMPLIN PETROLE
UNION TANK CAR COMPANY
UNIROYAL, INC.

UNISYS CORPORATION
UNITED ALLOYS
UNITED PARCEL SERVICE, INC.
UNITED STATES SALES CORPORATION
UNITED TECHNOLOGIES CORP.
UNIV. OF CALIF. DIV. OF AGRICULTURE AND NATURAL RESOURCES
UNIVAR USA, INC
UNIVERSAL ALLOY
UNIVERSAL PUNCH CORPORATION
UNIVERSAL STUDIOS, INC
UNIVERSITY OF CALIFORNIA (SAN FRANCISCO)
UNIVERSITY OF CALIFORNIA DAVIS
UNIVERSITY OF CALIFORNIA, BERKELEY
UNIVERSITY OF CALIFORNIA, LOS ANGELES
UNIVERSITY OF CALIFORNIA, SANTA BARBARA
UNIVERSITY OF CALIFORNIA, SANTA CRUZ
UNIVERSITY OF CALIFORNIA-IRVINE
UNIVERSITY OF REDLANDS
UNIVERSITY OF SOUTHERN CALIFORNIA
UNOCAL CORP./COLLIER CARBON CHEMICAL CO.
UNOCAL CORP./UNION OIL CO. OF CAL.
URETHANE INDUSTRIES, INC.
US BORAX INC.
US COAST GUARD
US RENTALS
US STEEL
USA PETROLEUM
USPCI FOR SOLVENT SERVICE
USX CORPORATION
UTILITY TRAILER MANUFACTURING
V & M PLATING CO., INC.
V. WOODS
VALERO
VALLEY BRASS FOUNDRY
VALLEY CIRCUITS
VALLEY CREST LANDSCAPE INC.
VALLEY METAL TREATING, INC.
VALLEY NISSAN VOLVO, INC.
VALLEY PRESBYTERIAN HOSPITAL
VALLEY TODECO
VAN NUYS PLATING INC.
VAN WATERS & ROGERS INC. FKA UNIVAR CORP.
VANCON CONSTRUCTION
VANS INC. F/K/A VAN DOREN RUBBER COMPANY
VARIAN MEDICAL SYSTEMS
VARNER BROTHERS, INC.
VENTURA COASTAL CORPORATION

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
VENTURA COUNTY STAR FREE PRESS
VENTURA HARBOR BOATYARD, INC.
VENTURA PACIFIC COMPANY
VENTURA PORT DISTRICT
VENTURA REGIONAL SANITATION DISTRICT
VENTURA WEST MARINA
VERBATIM CORPORATION
VERDUGO HILL GOLF COURSE
VERNON LEATHER COMPANY
VESPER CORP.
VEST, INC. FKA BERNARD EPPS & CO.
VIACOM INC.
VIACOM, INC. SBMT CBS CORP. FOR SEVEN-UP BOTTLING
VIAD CORPORATION
VIBRA SONIC
VILLAGE CAR WASH
VIRCO MANUFACTURING CORP.
VIRGINIA CASTAGNOLA HUNTER
VISHAY INTERTECHNOLOGY, INC.
VISTA METALS CORP
VOLKSWAGEN OF NORTH AMERICA
VOTAW PRECISION TECHNOLOGIES, INC.
VSL CORPORATION
VULCAN PIPE & ENGINEERING COMPANY
VWR SCIENTIFIC, INC.
W. A. BENJAMIN ELECTRIC COMPANY
W.A. KRUGER CO.
W.M. LYLES CO.
W.R. GRACE AND COMPANY
W.R. HATCH COMPANY
WACKER CORPORATION
WADCO INDUSTRIES, INC.
WAISCO (FOR MARWAIS STEEL CO.)
WAKEFIELD THERMAL SOLUTIONS
WALKER SPRINGS & STAMPING
WALLACE MACHINERY COMPANY
WALLENIUS LINES
WALLER, ROBERT A.
WALT DISNEY PICTURES AND TELEVISION
WALT DISNEY WORLD CO.
WALTCO
WALTER BUELL TRUST
WAREHAM DEVELOPMENT CORPORATION
WASHINGTON IRON WORKS
WASTE MANAGEMENT ASIIT OIL & SOLVENT PROCESS CO.
WATERFORD WEDGWOOD USA

WATKINS-JOHNSON CO.
WEATHERFORD U.S.
WEBER AIRCRAFT
WEBER METALS INC.
WEDGSTONE AUTOMOTIVE
WELCH'S OVERALL CLEANING CO., INC.
WELDCRAFT PRODUCTS
WELLS FARGO BANK
WELLTECH INC.
WESLOCK COMPANY
WEST CONTRA COSTA COUNTY SANITARY LANDFILL
WEST COUNTY WASTEWATER DISTRICT
WEST SACRAMENTO LAND COMPANY
WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT
WESTCOAST AEROSPACE
WESTERN ATLAS INC.
WESTERN BOAT OPERATORS
WESTERN DIGITAL CORPORATION
WESTERN FUEL OIL COMPANY
WESTERN HYWAY, INC.
WESTERN METAL LATH
WESTERN OILFIELDS SUPPLY
WESTERN TUBE AND CONDUIT CO.
WESTMINSTER CERAMICS, INC.
WESTSIDE PRODUCE COMPANY
WEYERHAEUSER COMPANY
WEYERHAEUSER SUCESSOR TO WESTERN KRAFT
WHEATON USA INC.
WHITTIER UNION HIGH SCHOOL DISTRICT
WILLAMETTE INDUSTRIES, INC. ASIIT WESTERN KRAFT CO
WILLIAM S. HART UNION HIGH SCHOOL DISTRICT
WILSEY FOODS, INC.
WILSON & HAMPTON PAINTING CONTRACTORS
WINDOWMASTER PRODUCTS, INC.
WINDSOR DOOR
WOODWARD-CLYDE CONSULTANTS
WORLD AIRWAYS
WORLD OIL COMPANY
WORLDWIDE PACIFIC CORP.
WYNN INTERNATIONAL
XEROX CORP.
XEROX CORPORATION
YELLOW FREIGHT LINES
YOSEMITE COMMUNITY COLLEGE DISTRICT
YOUNG'S IRON WORKS, INC.
ZENECA INC.
ZEP, INC.

ZEPHYR MFG. COMPANY
ZERO CORPORATION
ZIEMAN MANUFACTURING COMPANY
ZILOG CORPORATION
ZOLATONE PROCESS, INC.
ZYCON CORPORATION

Region	Site Name	EPA ID	NPL
10	PORTLAND HARBOR	ORSFN1002155	F

Party Name
ACF INDUSTRIES
ACME TRADING & SUPPLY COMPANY, INC.
AIR LIQUIDE AMERICA CORPORATION
ALDER CREEK LUMBER COMPANY
ANDERSON BROTHERS, INC., AND SPECIALTY TRUCK PARTS
ARCO
ARKEMA, INC.
ASHLAND INC.
ATKN COMPANY (F.K.A. GUY F. ATKINSON AND WISCO)
ATOFINA CHEMICALS
BABCOCK LAND COMPANY
BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC.
BASIN STREET ASSOCIATION
BAY VALLEY FOODS LLC
BBD&R, INC.
BEAZER EAST, INC
BERRY TRANSPORT, INC.
BONNEVILLE POWER ADMINISTRATION
BP WEST COAST PRODUCTS LLC
BRAND-S CORP.
BRIX MARITIME
BRIX, PETER
BURGARD 789 LLC
BURLINGTON NORTHERN RAILROAD
CALBAG METALS
CANAM MINERALS, INC. DBA: KLEEN BLAST
CARGILL INC
CARSON OIL
CASCADE GENERAL
CBS CORPORATION (WESTINGHOUSE ELECTRIC CORPORATION)
CERTAINTEED CORPORATION
CHEVRON TEXACO CORP.
CHEVRON USA, INC.
CHRISTENSON OIL
CONSOLIDATED METCO, INC.
CONTAINER MANAGEMENT SERVICES, LLC
CRAWFORD STREET CORP.
DEPARTMENT OF THE NAVY
DIL TRUST
EASTMAN CHEMICAL COMPANY (MCWHORTER, INC.)
EDWARD HOSTMAN, INC.
EL PASO MIDWEST COMPANY
ELF ATOCHEM
ELKEM METALS, INC.
EQUILON ENTERPRISES LLC
ERRO ENTERPRISES

ESCO
EVRAZ INC. NA
EXIDE TECHNOLOGIES
EXXONMOBIL OIL CORPORATION
FMC CORP
FOSS MARITIME CO.
FOSTER POULTRY FARMS
FRED DEVINE DIVING AND SALVAGE
FREIGHTLINER CORPORATION
FRONT AVENUE LLP
FTL, INC.
GALVANIZERS COMPANY
GASCO (NW NATURAL)
GATX TANK STORAGE TERMINALS CORPORATION
GATX TERMINALS CORPORATION
GENERAL ELECTRIC CO
GENERAL SERVICES ADMINISTRATION
GEORGIA-PACIFIC WEST, INC.
GI TRUCKING (ESTES EXPRESS LINES)
GLACIER NORTHWEST, INC.
GOLDENDALE ALUMINUM
GOULD ELECTRONICS, INC.
GOULD, INC.
GREAT WESTERN CHEMICAL
GS ROOFING PRODUCTS (GENSTAR)
GUILDS LAKE PROPERTIES LLC
GUNDERSON, LLC
HAJ, INC., D/B/A CHRISTENSON OIL
HENDREN TOW BOAT CO.
HERCULES INC
HILL INVESTMENT CO.
IMACC CORPORATION
JEFFERSON SMURFIT
JHT HOLDINGS, INC.
JONES STEVEDORING COMPANY
JOSEPH T. RYERSON, INC.
KAISER VENTURES INC
KINDER MORGAN BULK TERMINALS
KINDER MORGAN LIQUIDS TERMINALS LLC
KOPPERS COMPANY, INC.
LAKESIDE INDUSTRIES
LANGLEY-ST. JOHNS PARTNERSHIP
LINNTON OIL FIRE TRAINING GROUNDS
LINNTON PLYWOOD ASSOCIATION
MAR COM MARINE
MAR COM, INC.
MARINE FINANCE CORPORATION

MARINE SALVAGE CONSORTIUM INC.
MARITIME ADMINISTRATION
MCCALL OIL & CHEMICAL CORP.
MCCALL OIL REAL ESTATE COMPANY LLC
MCCORMICK & BAXTER
METRO REGIONAL GOVERNMENT
MOBIL OIL AKA SOCONY MOBIL COMPANY INC.
MOREC FRONT, LLC
MORSE BROTHERS
NIBLICK CORP.
NICHOLS MARINE WAYS
NL INDUSTRIES, INC
NORTHWEST PIPE COMPANY
NW NATURAL GAS COMPANY (AKA NW NATURAL)
OLYMPIC PIPE LINE CO
OREGON DEPARTMENT OF STATE LANDS
OREGON DEPARTMENT OF TRANSPORTATION
OREGON STEEL MILLS
OWENS-CORNING FIBERGLASS CORP.
PACIFICORP
PARAMOUNT PETROLEUM CO.
PENWALT CORP.
PORT OF PORTLAND
PORTLAND GENERAL ELECTRIC
PORTLAND TERMINAL RAILROAD COMPANY
PORTLAND, CITY OF
RHONE-POULENC
RIEDEL (ZIDELL-TRIANGLE PARK)
RIEDEL, ARTHUR
RK STORAGE
RO-MAR REALTY OF OREGON, INC.
RO-MAR TRANSPORTATION
RUDIE WILHELM WAREHOUSE CO.
RUSCO INC. (DBA DURA INDUSTRIES)
SAMUELSON PROPERTIES
SCHNITZER INVESTMENT CORP
SCHNITZER STEEL INDUSTRIES, INC.
SHAVER TRANSPORTATION
SHELL OIL CO.
SHIPYARD COMMERCE CENTER
SHORE TERMINALS, LLC
SILTRONIC CORPORATION
SMURFIT-STONE CONTAINER CORP.
SPC PROPERTIES LLC
STANDARD STEEL (PORTLAND BOLT)
STARLINK LOGISTICS, INC.
STEINFELD PRODUCTS CO.

SULZER PUMPS
SUMMIT PROPERTIES, INC.
TERMINAL 4 - PORT OF PORTLAND
THE MARINE GROUP
TIME OIL CO.
TIME OIL ST. HELENS ROAD
TOSCO CORPORATION
TOYOTA LOGISTICS SERVICES
TOYOTA MOTOR SALES, USA, INC.
TREEHOUSE FOODS, INC.
TRIANGLE PARK LLC
TUBE FORGINGS OF AMERICA, INC.
U.S. ARMY CORPS OF ENGINEERS
U.S. COAST GUARD
UNION CARBIDE CORP.
UNION PACIFIC CORP.
UNION PACIFIC RAILROAD COMPANY
UNIVAR USA, INC.
UNOCAL
VALSPAR CORPORATION (MCWHORTER, INC. AND MCCLOSKEY VARNISH)
WACKER SILTRONIC
WATUMULL PROPERTIES CORPORATION
WILHELM TRUCKING COMPANY
WILLAMETTE COVE (METRO)
WILLAMETTE-WESTERN CORPORATION
WILLBRIDGE (CHEVRON)
WILLBRIDGE (GATX)
WILLBRIDGE (SHELL)
WILLBRIDGE (TOSCO)
WILLBRIDGE (UNOCAL)
WMR LLC
Z CORPORATION (F/K/A ZIDELL EXPLORATION, INC.)
ZIDELL MARINE CORP.
ZRZ REALTY

Region	Site Name	EPA ID	NPL
10	QUENDALL TERMINALS	WAD980639215	F

Party Name

J.H. BAXTER & CO.

PUGET TIMBER COMPANY AND ALTINO PROPERTIES, INC.

REILLY TAR AND CHEMICAL CORPORATION

No site was found matching this name.

Region	Site Name	EPA ID	NPL Status
05	HUDEPOHL SITE	OHN000507837	Not on the NPL

Ongoing Govt Removal - No Noticed parties at this Site

Party Name

Region	Site Name	EPA ID	NPL	Party Name
05	ZIZZO PROPERTIES	WIN000506107	N	DAN ZIZZO SCRAP STEEL, INC.
				MICHAEL ZIZZO SCRAP STEEL, INC

Region	Site Name	EPA ID	NPL
01	LIBERTY STREET ANSONIA COPPER AND BRASS	CTD060005766	N

Party Name
ANSONIA COPPER & BRASS INC
ANSONIA SPECIALTY METAL LLC

Region	Site Name	EPA ID	NPL	Party Name
07	MADISON COUNTY MINES	MOD098633415	F	ANSCHUTZ MINING CORPORATION
				ASARCO, INC.
				DOE RUN RESOURCES CORPORATION
				MADISON COUNTY FARM SUPPLY INC
				MONTGOMERY, GARY
				MONTGOMERY, JEFF
				NL INDUSTRIES, INC

Region	Site Name	EPA ID	NPL	Party Name
10	BLACK BUTTE MINE	OR0000515759	F	THE LAND AND TIMBER COMPANY, LLC

Region	Site Name	EPA ID	NPL	Party Name
04	BURLINGTON INDUSTRIES CHERAW	SCN000404896	F	HIGHLAND INDUSTRIES

Region	Site Name	EPA ID	NPL
03	LOWER DARBY CREEK AREA	PASFN0305521	F

Party Name
A & P FOOD SERVICES
ABB INC.
BFI WASTE SYSTEMS NORTH AMERICA INC.
BOEING COMPANY
BROWING FERRIS INDUSTRIES
BROWNING-FERRIS INDUSTRIES, INC.
CARGILL
CBS CORP
CHEMICAL LEAMAN TANK LINES, INC
CITY OF PHILADELPHIA
CITY OF PHILADELPHIA REDEVELOPMENT AUTHORITY
CITY WIDE SERVICES, INC
CLEARVIEW LAND DEVELOPMENT CORPORATION
CONOCO, INC
DELAWARE COUNTY SOLID WASTE AUTHORITY
DEPARTMENT OF THE NAVY
E. I. DU PONT DE NEMOURS AND COMPANY
FMC CORP
GENERAL ELECTRIC CO
GOULD ELECTRONICS, INC
HELLER RICHARD
HENDERSON COLUMBIA CORP
HENDERSON, WILBUR C. JR.
HENDERSON-COLUMBIA CORPORATION
HONEYWELL INTERNATIONAL INC
HONEYWELL, INC.
KIMBERLY-CLARK CORPORATION
M.A. BRUDER AND SONS, INC.
PECO ENERGY COMPANY
PPG INDUSTRIES, INC.
REDEVELOPMENT AUTHORITY OF PHILA
ROHM & HAAS COMPANY
STEPHEN FITZGERALD, LLP
SUNOCO, INC
THE SHERWIN-WILLIAMS COMPANY, INC.
THYSSENKRUPP BUDD COMPANY
U.S. DEPARTMENT OF NAVY
UNITED STATES DEPARTMENT OF THE INTERIOR
UNITED STATES MINT
US DEPT OF THE INTERIOR
WASTE MANAGEMENT DISPOSAL SERVICES OF PENNSYLVANIA, INC.
WASTE MANAGEMENT OF DELAWARE, INC.
WASTE MANAGEMENT, INC
WILBUR C. HENDERSON
WYETH, INC.

Region	Site Name	EPA ID	NPL
04	35TH AVENUE	ALN000410750	P

Party Name
ALABAMA GAS CORPORATION
DRUMMOND COMPANY, INC.
MUELLER WATER PRODUCTS, INC/ PARENT TO U.S. PIPE & FOUNDRY
PROCESS KNOWLEDGE CORP D/B/A KMAC SERVICES
WALTER COKE, INC.

Region	Site Name	EPA ID	NPL	Party Name
03	WILEYS BRIDGE LEAD SITE	PAN000303646	N	BLUE FALLS GROVE, INC.
				ETANN, INC.
				READING, CITY OF

No site was found matching this name.

Region	Site Name	EPA ID	NPL Status	Party Name
06	HOPE IRON AND METAL	ARN000607050	Not on the NPL	

No noticed parties at the Site.

Region	Site Name	EPA ID	NPL Status	Party Name
02	PITTSBURGH WHITE METAL	NYN000206635	Not on the NPL	

No noticed parties at the Site.

Region	Site Name	EPA ID	NPL
07	ORONOGO-DUENWEG MINING BELT	MOD980686281	F

Party Name

ACME LAND COMPANY
AMAX ENVIRONMENTAL SERVICES, INC.
AMAX, INC.
ASARCO, INC.
ASARCO, INC. - NJ
BLUE TEE CORP.
BROWN AND ROOT, INC.
CHILDRESS ROYALTY COMPANY
CONNER INVESTMENT CO.
CYPRUS AMAX MINERALS COMPANY
DOE RUN CO.
E. I. DU PONT DE NEMOURS AND COMPANY
EAGLE-PICHER INDUSTRIES, INC.
ELJER MANUFACTURING, INC.
FENIX & SCISSON, INC.
FSN, INC.
GOLD FIELDS AMERICAN CORP. NY
GOLD FIELDS AMERICAN CORPORATION
GOLD FIELDS MINING CORP. DE
GULF & WESTERN, INC.
HALLIBURTON CO.
NL INDUSTRIES, INC
NL INDUSTRIES, INC. - NY
PARAMOUNT COMMUNICATIONS, INC.
PATRICIA R. WEST
ST. JOE MINERALS CORPORATION
SUN CO., INC. - PHILADELPHIA, PA
SUN COMPANY, INC.
U.S. STEEL CORP.
USX CORP.

Region	Site Name	EPA ID	NPL	Party Name
03	SAFETY LIGHT CORPORATION	PAD987295276	F	ISOLITE CORPORATION
				METREAL CORPORATION
				SAFETY LIGHT CORP

No site was found matching this name.

1) Administrator's Emphasis List (AEL) Sites:

AEL #	Site Name	City	State	Date Added to NPL *(* or Status for Sites not on the NPL)*	**Hazard Ranking System (HRS) Score
1	Mohawk Tannery	Nashua	NH	PROPOSED	52.40
2	Centredale Manor Restoration Project	North Providence	RI	02/04/2000	70.71
3	American Cyanamid Co.	Bound Brook	NJ	09/08/1983	50.28
4	Diamond Alkali Co. (aka Upper Lower Passaic)	Newark	NJ	09/21/1984	35.40
5	Ventron/Velsicol (aka Barry's Creek)	Woodridge Borough	NJ	09/21/1984	51.38
6	L.A. Clarke & Son	Spotsylvania County	VA	06/10/1986	34.24
7	Delaware Sand & Gravel Landfill	New Castle County	DE	09/08/1983	46.60
8	B.F. Goodrich	Calvert City	KY	09/08/1983	33.01
9	Mississippi Phosphates Corporation	Pascagoula	MS	01/18/2018	50.00
10	U.S. Smelter and Lead Refinery Inc. (aka USS Lead or East Chicago)	East Chicago	IN	04/09/2009	58.31
11	Allied Paper Inc./Portage Creek/Kalamazoo River	Kalamazoo	MI	08/30/1990	36.41
12	St. Regis Paper Co.	Cass Lake	MN	09/21/1984	52.88
13	Tar Creek (Ottawa County)	Ottawa County	OK	09/08/1983	58.15
14	Des Moines TCE (aka Dico Company)	Des Moines	IA	09/08/1983	42.28
15	Westlake Landfill	Bridgeton	MO	08/30/1990	29.85
16	Bonita Peak Mining District	San Juan County	CO	09/09/2016	50.00
17	Anaconda Co. Smelter	Anaconda	MT	09/08/1983	58.71
18	Silver Bow Creek/Butte Area	Butte	MT	09/08/1983	63.76
19	Orange County North Basin	Orange County	CA	PROPOSED	50.00
20	Casmalia Resources	Casmalia	CA	09/13/2001	30.00
21	Portland Harbor	Portland	OR	12/01/2000	50.00
22	Quendall Terminals	Renton	WA	04/19/2006	50.00

2) Additional Sites:

Additional Sites	Site Name	City	State	Date Added to NPL *(* or Status for Sites not on the NPL)*	**Hazard Ranking System (HRS) Score
1	Quivira Vent Hole	Ashtabula	NM	NON-NPL	n/a
2	Hudepohl Brewery Site	Cincinnati	OH	NON-NPL	n/a
3	Zizzo Properties	Kenosha	WI	NON-NPL	n/a
4	Liberty Street Ansonia Copper and Brass	Ansonia	CT	NON-NPL	n/a
5	U.S. Smelter and Lead Refinery Inc. (aka USS Lead or East Chicago)	East Chicago	IN	04/09/2009	58.31
6	Madison County Mines	Fredericktown	MO	09/29/2003	58.41
7	Black Butte Mine	Cottage Grove	OR	03/04/2010	50.00
8	Burlington Industries Cheraw	Cheraw	SC	05/17/2018	48.00
9	Lower Darby Creek Area	Darby Township	PA	06/14/2001	50.00
10	Mississippi Phosphates Corporation	Pascagoula	MS	01/18/2018	50.00
11	35th Avenue	Birmingham	AL	PROPOSED	50.00
12	Wiley's Bridge Lead Site	Reading	PA	NON-NPL	n/a
13	Marina Spill Jersey City	Jersey City	NJ	NON-NPL	n/a
14	Hope Iron and Metal	Hope	AR	NON-NPL	n/a
15	Pittsburgh White Metal	Brooklyn	NY	NON-NPL	n/a
16	Oronogo Duenweg Mining Belt	Joplin	MO	08/30/1990	46.20
17	Safety Light Corporation	Bloomsburg	PA	04/27/2005	70.71
18	Tar Creek (Ottawa County)	Ottawa County	OK	09/08/1983	58.15
19	Treece OU4	Cherokee	KS	NON-NPL	n/a
20	Zephyr Inc	Muskegon	MI	NON-NPL	n/a

*** Status Definitions:**

- DATE ADDED TO NPL = Date final rule adding site to NPL was published in the *Federal Register*
- PROPOSED = Sites that have been proposed for placement on the NPL through a *Federal Register* notice but for which EPA has not yet made a final listing decision
- NON-NPL = Sites that are not proposed to, currently on, or deleted from the NPL

**** HRS Score:**

- Because the HRS is a screening model that uses limited resources, the HRS score is not indicative of a specific level of risk posed by a site. A higher HRS site score may simply reflect a greater quantity of available data or more resources directed toward the assessment of an individual site. HRS score is not meant to imply that risky and less risky sites can be precisely distinguished.

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 9/13/2017 7:23:28 PM
To: Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: RE: Susan Bodine Confirmation Video
Attachments: EPW Hearing on the Nomination of Susan Bodine to be AA of the OECA.pdf

Transcript attached

From: Palich, Christian
Sent: Wednesday, September 13, 2017 3:22 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Susan Bodine Confirmation Video

Can do! Good work T Frye.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov

From: Shimmin, Kaitlyn
Sent: Wednesday, September 13, 2017 3:19 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Susan Bodine Confirmation Video

Christian, want to include this in tonight's e-mail for their reference?

Thanks for tracking this down Tony!

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: (202) 760-0546
Shimmin.Kaitlyn@epa.gov

From: Frye, Tony (Robert)
Sent: Monday, September 11, 2017 6:04 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Susan Bodine Confirmation Video

Transcript attached and here's the video.

From: Shimmin, Kaitlyn
Sent: Monday, September 11, 2017 5:55 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Susan Bodine Confirmation Video

Tomorrow can you please track down Bodine's confirmation hearing so we can send it to the noms? I think most of them have probably found it but Dourson asked. Thanks!

Kaitlyn Shimmin
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CQ CONGRESSIONAL TRANSCRIPTS
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Senate Environment and Public Works Committee Holds Hearing on Nuclear Regulatory Commission and EPA Nominations

LIST OF PANEL MEMBERS AND WITNESSES

BARRASSO:
Good morning. I call this hearing to order. Today, we'll consider the nominations of three individuals to serve as members of the U.S. Nuclear Regulatory Commission, Kristine Svinicki, the current member and chair of the NRC; Annie Caputo, who was the senior policy advisor on this committee majority staff; and David Wright, president of Wright Directions, LLC.

We will also consider the nomination one individual to serve as the assistant administrator for the Office of Enforcement and Compliance Assurance or OECA at the U.S. Environmental Protection Agency, Susan Bodine, who was chief counsel on this committee's majority staff.

I applaud the president's nomination of such experienced Americans and dedicated public servants. The four nominees before us today are all well qualified candidates. Three are well-known to members of this committee and staff. One is not well known, and that's why Senator Lindsey Graham is here today to bring to the attention of the committee the nominee from his home state of South Carolina.

Senator Graham, if it's OK with you, based on schedules, I would hope you could make an introduction at this time.

GRAHAM:
Well, thank you, Mr. Chairman, and it is my pleasure to introduce David to you. We serve together in the statehouse, South Carolina House of Representatives, for two years. So, I've known David for a long time. His mother, Irene, is with him, and this is a big day for the Wright family.

I want to thank the president for nominating David to the Nuclear Regulatory Commission. He is a graduate of Clemson University. We celebrated their national championship yesterday at the White House, and go, Tigers.

David has an incredible background in terms of the subject matter. He was on the South Carolina Public Service Commission in 2004 through 2013. In South Carolina, per capita, has the most nuclear power of any state in the nation. We're very nuclear power, pro-nuclear state. And I think David understands the issues surrounding nuclear power as well as anybody in the country.

The people he served with, 2008-2009, he was president of the Southeastern Association of Regulatory Utility Commissioners. In 2011 and 2012, he was president of National Association of Regulatory Utility Commissioners. So, David understands the nuclear industry as well as anybody I know. The president chose wisely. And again, South Carolina's nuclear footprint is very large.

He's been a mayor, so he knows how to get along with people. If you're going to be a successful mayor, you have to make things win- win. So, I could not recommend more highly to you David Wright. I want to thank the president and all of us in South Carolina are proud. And he will hit the ground running because he knows the subject matter. Thank you very much, Mr. Chairman.

BARRASSO:
Thank you very much, Senator Graham, we appreciate it. I know, with a busy schedule, you probably have additional obligations at this time. You're excused. Thank you for being with us today.

So, of the nominees this morning, two have previously been reported by this committee and confirmed by the Senate by voice vote. Ms. Svinicki has served as a member of the Nuclear Regulatory Commission for more than nine years, including the last six months as the chair. She was confirmed as a member in 2008.

She was reported by this committee by voice vote in December 2007, confirmed by the Senate by voice vote March 13, 2008, re- nominated to a second term in 2012, again reported successfully out of this committee by voice vote and confirmed by the Senate by voice vote eight days later. She was designated as the NRC's chair by President Trump in January 2017.

Before joining NRC, Ms. Svinicki served in various staff positions in the U.S. Senate, including with the Armed Services Committee, where she concentrated on defense, science and technology policy and defense-related atomic energy activities.

She also worked as a nuclear engineer at the Energy Department and as an energy engineer for the Wisconsin Public Service Commission. She was honored with the Woman of the Year Award by the Women's Council on Energy and Environment in 2013 and the Presidential Citation Award by the American Nuclear Society twice, 2012 and 2006.

Ms. Caputo has spent more than 20 years advising Congress and industry nuclear energy matters. She has served as a policy advisor for this committee and for the House Energy and Commerce Committee for the past 12 years. Before that, she worked for Exelon Corporation as a congressional affairs manager in 2013. The U.S. Nuclear Infrastructure Counsel honored her with his meritorious service award.

In response to Ms. Caputo's nomination, the vice president of Clean Energy Program at Third Way think tank once labeled as, quote, "radical centrist," by the New York Times stated of the nominee, quote, "She has consistently worked with members of both sides of the aisle to promote effective nuclear regulation and is well respected across partisan lines for her expertise, professionalism and competence. Few people are more qualified to fill this role at the NRC."

Then Mr. Wright has served as member of the chairman and chairman of the South Carolina Public Services Commission, is the president of the Southeastern Association of Regulatory Utility Commissioners, and is president of the National Association of Regulatory Utility Commissioners.

He is chairman emeritus of the Nuclear Waste Strategy Coalition, a group that includes state utility regulators and state attorneys general, focusing on addressing nuclear waste policy matters. He has served as a member of the South Carolina House of Representatives and is a councilman and mayor of the town of Irmo, South Carolina. He has also owned and operated several different businesses and been honored with various awards.

Ms. Bodine served as assistant administrator for the EPA's Office of Solid Waste and Emergency Response from 2006 to 2009. She was reported by this committee by voice vote on July 20, 2005 and confirmed by the Senate by voice vote later that year. She previously served as staff director the House Committee on Transportation and Infrastructure Subcommittee on Water Resource and the Environment, and as an attorney in private practice.

Today's nominees will fill critically important roles in protecting America's public health and safety. The Nuclear Regulatory Commission ensures that nuclear power plants, nuclear materials and waste are handled and used safely and securely. The EPA's rule – role, and specifically the one being discussed today, is responsible for enforcing our nation's environmental laws, including the Clean Air Act, the Clean Water Act, and Superfund.

The need for nuclear environmental safety protection is bipartisan. We need to move quickly on these nominations. Unless today's NRC nominees are confirmed by June 30th, the NRC will lose its quorum. This will degrade the NRC's collective ability to fulfill its mission of licensing and regulating the nation's civilian use of radioactive materials to protect public health and provide for safety and security.

The committee must act to restore the NRC to a full slate of commissioners expeditiously. Similarly, the EPA does not have a Senate confirmed assistant administrator of OECA. The committee must

act to confirm this nominee to leave the OECA quickly so that our environmental laws are rigorously enforced, so that polluters are held accountable.

I can't think of no better candidate to take on the critical task of leading the OECA and enforcing our nation's environmental laws than Susan Bodine. Past EPA officials notably from both Republican and Democratic administrations have praised Susan's nomination. Mathy Stanislaus, a former Obama EPA assistant administrator, said, "Ms. Bodine understands both the internal side of the agency and the proper balance of enforcement," and would be a, quote, "stand up person."

Ben Grumbles is a former George W. Bush assistant administrator and currently the Maryland Secretary Environment said, "She is tough and fair and committed to public service." Elliott Law (ph) is a former Clinton assistant administrator said, "Bringing in someone with her knowledge of the agency and the issues facing it can only be positive."

John Cruden, a former Obama Justice Department Assistant Attorney General for the Environment and Natural Resources division, said, quote, "Susan is dedicated to the rule of law, a lawyer with great integrity. And she understands the critical importance of effective and timely enforcement.

I will now turn to Ranking Member Carper for his statement.

CARPER:
Thanks, Mr. Chairman. I just want to start off by welcoming each of our four witnesses to today's hearing. I want to welcome your families as well, spouse, son and daughter, mother, and any other friends and family that might -- might be in the room.

Several of our witnesses, Mr. Chairman, have talked about their core values and where their core values came from. It actually reminded me a lot of ours. And so, Ms. Irene, thank you for raising this kid and sending him our way.

Thank you, each of you, for your past public service, for your willingness to serve in these new capacities, and for Kristine, not a new capacity but to continue to serve. The jobs to which you have been nominated are very important to the health and safety of the American people.

Mr. Chairman, as we have discussed, I am concerned that we do not have parity in the Nuclear Regulatory Commission nominees before us today. It's critical for the commission to have consistent leadership from both political parties, especially as the industry faces a challenging future. I hope we can find the path as we discussed to ensure that the White House re-nominates, Commissioner Jeff Baran, and that the commission pairs consideration of his nomination without of some, maybe all of the NRC nominees before us.

Having said that, Mr. Chairman, the minority members of this committee remain deeply disappointed, not with these witnesses or their families, but disappointed that the committee has not received complete written responses from Administrator Pruitt to 11 oversight letters the Democratic members have sent to the EPA this year.

In fact, we have recently learned that the White House has instructed federal agencies not to respond to oversight request from senators who are not chairman. Such a directive harms both parties and it takes us further from the truth. And you don't have to take my word for it.

Our colleague, Senate Judiciary Chairman Chuck Grassley said just last Friday in a letter to President Trump admonishing the directive, and this is what he notes. I quote him, Chuck said, "It harms not just the members who happen to be in the minority party at the moment but also members of the majority party who are not currently chairman. It obstructs what ought to be the natural flow of information between agencies and the committees, which frustrates the constitutional functioning of legislating," close quote.

I am sure that our colleagues on both sides of this dais can agree that preventing senators from their oversight responsibilities is simply unacceptable. In fact, this committee has a tradition of ensuring that oversight requests received response to as part of the confirmation process.

I just like to share with you this morning two short examples. First, in 2013, Republicans insist on responses to five requests is part of former administrator Gina McCarthy's confirmation process. The Republican minority sought information on the agency's compliance with the Freedom of Information Act, the availability of outside scientific research, the use of economic analysis and lawsuit settlements.

The Republican members of EPA boycotted the first business meeting of Administrator McCarthy's nomination because they believed EPA had not been responsive to the request. We may have another poster here. On that day, Mr. Chairman, you noted and that -- and I quote you, "The new nominated EPA administrator has been extremely unresponsive with the information we requested." And you went on to add, "We're simply requesting that Ms. McCarthy and this administration honors its commitment to transparency. That's what they promised," close quote.

In order to help him obtain this information, I personally called, at that time, the EPA. I personally implored the agency to respond to Senator Vitter and to the Republicans members of this committee. Ultimately, the EPA did so.

And by the time the McCarthy nomination researched -- rather to reached the Senate floor, EPA had sent at last -- at least five letters and provided more than 15 -- rather 1,300 pages of documents and data. In the end, after 136 days, Gina McCarthy was confirmed without a filibuster.

Second, in 2009, Republican request for information in economic analysis delayed the Senate floor consideration of Bob Perciasepe nominations to be deputy EPA administrator for almost 6 months. Last Congress, I am told Republicans sent at least 156 oversight letters to EPA's Air Office alone and that all of them receive responses.

I have – I think we have another – another poster to look at -- another chart to look at, it refers to EPA's 2015 responses. And it's an interesting chart but additionally in calendar year 2015 we can see up here that EPA received 884 letters from lawmakers seeking a response from the agency, 884.

That same year, EPA received 60 document request from Congress and 1 subpoena. The agency also made EPA officials available to testify at 40 hearings. And in 2015 alone, with all those incoming request EPA, under Gina McCarthy's leadership, sent 276,510 pages of documents to Congress, 276,510 pages. Colleagues while are ask on this side may not be welcomed by this administration, I don't believe they're unreasonable nor they're unprecedented.

I think we maybe have one more chart. Oversight should not be a partisan issue. And as Senator Inhofe, then Chairman Inhofe, noted in 2015, lack of timely and complete responses from agencies, quote, "Frustrates Congress' ability to feel it -- fulfill its constitutional duty to perform oversight of the executive branch," close quote. And Jim, I would say you were right then and you are right today.

Absence of heartfelt commitment by EPA to provide complete and timely responses to our current information requests, I find it very difficult to support moving forward with consideration of any EPA nominees. I do not make such a statement lightly, I make it with no sense of joy, but the nominations we are discussing today are important ones. It deserves our attention, just as our inquiries from the minority side deserve the attention of this administration.

Let me close by saying the EPA's Office of Enforcement and Compliance Assurance is indispensable cop on the beat, safeguarding public health and our country's environment. The officer's actions drive reductions in toxic air pollution as well as a cleanup of our land and our waterways.

Last year, I'm told EPA's enforcement work required companies to invest some $13.7 billion in such actions. Turning to the NRC, following the leader for Committee Chairman Jim Inhofe, Mr. Chairman, you and I have worked to strengthen a culture of safety within the U.S. nuclear industry for years.

In part, due to our collective efforts into the NRC's leadership and the commission is dedicated staff, the NRC continues to be the world's gold standard for nuclear regulatory agencies. However, that does not mean we can become complacent when it comes to nuclear safety and our NRC oversight responsibilities, the perspective I'm certain sure that every member of this committee.

In closing, I look forward to hearing how each one of our nominees before today will fulfill the responsibilities of their position to which they're nominated. I hope they will share with the committee their commitment to ensure that these agencies remain vigilant and devoted to the protection of all Americans, and that you will be responsive to legitimate questions we may ask of you from time to time.

Thank you all for joining us today.

BARRASSO:
Well, thank you very much, Senator Carper. And as you and I have discussed, I believe the administration should and has a responsibility to answer members' questions. The Obama administration, I believe, went out of its way to avoid answering my specific oversight request responses that I had never received and I found it very disturbing.

With respect to the committee's oversight function, I believe it is critically important. I agree the executive branch agencies must be required to respond to the committee's reasonable oversight requests. I understand that so far the EPA has received 416 letters and that they have so far -- this is the Trump administration -- received 416 letters and have answered 386 to date. Now, that's only since January 20, 2017.

(UNKNOWN)
(OFF-MIKE)

BARRASSO:
That's what I understand and we'll get the specific breakdown. As chairman, I'm going to work to ensure that the executive branch agencies under the current administration work diligently and expeditiously to respond to the committee's reasonable oversight requests compliance with all laws, rules, policies, precedents and practices. Senator Inhofe?

INHOFE:
Thank you, Mr. Chairman. Let me just say that I appreciate the fact that I can say some things about two of my favorite people that I've worked with for a long period time. And I have to say this that by comparison with the responsive attitude that they've always had, some of the other people don't look so good in the past.

And yet, we have watched people like Pruitt, for example, having gone to this thing and not only being grilled and asked questions to an unreasonable extent, but then when it came time for questions put on the record he had to endure 1,600 questions. That's unheard of. And you guys, you're not going to have to do this, it would be not fair at all.

Let me say this that I've worked with -- with both Annie Caputo and Susan Bodine for many, many years and I noticed that, Annie, that you've got your husband, AJ, with you and you've got -- you've got your son, Owen. And then that cute little girl, hold your hand up there, yes, see her? She is -- she said she is Abby. I remember when Abby was born. That's how long I have known these people.

So, anyway, Annie joined my EPW staff in 2007. Her experience and expertise is so well-known that she has been called upon by the members the Democratic Party as well as Republican Party because of her expertise in the areas of nuclear. Her expertise was valuable to me in the aftermath of Fukushima, the nuclear accident, and in my work to ensure the NRC issued timely decisions on new nuclear plant licenses, and most recently, she has been central in developing the bipartisan Nuclear Energy Innovation Act.

And similarly, Susan Bodine has been so valuable to me as a staffer. She was the general counsel for the Congress in our committee last -- in the last few years. And prior to that, she had experienced a tenure in the EPA during the George W. Bush administration, was critical to me and my staff when we worked on the to the famous Tar Creek Superfund site in Northeastern Oklahoma. I think at the time that was the most devastating Superfund site in America, and we waded through that.

Last Congress, Susan was a large part of the team that put together the FAST Act. They put together the Water Infrastructure Act and the chemical bill. In fact, you know, we had a meeting at 12:15 every Wednesday with the leader of the Senate, Mitch McConnell, and just members of the -- or chairman of the committee.

So when it came down to my turn, I'd say now report on the committee that actually does things and that's this committee and that's true, we did. So, Susan will be an asset to the agency where she has previously worked and she knows the laws that govern the EPA. And I thank you again for allowing me to speak on behalf of these two individuals that have served the committee and me so faithfully over the years.

BARRASSO:

Thank you very much, Senator Inhofe. We'd now like to welcome, congratulate, and hear from our nominees of the committee today. I want to remind each of you that your full written testimony will be made part of the record. I look forward to hearing the testimony. We ask you to keep your comments to five minutes. And we'll first hear from Ms. Svinicki. Please proceed.

SVINICKI:
Thank you, Chairman Barrasso, Ranking Member Carper, and members of the committee. I'm grateful to President Trump for nominating me to a third term of service on the commission and was humbled by his request of me earlier this year to assume the role of the commission's chairman.

If the Senate acts favorably on my nomination, I would once again be privileged to continue this work alongside my currently serving colleagues, Commissioners Baran and Burns. I also congratulate my fellow nominees to the commission and wish them well in this confirmation process. I know them both to be individuals of great capacity and commitment, and I am confident that if confirmed, they will apply themselves in full measure to supporting the NRC's important mission.

According to those keeping records at the NRC, this is my 18th appearance as a witness before this committee, my third as a nominee. In light of that, the record of my views on relevant matters is well-established. With the exception of senators new to the committee, it is likely that the votes I have taken and the positions I have established over the span of years provide adequate terrain for both agreement and disagreement with elements of my record.

And I state with sincerity that my appearances before your committee and the exchange of sometimes pointed differences on issues have shaped me as a commissioner. The members of this committee have routinely challenged me to examine all dimensions of the issues, to apply the highest rigor to my consideration of all matters, and to continue to stay open to new information and new insights. These exchanges reinforced the importance of never becoming complacent in my work of maintaining and inquiring attitude and being mindful always of the full weight of the solemn responsibilities entrusted to me.

If you honor me with your approval of my nomination, I commit myself to continuing to approach my duties in this way. Of course, any contribution I have made to the NRC during my time there would not have been achieved without the hard work and commitment of the women and men of the NRC and their sustained efforts to advance the NRC's mission under the law, that of ensuring adequate protection of public health and safety, and promoting the common defense and security.

Nearly 10 years into this journey, their commitment to the shared goal is what inspires and motivates me each day. Once again, I would like to take this opportunity to convey my personal gratitude to each of them for their contributions to whatever achievements I have had along the way and for their engagements with me over the years, which have helped to save them for my views on so many important matters before the agency.

Chairman Barrasso, Senator Carper, and members of the committee, thank you. I appreciate the opportunity to appear today and look forward to the committee's questions.

BARRASSO:
Thank you so much for your comments. And now, Ms. Caputo.

CAPUTO:
Thank you, Chairman Barrasso, Ranking Member Carper, and members of the committee. I have been very thankful for the opportunity to work for Chairman Barrasso this year, continuing my service to members at EPW under his leadership. I'm also grateful to President Trump for nominating me to serve on the Nuclear Regulatory Commission.

Public service is a privilege. If the Senate confirms my nomination, I will be honored to serve, and very humble to serve with such esteemed fellow colleagues as Chairman Svinicki, Commissioner Baran, and Commissioner Burns, and my fellow nominee David Wright.

Before I begin, I'd like to acknowledge my family. I'd like to thank AJ, my husband of 19 years, for his constant support of my public service. And our children, Owen and Abigail, who are our greatest blessings and who assured me they'll be on their best behavior today.

In preparing...

INHOFE:
How about AJ? We trust the kids?

CAPUTO:
In preparing for today, I've spent some time reflecting on what it would need to take on the responsibility of the position of commissioner and how key experiences in my life have prepared me for such a role. What I realized is several experiences closely echo the NRC's mission, values and principles of good regulation.

First, my mother taught me not only what is right from wrong, but to distinguish between what's right and what's popular. This is a lesson that would guide me in a position to which I have been nominated. It is a lesson I believe is well articulated in the NRC's principle of independence, which states all available facts and opinions must be sought openly from licensees and other interested members of the public. The many and possibly conflicting public interest involved must be considered. Final decisions must be based on objective, unbiased assessment of all information.

Second, my brief service as a volunteer firefighter and emergency medical technician with the Snowmass-Wildcat Fire Department showed me the importance of the dedication to public health and safety, professionalism, teamwork and the satisfaction of serving the community. It was here that the seed of public service was planted and first took root. These are values that guide me to this day and are in keeping with the NRC's values of commitment, respect, cooperation and service.

Third, my job after graduating with my nuclear engineering was with Commonwealth Edison in Chicago. At the time, half of their nuclear plants were on the NRC's watch list due safety concerns. A man named Oliver Kingsley took the role of president and transform the

organization's performance based on the principle that safety and operations are inextricably linked, that operations excellence depends on a dedication to safety.

If a nuclear plant isn't maintained with the discipline focused on safety, it won't run well. Safety first, that is what I learned from Oliver Kingsley and that is the mission of the Nuclear Regulatory Commission.

I have been privileged to serve in both the House and Senate for 12 years, the majority of my career. In these roles, I have been continually challenged by members to learn as much as I can. In doing so, I have seen the impressive expertise and professionalism of the NRC staff in action. I have no doubt the staff's caliber and commitment is why the NRC is considered the gold standard for nuclear safety the world over. I have much to learn and they have much to teach me if I am confirmed.

Lastly, members have directed me to seek out the best policy and to work with bipartisanship to accomplish their goals. These experiences have developed my ability to work collegially and find agreement among different views and to craft solutions by working together. By sharing these experiences with you, I hope to pride you with insight into my character and how my values would guide my conduct as a commissioner, if confirmed.

It is humbling to be considered for such a serious responsibility. I would strive to execute that responsibility with integrity and professionalism in a manner that earns the public's trust and in keeping with the NRC's mission, principles and values.

I appreciate the opportunity to appear today and I look forward to your questions.

BARRASSO:
Thank you so much for your -- for your comments. And I like to turn to Mr. Wright. You're next at your convenience.

WRIGHT:
Thank you, Chairman Barrasso, Ranking Member Carper, and the members of the committee for the opportunity to appear before you today. And thanks, I would be remiss if I did not think Senator Graham, my friend, for his kind introduction earlier.

I'm humbled and honored to appear before you today as a nominee of the president to serve as a commissioner on the Nuclear Regulatory Commission. It's an honor and a privilege not just for me personally but also for my family, my church, my community, my state, all the people I have worked with and served with over the years.

Mr. Chairman and members of the committee, if I may, I would like to recognize my mother, Irene Wright, who is with me today sitting behind me. She gave birth to me on her 24th birthday. And next month, we will both celebrate the 62nd anniversary of her 24th birthday. I'm going to let you do the math. She is truly one of God's angels living on this earth and I get a call her mom.

June is a busy time of year for the Wright family. My oldest, Kimberly, is wrapping up her year as a kindergarten teacher. My second daughter, Courtney, works for the state and she and her husband are raising three wonderful children, my grandchildren. Senator Boozman, my oldest son, Austin, is a nursing home administrator working in Cabot, Arkansas. I believe I shared that with you.

And my youngest son, Andrew, a rising college sophomore is in his last week as a young life summer camp counselor at SharpTop Cove in Jasper, Georgia. Although the rest of my family is not able to be here in person today, I can feel each of them and their support.

Mr. Chairman and members of the committee, if confirmed, I look forward to working closely with my fellow nominees, Chairman Kristine Svinicki and Annie Caputo, as well as Commissioners Steve Burns and Jeff Baran in carrying out the NRC's mission of protecting public health and safety, promoting the common defense and security, and protecting the environment.

I pledge to work closely with each member of the commission in the spirit of collegiality and I believe we will work very well together. I look forward to developing a good working relationship with this committee as you fulfill your important oversight role too.

I have a broad and varied professional background in private business and in public life. Having been self-employed the majority of my adult life, I have also served in various elected positions in local and state government. Although we are all shaped by the entirety of the events and experiences in our lives, I'm confident I found myself before you

today because of my service on South Carolina Public Service commission since first elected in 2004, a service South Carolina Commission.

Since first elected in 2004, I served as a South Carolina Commissioner for nearly 10 years where I also had the privilege of serving as chairman. During my tenure as a commissioner in 2008, I was diagnosed with stage III colon cancer. I had surgery and went through months of chemotherapy, but I did not miss very much time at commission. It was during that time that I made the decision to do things I had not previously considered and to challenge myself in ways I might not have had it not been for that trial in life.

As a commissioner, I was already active within the neighborhood while I was serving as chairman of the Subcommittee on Nuclear Issues and Nuclear Waste. In June of 2008, I was elected to serve as president of the 11-State Southeastern Association of Regulatory Utility Commissioners or SEARUC. And in 2011, following a year of service as first vice president, I was elected by my fellow commissioners to serve as president of the National Association of Regulatory Utility Commissioners. That's the highest professional honor in my life until today.

During my years as a commissioner, including my service and leadership roles of the regional and national levels, I've been successful in building bridges and building consensus on issues and in the creation and adoption of policy. If given the honor to serve the country in this position, I will approach my service as a commissioner at the NRC no differently. I believe my regulatory background at the state level along with my experiences in business and elected office provide a sound foundation for considering matters that will come before me as a member of the commission.

If confirmed, I will approach my work is commission with open mind and in a collegial manner. I will listen to all parties and all points of views, seek clarification where needed, endeavor to establish a complete record, based my decision with facts before me, and work to build consensus among the commissioners wherever possible.

Chairman Barrasso and Ranking Member Carper and members of the committee, thank you for the opportunity to appear before you today.

BARRASSO:
Well, thank you so very much for your comments. Ms. Bodine?

BODINE:
Thank you, Chairman Barrasso, Ranking Member Carper, and members of the committee for the privilege of appearing before you today as a nominee for the position of assistant administrator for EPA's Office of Enforcement and Compliance Assurance. I'm honored that President Trump, administrator Pruitt, and this committee are considering me for this position.

I'd also like to thank my family. They are not here today because they are all at work. They did come 12 years ago, which was the last time I actually had a confirmation hearing before this committee. My sons at that time were 11 and 14. They are now 23 and 26, and thankfully they are gainfully employed. I would also like to thank my many current and former colleagues for all of their support and their friendship.

I've worked on environmental issues my entire professional career as a practicing attorney, as a member of the professional staff of the committee -- the Subcommittee on Water Resources and Environment of the House Transportation and Infrastructure Committee, as a former EPA assistant administrator, and as a member of the professional staff of this committee.

If confirmed as the assistant administrator for the Office of Enforcement and Compliance Assurance -- and I'm going to call that OECA, so we'll use acronyms -- I'm going to bring that extensive background in environmental law to the laws that OECA enforces. I strongly support the goals of protecting health and the environment.

I also would bring my past experience managing an EPA office and my deep respect for the career staff to do the day-to-day work of implementing our environmental laws, carrying out the responsibilities that Congress is given to EPA.

I appreciate that our laws are built around this framework of cooperative federalism. Under cooperative federalism, states and the federal government both have important and complementary roles in

implementing our laws. I also fully appreciate that we can't protect human health and environment unless the regulatory community knows what they are supposed to do.

Enforcement is a critical tool to achieve compliance. Compliance by everyone creates a level playing field for the regulatory community and by enforcing environmental laws, OECA, the office I am nominated for, helps create that level playing field.

Of course, to comply with the law, the regulatory committee needs to understand what's expected of them. Sometimes our statutes and regulations are less than clear and OECA plays an important role in making sure that there's clarity and consistency in how our laws are interpreted and providing assistance when the laws are less than clear. And if confirmed, I look forward to working with the EPA program offices and states to provide that clarity and consistency.

Those who've worked with me know that I have a collaborative and inclusive approach to tackling environmental issues. For the assistant administrator of OECA, this means collaboration and coordination with states that authorized to carry out federal laws. It also means collaboration and coordination with the EPA program offices that write the regulations that implement the statutes that Congress writes.

I also understand the need to communicate and that means not just talking but also listening. Communication with environment professional staff at EPA is important management responsibilities. Communication with state agencies is a critical component of cooperative federalism. Communication with the regulatory community and with environmental groups provides important feedback. And finally, communication with the public and with Congress provides support for the agency's mission.

If confirmed by the Senate, I'd embrace the responsibility for assuring compliance with environmental laws. I know we all share the goal of protecting public health and the environment. I know we share the goal of making environmental regulations clear and understandable. I'm very excited about the opportunity to work with Administrator Pruitt and a member of his team to achieve those goals.

And in closing, thank you for this opportunity and I look forward to any of your questions.

BARRASSO:
Well, I want to thank all nominees for your testimony throughout this hearing and with questions for the record, the committee members will have an opportunity to learn more about your commitment to public service of our great nation. I would ask that throughout this hearing you please respond to the questions today and those for the record.

With that said, I have to ask the following questions that we ask all nominees on behalf of the committee. And I'll ask each of you to respond individually. Do you agree if confirmed to appear before this committee or designated members of this committee and other appropriate committees of the Congress and provide information subject to appropriate necessary security protection with respect to your responsibilities?

SVINICKI:
Yes, I do.

CAPUTO:
Yes, I do.

WRIGHT:
Yes.

BODINE:
Yes.

BARRASSO:
Do you agree to ensure that the testimony, briefings, documents, and electronic and other forms of information are provided to this committee and its staff and other appropriate committees in a timely manner?

SVINICKI:
Yes.

CAPUTO:

Yes.

WRIGHT:
Yes.

BODINE:
Yes. ` BARRASSO: Do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

SVINICKI:
No, I do not.

CAPUTO:
I do not.

WRIGHT:
No, sir.

BODINE:
No.

BARRASSO:
I will not ask any questions at this time. I'm going to reserve the balance of my time to be used during the hearing. With that, I'd ask to Senator Inhofe.

INHOFE:
Thank you, Mr. Chairman. And for the benefit of some of you out here, we have a little bit of a problem and that two the other members seated to my right had the same problem I do. We are currently meeting at the same time with the Senate Armed Services Committee. In fact, we have Secretary Mattis as a witness and we'll have to be going back and forth.

Well, first of all, let me just mention that I've been engaged in oversight for the NRC now for a number of years, since 1996. 1996, I was made the chairman of the subcommittee. And at that time, we had gone four years without any kind oversight and this is something that you can't do with any bureaucracy. You have to have oversight and we immediately started doing that and started anticipating and expecting responses on a regular basis.

So, I would start with you, Ms. Caputo. If you're confirmed, will you commit to continue these reports and work with the committee on any revisions to improve their usefulness and also to respond to an oversight hearing on a regular basis?

CAPUTO:
Yes, I will.

INHOFE:
The -- Ms. Bodine, the -- you mentioned several times -- OECA, I guess that's how we say it. I've been a little bit disturbed by some of the measures that they -- I would refer to as performance measures. For example, targeting a specific number of enforcement actions, it sounds like a quote to me. Does that sound that way to you too?

BODINE:
Thank you, Senator Inhofe. That is an issue I'd like to look into if I am confirmed as the assistant administrator. Enforcement is a tool, it's a critical tool, but it is not an end in itself. Our goal, of course, is compliance. And so, I want to sit down with the -- with the EPA staff and look over the performance measures and make sure that OECA employees are getting credit for their work, whether or not they take a formal enforcement action because what we all want is compliance with the law.

INHOFE:
So, you would look into that anyway...

BODINE:
Yes.

INHOFE:
... in that capacity if you are confirmed and that's what we would expect. And most of our Superfund sites are cleaned up by private parties. We've had problems in the past with that. And I -- can you discuss how OECA helps achieve that getting these things into the private sector?

BODINE:
Thank you. Yes. The Superfund statute is a very forceful law. It does make sure that the parties that are responsible for contamination can be held liable and OECA is the office that holds their feet to the fire that brings the actions against them so that private parties do clean up the work. They've been tremendously successful.

Senator Carper, you gave us the statistic from the commitments of cleanup work in over a billion dollars from last year. In addition, OECA collects funds and puts it into what we call special accounts so that if private parties can pay money instead of doing the work. And right now, we actually have $3.5 billion in special accounts. They're available, not subject to appropriation, and available to carry out cleanup work at the sites at -- in the cases that OECA has brought the enforcement actions.

INHOFE:
Thank you, Ms. Bodine. And then lastly, Administrator Pruitt has -- wants the EPA to embrace cooperative federalism. How does that apply to enforcement?

BODINE:
In the enforcement context, that means, in my view, respecting state interpretations of their own law. It means dividing the work between states and not taking duplicative enforcement actions. It means coordinating with state so that -- so we know -- let states know when, for example, OECA people -- enforcement officer are coming into their states to take action.

And I'd like to point out that just yesterday, the Environmental Council of the States, this is the organization that represents the state environmental commissioners, they put out a statement called Cooperative Federalism -- I guess, it's a whitepaper, Cooperative

Federalism 2.0. And in there, they speak exactly to this issue and they talk about how state should be the primary enforcement authority for programs delegated to the states and have the ability to access better enforcement authorities when that's needed or appropriate.

INHOFE:
That's good. Ms. Svinicki, I have no questions for you because you've been around a long time. I have always agreed with what you've done. I'm just glad you are willing to continue doing this.

Mr. Wright, you're fairly new to me, but you have a very interesting background. And I think that it's kind of a background that is required of cooperation and simply you can't -- you said that they're in command because you have to get along with the other side. I think that's a great asset that you have and I will certainly look forward to working with you and your talents of building consensus. I think you're going to be of great value. Anything you want to say or you want to make about how consensus has served you well?

WRIGHT:
Thank you, Senator. You know, I don't believe that I would have risen to the level that I did within the National Association of Regulatory Utility Commissioners had I've not been able to work across the lease, party lines, you name it, because it is a consensus organization. They do not do anything except by resolution and through the committee process.

So, you have to be able to work with people. And that's a skill that is learned over time and I look forward to using that because I believe it is -- I have a certain skill set that the commission -- that will benefit the commission I believe.

INHOFE:
That's great. And I look forward to working with you. And thank you, Mr. Chairman.

BARRASSO:
Thank you, Senator Inhofe. Senator Carper?

CARPER:
I'm going to yield to Senator Gillibrand and she has another hearing, I think several others have other hearings. But, Kirsten, it's all yours.

GILLIBRAND:
Thank you, Mr. Ranking Member. I'm concerned that the NRC's decommissioning rule will potentially set up a process by which the emergency planning zone and associated requirements for nuclear plants will be automatically reduced to a plant shutdown -- to reduce once a plant shutdown operations but while there's still fuel remaining in the spent fuel pool. There's currently no maximum amount of time that fuel can remain in the spent fuel pool. A major driver for shrinking the emergency planning zone during decommissioning is the cost of licensee.

My first question for the panel is, is it appropriate to factor the cost to the licensee into the decision on the size and scope of emergency planning activities? Why or why not?

SVINICKI:
Thank you for the question, Senator. As you know, the NRC has a rulemaking underway on this topic right now and it's my understanding that the staff's analysis, they haven't developed the draft to rule it yet, but they publish something called a Regulatory Basis. They are looking at sizing the emergency planning zone to the extent of the risk or hazard. I don't believe it is an economic analysis. If I'm wrong about that, I can correct that for the record.

GILLIBRAND:
That will be great. Largely because if you have a pool and unspent fuel sitting 50 miles from New York City, it becomes a national security risk. That is real. And it also is an environmental hazard. Does anyone else have further thought on that question?

CAPUTO:
If confirmed, this is certainly an issue that I'd like to look into and focus and certainly be briefed by the staff ...

GILLIBRAND:
I'll be very grateful.

WRIGHT:
Same. I have nothing to add, that same thing as what Annie just told you.

GILLIBRAND:
OK. Susan?

BODINE:
Not on that issue, nothing.

GILLIBRAND:
OK. Thank you. And if anyone has a thought, should there be limits placed on the amount of time that spent fuel can remain in the spent fuel, particularly if you do have an environmental or national security issue?

SVINICKI:
Senator, again, thank you for that question. NRC looks closely at the hazard posed in making the safety determinations. Although it has been NRC's established position that spent fuel pool storage is safe and is equally safe to the dry cask storage, that's the other alternative.

GILLIBRAND:
Yes. I just -- I think safe as a measure of what and when you're look at national security concerns and location, I think, you have to maybe augment that definition of what safe.

My second question is for Susan, Susan Bodine. It has been reported that during a time of partner at a law firm, Barnes and Thornburg, you represent the plastics company, Saint-Gobain. As you may know, Saint-Gobain was responsible for polluting the drinking water in Hoosick Falls, New York with PFOA and a Saint-Gobain facility in Hoosick Falls has

been proposed for listing as a federal Superfund site. That proposed listing is still pending at the EPA. Could you please describe the work you did on behalf of Saint-Gobain?

BODINE:
Thank you, Senator Gillibrand. First, let me say that I would have no problem bringing an enforcement action against any company, whatsoever, whether I worked for them in the past or not.

Second, I have never worked for the performance plastic company that you're referring to. I did work with a company called Saint- Gobain containers, they're headquartered in Muncie, Indiana, they make glass containers.

For example, they have a facility in Milford, Massachusetts that makes 1.2 million beer bottles a day. Their issue is that they wanted to increase the amount of glass that was recycled because if they use recycled glass instead of raw material they can reduce their energy costs, they can reduce their emissions. And so, my entire representation for them was associated with encouraging recycling.

GILLIBRAND:
In your written testimony, you bring up the term cooperative federalism several times. How do you envision the rile of EPA versus the role of states in enforcing federal environmental statutes?

BODINE:
So, as I mentioned earlier, many of our environmental statutes can -- authorize or delegate to states the responsibility for carrying out those laws. And so, I think that we need to have close coordination with state, that the states -- the authorized states or the delegated states so that we're not duplicating action and that we're both conserving our resources to the greatest extent.

Now, that doesn't say that there is no role for OECA at all. And of course, there are some matters that EPA and the enforcement office at EPA are uniquely qualified to carry out, whether it is going after sector initiatives or companies that have facilities in multiple states. It's more

efficient to take an action that involves, you know, multiple facilities, and of course, criminal enforcement as well. EPA has unique capabilities in that area.

GILLIBRAND:
Finally, the Trump budget proposes to cut the funding of the Office of Enforcement and Compliance Assurance by 24 percent. What impact do you expect that will have on the ability the EPA to hold polluters accountable?

BODINE:
Again, I expect to work with the enforcement staff and with states to go after the highest priority, the most egregious polluters. I think, you know, states are going to implement, you know, the day-to-day enforcement and -- but EPA is going to maintain on enforcement presence and certainly create the deterrent effect and take these -- these high-profile cases.

BARRASSO:
Thank you very much. Before turning to Senator Ernst, I'd like to introduce for the record a letter support of Ms. Bodine's nomination from Staniel -- Stanley Meiburg who was the EPA's acting deputy administrator in the Obama administration supporting her nomination with a quote, "Ms. Bodine's presence as a confirmed nominee will strengthen the voice of enforcement in that agency." Without objection, that will be admitted. Senator Ernst?

ERNST:
Thank you, Mr. Chair. Thank you to our panelists and witnesses for being here today. Ms. Bodine, I have some questions for you related to how you will manage and conduct the Office of Enforcement and Compliance Assurance at EPA because I think this will be a crucial part of EPA's effort to win back the trust of many Americans.

As you know regulations and their standards aren't always clear. We can see that through WOTUS and so many other examples, not always clear on what they require. And do you believe it is part of EPA's job to make sure regulated parties like farmers and manufacturers who want to comply know how they can comply?

BODINE:
Yes, Senator. I very much believe that is a role that that EPA plays and that means that the enforcement office needs to work with the states, and it needs to work with the EPA program offices so that we all have a consistent understanding of what the law requires and that we communicate that to the farmers, to industry, to municipalities.

ERNST:
Wonderful. Consistent understanding and communication. I love that, I think that is very, very important. And just to briefly follow up on this, what you believe should be the primary goal of enforcement in addressing so many of our compliance problems? Do you believe it is EPA's role not just to levy fines against people, but to also go in and assist them with actual compliance?

BODINE:
The goal is compliance. The goal isn't enforcement. Enforcement is not an end in itself, it's an important tool to make sure that that in fact our environmental laws are complied with. And so, yes compliance assistance is another tool, and I think also a very important tool.

ERNST:
Very good, because I believe if we are to solve any of our issues, we have to get to the root cause of the problem and that's assistance with compliance to make sure we all fall within that compliance and moving towards the goal of those regulations. So, thank you very much. I yield back my time.

BARRASSO:
Thank you very much, senator. Senator Carper?

CARPER:
Thanks. I'm going to -- Senator Whitehouse is here and he's a busy fellow this morning, so I'm going to yield him for whatever questions he'd like to ask.

WHITEHOUSE:
I thank the ranking member and I welcome all of the witnesses -- to the witnesses -- to the candidates who are here for the Nuclear Regulatory Commission, we've had our discussion already. I won't re-litigate any of those issues here.

We stand extremely ready to work with you to speed up the processes of the Nuclear Regulatory Commission, so that next generation nuclear facilities can be appropriately brought on line here with, to me, the most particular and ultimate goal to find technologies that will allow us to turn our existing nuclear waste stockpile which has to be a multi trillion dollar liability on the books of the United States if were properly accounted for into an asset by allowing it to be used to create power, to create electrons.

And, in the meantime, I look forward to working with you to try to find ways to enable our safely operating nuclear plants to continue to safely operate rather than shut them down because they are not adequately compensated for the carbon-free nature of their power. So, we've said that already, we can keep going.

My concern mostly is with Ms. Bodine and I'm sorry about the circumstance you find yourself in because I think that the Environmental Protection Agency has in a nutshell been captured by a corporate polluter raiding party and now is under the direction of agents of the big polluters that it was intended to regulate.

The founding fathers word for this, would I think have been corruption. Teddy Roosevelt would probably have had far stronger words. The polluter raiding party, I'm sorry to say, it can bet on zero oversight from the EPW Committee majority which wouldn't even require the incoming administrators disclosure of his conflicts of interest arising from his dark money political fundraising operation.

Because dark money is a bizarre new phenomenon in our political world, this set of appointees was the first to raise this conflict of interest question and this committee fell down on his duty to get the requisite's disclosure to understand what those conflicts of interest might be. I'm, so therefore, very worried that the EPA won't do much enforcing of environmental laws during this administration.

As you know already, Ms. Bodine, Scott Pruitt's record on environmental enforcement is abysmal. He eliminated the environmental protection unit and the Oklahoma attorney general's office, didn't participate in the Oklahoma Environmental Crime Task Force, his predecessor led couldn't list a single environmental enforcement achievement during his confirmation.

And stopped reporting the enforcement that his predecessor had reported including numbers of criminal investigations, federal and state environmental prosecutions, felony convictions of individual, jail-time fines and other basic enforcement statistics. If you're doing a terrible job, I suppose the first thing you want to do is get rid of the reporting.

So, refusing to release those statistics recurred again. He wouldn't report even to us during his confirmation. Again, I think knowing perfectly well that this majority was not going to require any information from him. You're -- the agency that you will come into lead has an impressive history of enforcing environmental statutes and let me ask first if you will continue the process of reporting that has been the tradition of that part of EPA?

BODINE:
Yes, senator, absolutely.

WHITEHOUSE:
So, you won't follow the Pruitt model then of closing the reporting to cover up the fact that there is no enforcement left?

BODINE:
OECA has always issued its annual number – enforcement numbers and if confirmed, we will continue to release its annual enforcement numbers.

WHITEHOUSE:
And if you are told by the administrator to go light or to back off or to take it easy or to let it go, how will we know that that is taking place and how will we know that you didn't say OK?

BODINE:
Senator, I can't accept that premise. I...

WHITEHOUSE:
OK, change it to the president, what if the president tells you that? We know he said the let Flint go, why wouldn't he say let some polluter go?

BODINE:
Enforcement has always been nonpartisan and an independent at EPA and if confirmed I would make sure that that continued to be true.

WHITEHOUSE:
Is there any -- one of the things that people do when they're asked to do things that are inconsistent with their duties is to push back or resign, would you be prepared to do that if the pressure from the administrator were in your view inconsistent with the duties and obligations of the agency?

BODINE:
Again, senator, I don't -- I can't imagine that circumstance coming up, but yes, I have my own integrity but so does Administrator Pruitt and I am not at all concerned that this circumstance would ever arise.

WHITEHOUSE:
Wow, because that runs wildly contrary to his entire record. My time is expired.

BARRASSO:

Well, thank you very much. I would like to point out to the committee that any questions relating to potential conflicts for Administrator Pruitt have been fully addressed by the office of Government Ethics on January 17, 2017.

Walter Shaub who is the Director Of The Office Of Government Ethics responded to a letter from the ranking member and other EPW Democrats regarding Scott Pruitt and potential conflicts of interest, quote, "If OGE, the Office of Government Ethics, has transmitted a certified financial disclosure report in an ethics agreement to the Senate, it means that OGE is satisfied that all financial conflicts of interest have been identified and resolved."

Now, this follows Administrator Pruitt's OGE financial disclosure report and ethics agreement that was transmitted to this committee on January 4th of this year. The transmittal letter states, "We, that is the OGE, believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest." I ask unanimous consent to enter these two letters into the record.

(CROSSTALK)

WHITEHOUSE:
I will object unless I have unanimous consent also to enter into the record along with it the correspondence we've had with OGE about how the dark money operation was not actually considered by them and therefore was never looked at and was not a part of that OGE response.

BARRASSO:
Without objection.

WHITEHOUSE:
Thank you. No objection then on my side.

BARRASSO:
Senator Sullivan?

SULLIVAN:

Thank you, Mr. Chairman and I just want to make a few comments based on my good friend, Senator Whitehouse's comments. And he my good friend and we worked on a lot of things together but, you know, we all agree that we need clean water and clean air, really important whether you're from New Jersey or Alaska or Rhode Island.

We also need an EPA that follows the law -- that actually follows the law, read statutes and follows the law. And, you know, with all due respect to my colleagues on the other side of the aisle, there is many people in my state, Democrats and Republicans, who believe the last administrator, the EPA, didn't follow the law at all.

So, one of the refreshing things about Administrator Pruitt, is that he is going to follow the law. The EPA has to follow the law and they -- would you agree with that, Ms. Bodine?

BODINE:
Yes, absolutely, senator.

SULLIVAN:
And, I think, you don't have to comment on this, but as a former AG who also sue the EPA, they didn't follow the law a lot particularly during the last four years. So, I think it's a breath of fresh air that we have a new administrator who actually wants to follow the law and work with states -- if you're confirm, will you commit to work with the states like states like Alaska or Rhode Island or New Jersey or Illinois to work with us to clean up hazardous sites, to clean up pollution other things that are the core mission of the EPA?

BODINE:
Yes, senator, absolutely.

SULLIVAN:
Let me -- let me go into a specific issue that relates to Alaska, there was a hearing here recently uncontaminated lands that we have with Alaska Native Claim Settlement Act Lands. This is millions of acres of lands that were transferred to Alaska Natives, but a very powerful witness just a couple of months ago Miss Luken (ph) who was Alaska Native who talked about this kind of catch-22 that Alaska Native Corporations RN

with regard to circular requirements in the clean-up, they're being required to now clean-up lands that was transferred to them by the Federal Government.

You're very familiar with this issue, we've talked about it. Would you care to comment on that briefly?

BODINE:
Yes, senator -- yes, I am familiar with that issue. Currently, EPA enforcement uses its enforcement discretion to not seek to compel the Alaska Native villages to clean-up the lands because of course the contamination was caused by the Federal Government.

SULLIVAN:
Right.

BODINE:
But, right now, it's an enforcement discretion policy, it's not statute.

SULLIVAN:
Well, if you're confirmed -- first of all, I think Mr. Chairman, the ranking member, my colleagues on the other side, I actually believe there's a bipartisan sense that we could hopefully fix this from a statutory perspective on this committee and in the Senate. But as we work through that, can you commit to me to continue that kind of discretion on an issue that would essentially bankrupt these companies through no fault of their own?

BODINE:
Yes, sir.

SULLIVAN:
And would you commit to work with the committee to help us try to maybe get to a place where the administration in a -- in a bipartisan way, this committee can work to craft a statutory resolution then?

BODINE:

Yes, sir.

SULLIVAN:
Let me turn to another issue, in Chicken, Alaska, I believe you're familiar with what happened to my constituents during a raid conducted by the EPA assault weapons, body armor, the whole 9 yards, it was like a, you know, the U.S. Marines invading a rural community in Alaska, EPA officials armed with weapons to look for clean water violations that they never found. Are you familiar with that?

BODINE:
Yes, I am?

SULLIVAN:
Do you believe that EPA should be -- should have agents that are trained to be armed when we have Federal Marshalls or local state and federal officials that can execute warrants or execute enforcement actions just as easily better trained than EPA agents armed and come in and scare the heck out of law-abiding Alaskans who haven't done anything wrong?

BODINE:
Senator Sullivan, if I'm confirmed, I'd like to review the guidance and policies for when EPA agents would be armed.

SULLIVAN:
Thank you. I had a bill that would disarm the EPA. The first 20 years of its existence, EPA had no armed agents. I don't think they need them now, I think it's a waste of taxpayer money and it encourages abuses like you saw in Chicken, Alaska, so I'd like to work with you on that as well. By the way, I think you're highly qualified. I think you're going to make outstanding addition of the EPA's leadership. I look forward to voting for your confirmation.

Let me just ask a final question of our other witnesses, how can we assure that we continue the highest levels of safety with regard to our civilian nuclear energy capacity as we look to move forward and actually move forward on perhaps building new reactors that have the capacity

to bring clean energy to our power generation for the United States? Open up to any of the members or panelists who are up for confirmation on the Nuclear Regulatory Commission.

SVINICKI:
Thank you, Senator Sullivan. It's been my philosophy in being a member of this commission for nearly 10 years that are safety determinations need to be rooted in the facts, in analysis, need to have rigorous cost-benefit analyses behind them, and be developed in a transparent way with stakeholder and public involvement and I think that leads to the most informed decisions.

SULLIVAN:
Thank you.

CAPUTO:
I think that history and that track record sets the stage for future reviews. I think timeliness and efficiency is one aspect to that, so there's predictability for companies who may embark on development of advanced nuclear.

SULLIVAN:
Thank you.

WRIGHT:
And I think vigilance, just -- you have to pay attention to it every day and don't accept anything at face-value. You get to just review it all the time. Safety is number one.

SULLIVAN:
Thank you. Thank you, Mr. Chairman.

BARRASSO:
Thank you, Senator Sullivan. Senator Carper?

CARPER:

Thanks, Mr. Chairman. Let me yield my time to, at this point, to Senator Booker.

BOOKER:
I wanted to go really quickly here. Chairman, Svinicki? Did I pronounce that right?

SVINICKI:
Yes, thank you.

BOOKER:
Yes. As my colleague said, it's really exciting, billions of dollars of investment -- private investment are really invested in advancement for nuclear reactors. It's incredible -- the next generation reactor is going to be more safe, more efficient.

I worry though, but the NRC has a lot of expressing licensing water cooled reactors but limited experience with advanced non-water cooled designs. Yes or no, do you think the NRC should move forward to a more technologically inclusive risk informed regulatory framework for advanced reactor licensing?

SVINICKI:
Yes, and we've begun to develop that, but we do have work yet to do.

BOOKER:
A lot of work, in my opinion, and I am grateful for the work you're putting in. These advanced reactors, these subcritical reactors, these advanced-fusion reactors are to me very, very exciting. And do you believe, yes or no, that the NRC should subject these technologies to the existing regulatory framework design or would you expect the NRC instead to quickly develop a more appropriate risk-based regulation for these types of inherently safer technologies?

SVINICKI:

Senator, we should move forward on the development of a new framework, but if a designer comes in and seeks approval now, although it might be inefficient, I think we should try to get started, so we should do both at the same time.

BOOKER:
I'm grateful for that, just wanted to get that on the record. I, really -- Ms. Bodine, I just want to switch to you, because I have a great degree of alarm at the state of our country's environmental well-being especially as it affects the poorest amongst us, minorities, tribal communities. In fact, 50 years of research, reveals that these minority, low income, and tribal communities are more likely to be exposed to really serious environmental contaminants, public health hazards.

I began to visit these around the United states of America and it's literally stunning. The condition of some communities, as you know, even Reuters just released a report about lead poisoning with communities, over a thousand communities having more than twice the lead poisoning lead blood levels that even Flint does.

And this is why I'm really alarmed, you all in -- will in OECA have -- EPA's environmental justice program which is charged with identifying these problems in health disparities for minority low- income populations that that falls underneath the purview of this -- of OECA, and so I am -- I was stunned when President Trump proposed to eliminate funding in 2018 for the Office of Environmental Justice.

And so I just have three quick questions. One is, do you believe that there is a problem in America with certain communities that are adversely affected by outrageous circumstances of environmental injustice?

BODINE:
Yes, I believe there can be adverse effects on low- income or minority populations.

BOOKER:
And -- so, yes there is -- there is a persistent problem with environmental injustice in this country in certain communities? Yes, correct?

BODINE:
Yes.

BOOKER:
All right. And so if confirmed, will you commit in a nation where we literally swear an oath, you and I, that we'll a country of liberty and justice for all, will you admit and commit -- excuse me, will you commit to making environmental justice a top priority to alleviate the injustice going on in certain poor minority communities?

BODINE:
Environmental justice is important to all the EPA Program Offices and the president's budget states that each program office will continue to incorporate...

BOOKER:
So, again...

BODINE:
...justice in these programs.

BOOKER:
... if it's my children...

BODINE:
And that includes the enforcement program.

BOOKER:
And that'll be a priority for you?

BODINE:
Yes.

BOOKER:

OK, I don't have much more time, because it was my children living in places with cancer allies, higher instances of respiratory diseases. Right now, I live in Newark, New Jersey we have Superfund Sites in our community, at a time when there's no resources to clean them up and I've seen the longitudinal data, I hope you've studied it, children born in those areas if you're a pregnant woman 20 percent higher rates of autism, 20 percent higher rates of birth defects. It should be a priority and it should be an urgency.

And, so will you commit to me right now that your office will advocate within the administration for the Environmental Justice Office to remain funded at least a 2017 levels, so we as a nation can pursue, fight for, and establish environmental justice in our nation?

BODINE:
So, that office hasn't always been in -- located in OECA and according to the president's budget request, the cross-programs functions in that office are going to be carried out -- out of the office of policy and the office of administrator. And each program office is to going to continue to carry out their environmental justice functions. I used to head up the office that carried out Superfund in RCRA and we had environmental justice considerations very front and center in carrying out the decisions of whether it was Superfund or the hazardous waste sites.

BOOKER:
So, you're telling me that you don't think it's your purview to be pursuing environmental justice in these communities that are so adversely impacted?

BODINE:
I didn't say that senator.

BOOKER:
So, will you explain to me, because I'm going to have to vote on your confirmation which I will not do unless I know you're going to be a champion for communities of color, in communities of poverty?

BODINE:

So, yes, I will be a champion for communities of color and communities of poverty. And those functions are going to be carried out under the president's budget both in the program offices, which includes enforcement office as well as out of the office of policy and administrator's office, which would I assume would carry out to continue to support the advisory committee as well as there's a tool that's called EJ screen that's a GIS-based tool that you can go and look and see where there might be populations that are either low- income or are also minority populations.

And, to me, the most important component of carrying out these justice responsibilities, it's talking to people so that you know where there might be these disproportion impacts. Because our environmental laws are set to protect everyone, but there can be disproportion impacts based on location. And we have a screening tool that allows us to examine that, we also need to talk to the communities so we understand what people's exposures are. That goes -- that's something that's important across the board.

BOOKER:
My time is expired.

BARRASSO:
Thank you, Senator Booker. I would like to introduce for the record, a letter from an Obama Administration EPA General Counsel under Administrator Gina McCarthy, Avi Garbow who writes, "Based on my experience, Ms. Bodine possesses a strong intellect, a keen understanding of environmental law and policy and is respectful and responsive. She is a seasoned environmental lawyer and a skilled advocate." I ask unanimous consent to enter this into the record, it's a June 12, 2017, EPA.

CARPER:
I object. No, I was just kicking.

(LAUGHTER)

BARRASSO:
Thank you.

CARPER:
I don't object.

BARRASSO:
You don't, thank you. I have a question...

CARPER:
Liven things up just a little bit, loosen them up anyway.

BARRASSO:
A question for the Nuclear Regulatory Commission Nominees, the State of Wyoming is in the process of applying to become what is known as an Agreement State in order to regulate uranium recovery. It's a home to over 60 percent of the nation's uranium production and I anticipate Wyoming is going to submit its application sometime later this year. If confirmed, will you ensure that the commission gives this application fair consideration, makes a timely decision?

SVINICKI:
Yes, senator, I will and there is a funding requested to support our part of that review in the F.Y. '18 Budget.

BODINE:
Yes, I will senator.

WRIGHT:
Yes, sir.

BARRASSO:
Thank you. Senator Carper?

CARPER:
I yield -- thanks, Mr. Chairman. I yield to Senator Duckworth and thank her for coming here today to join us.

DUCKWORTH:
I thank the ranking member. Thank you, Mr. Chairman. I'd like to start by submitting an op-ed co-authored by Mary Gade, a former Administrator of EPA Region V under President Bush and also Howard Lerner from the Chicago Sun-Times for the record, it discusses -- it's called Trump, EPA plan endangers a global gem our Great Lakes.

BARRASSO:
Without objection.

DUCKWORTH:
Thank you. The article explains why eliminating or moving EPA Region V would be a grave mistake and as these authors describe it, "Closing the region would be penny-wise and pound foolish, just like the flawed choice to seek short-term cost savings that resulted in the Flint contaminated water tragedy," unquote.

Ms. Bodine, I'm interested in understanding your view on this. I know we discussed this during our meeting, but your answer focused on the process of closing offices not on your opinion as an enforcer. Do you believe eliminating EPA Region V would improve or harm enforcement?

BODINE:
Senator, I haven't seen any analysis that would support that. And I also would as I've served you in your office, Region V is a very large region, and I also further note that there is no request in the president's budget for any funding to do -- to eliminate any regions.

DUCKWORTH:
So, but -- given the size of Region V, if it were eliminated, would it make it easier or harder to enforce rules and regulation that help protect our environment?

BODINE:
So, I -- again without understanding how those -- the resources would be picked up, I don't have any answer to your question, because...

DUCKWORTH:
OK. Well, I understand that you're not...

BODINE:
...but I'm also not aware of any plan -- not aware of any plan to close Region V.

DUCKWORTH:
So, I'm trying to figure out your view on this from a pure enforcement perspective, would it increase or decrease enforcement if Region V were to be shut down?

BODINE:
If -- it would be -- if all the resources were simply transferred to another region, it would -- it would be the same.

DUCKWORTH:
So...

BODINE:
But, again I haven't seen any plan to do any of that.

DUCKWORTH:
But, you just said how large Region V is...

BODINE:
Yes.

DUCKWORTH:
... if you move EPA office for Region V somewhere else, the EPA certainly would not be able to respond rapidly to instances when they're needed. For example, we had, you know, tornadoes all throughout Illinois and oftentimes EPA is among the first who respond. But if you

shut down Region V, you're saying and you moved it at some place let's say Kansas or somewhere else, do you think that you could still respond and adequately to any type of an enforcement requirement?

BODINE:
Some of our other large regions actually have separate offices, they have state offices, like the Montana Office obviously there's an Alaska office. Now, I'd observed that maybe that would be less efficient if we had to open up other offices.

But, again I -- my assumption would be any plan and again there is none, but if there were to be a plan it would have to examine all of those issues including that that very valid issue you just raised about response time.

DUCKWORTH:
OK. All right, I will certainly hold you to that. As the chief enforcement officer, you'll be responsible for setting the enforcement goals for the agency and this, you know, this agency had to attest with safeguarding communities against pollution, what goals will you set and what areas do you think would demand your attention?

BODINE:
Thank you, Senator Duckworth. As, I've said earlier in response to Senator Inhofe, I want to -- I want to look at the performance measures because I want to help focus on outcomes. So, I want to sit down with the enforcement staff at EPA and talk about what goals they think would be appropriate to again, to achieve the environmental outcome that's compliance, that's reduction, and impounds the pollutants that pounds of and cubic yards of waste that's being cleaned up those types of outcome measures are ones that I would like to focus on.

DUCKWORTH:
So, how would you be able to achieve those types of measures -- those types of goals with the diminished resources that the Trump Administration is proposing budget cuts, hiring freezes, regional office closures, how would you be able to do your job?

BODINE:
Again, at EPA's enforcement, is going to be working with the states and, you know, if confirmed I would want to work with the states to make sure that that they are carrying out, you know, the base programs and that EPA would be focusing on the larger cases -- the cases that cross -- where they have facilities crossing state lines, the criminal enforcement cases, again targeting the -- the most egregious cases, targeting the cases with the greatest return. And by taking those actions, it still creates an enforcement -- a deterrent because EPA is out there taking this action.

DUCKWORTH:
So, you're -- basically, you're saying you're going to handover many of those routine functions say to make sure that there is no lead in the water supply onto the states, that didn't work out very well in Michigan at all. In fact, it failed miserably and their children now living with long-term...

BODINE:
Right.

DUCKWORTH:
... effects of that and I don't think that's acceptable.

BODINE:
So, you're describing what is already true under our statutes states like Michigan, for example, is a primacy state under the Safe Drinking Water Act and does have Primary Enforcement Responsibility. EPA has a responsibility to make sure that states are carrying out those functions. There is something called the state review framework where EPA and the states get together and they -- they evaluate...

DUCKWORTH:
But, that obviously failed in Michigan and obviously...

BODINE:

Yes.

DUCKWORTH:
... it did not work and EPA had the ability to step in and stop what was happening in Flint and did not and failed to do so. And, I've got Galesburg, Illinois, that's got lead in the water supply right now, we have lead water in Chicago and I'm fearful that EPA, under you, is not going to do its job in regulating and making sure that we hold people accountable.

BODINE:
So, Flint wasn't -- may I respond, senator? Flint, wasn't a normal situation and I -- if I'm confirmed, I would want to make absolutely certain that the EPA staff who are, you know, enforcement staff and the regions as well as the headquarters, that if they had -- if they see a situation like that, where as you as you pointed out, it was a tragedy, you know, children were being affected by lead, that they need to report up because...

DUCKWORTH:
Yes, my problem is that the Trump Administration cuts the budget to have those staff on the ground and so you won't have anybody there in order to do that and I'm way overtime, Mr. Chairman, I apologize. I yield back.

BARRASSO:
Thank you, Senator Duckworth. I appreciate your comments. I had a question for the Nuclear Regulatory Commission Nominees, I like each of you to tell me, what you think the biggest challenges today for the Nuclear Regulatory Commission? What you currently faces and how if confirmed you'd address it?

SVINICKI:
I would in this moment identify that enhancing our agility is a significant challenge for the agency. When I joined the commission in 2008, there was an envision nuclear Renaissance. Many new reactors were envisioned being under construction and it's hard in a large organization

when we don't face those circumstances today, to size ourselves and adjust our processes for the energy system that we have today, not the energy system that the United States predicted 10 years ago. So, as an agency, we need to be able to resource and size ourselves in an agile way.

BARRASSO:
Yes, Ms. Caputo?

CAPUTO:
I would agree with that. One of the challenges, I think that we've watched certainly here in this committee is, like the chairman said, the shift from merging growth in the industry to now a decrease. And yet we'll see more change coming as advanced reactors blossomed and developed and begin to seek licenses at the agency. So, as she said, agility and being able to position staff who manage those workload changes, I think remains the biggest challenge.

BARRASSO:
Mr. Wright?

WRIGHT:
I totally agree that right-sizing the agency and streamlining is important and we absolutely need to make sure that our human capital use the right way and we have the right expertise to do what we need to do.

BARRASSO:
Senator Carper?

CARPER:
Thanks -- thanks, Mr. Chairman. Senator Markey has been in and out several times. Senator Markey, why don't you go ahead?

MARKEY:
Have you gone yet?

CARPER:
No, no, go ahead. Go ahead.

MARKEY:
I appreciate it. Thank you. Let me start with the major issue facing the Nuclear Regulatory Commission, how to ensure the safety of spent nuclear fuel. According to an article in science magazine by physicists from the union of concerned scientists in Princeton University, the NRC has drastically underestimated the risk from a fire at a spent fuel pond. The NRC's analysis has underestimated both the probability of a spent fuel fire and its consequences.

As a result, the NRC has understated the benefit to the public of moving fuel from risky pools over to safer dry cask. One of the Princeton authors of the new study, ran a simulation of the area that could be irradiated by a spent fuel pool fire at the Pilgrim Power Station in Massachusetts, if such a fire occurred under summer weather conditions when beach season is getting started.

As, you can see from the orange contour, the impact of that fire would be devastating across Massachusetts, Rhode Island, Connecticut the consequences of such an event would be absolutely catastrophic. The -- the scientist who did the analysis indicated that the cause of the fire could be upwards of $2 trillion nationally and economic disruption. By contrast, the Nuclear Regulatory Commission's estimate of the financial consequences was 20 times less and the commission used that estimate to dismiss the benefit of dry cask storage which would only cost $50 million per reactor.

So, by dramatically reducing the costs that would occur if such a flyer did hit a nuclear power plant of the NRC in its cost-benefit analysis is able to avoid forcing the utilities to move from the spent fuel pools over to dry cask, do any of you disagree that the NRC should apply state of-the-art science when making decisions about safety?

SVINICKI:
Senator, of course, I'm in agreement that the correct science should be applied. The NRC staff has done a quick review of the article that you referenced. They've looked at whether it presents different scenarios

that were unanalyzed by the NRC. They did not identify anything in this preliminary review, but their look is ongoing, so if I may respond for the record if there's additional comparative details that they can provide?

MARKEY:
Well, it's a pretty blistering scalding indictment. It basically concludes that there was an underestimation of the time to clean up after that kind of contamination hits such an area, it failed to account for the risk of a terrorist attack at a nuclear power plant that would seek to ignite a fire with these spent fuel pools.

And it actually failed to consider the economic consequences broadly of what the impact would be, including after Fukushima the shutdown of nuclear power plants, well, I don't know if that same thing would occur in our own country.

So, your staff has not done you a good service, then if they've evaluated the article and not come back then with the analysis of -- of -- of these -- of these vulnerabilities that have been identified by the Princeton Scientists in the evaluation done by the Nuclear Regulatory Commission, have you had a chance to read that science magazine article?

SVINICKI:
I have not, senator but I can...

MARKEY:
Have any of you read the science magazine article?

BODINE:
I wasn't aware of it.

MARKEY:
Yes, well, again, this just goes to, you know, the whole issue of what the impact is ultimately on an area when a fire like that could occur, so I recommend to you that you read it because I'm going to keep coming back on it in terms of the impact.

And, Ms. Bodine, last year, I did a report entitled the ABCs of PCBs, a toxic threat to America's schools. We have up to 14 million students nationwide, nearly 30 percent of America's school-age population, may be exposed to PCBs for hours every day in their schools.

In the president's budget, he cuts -- President Trump cuts the budget by 34 percent to be able to deal with these issues. How will it be possible, Ms. Bodine, for the Trump Administration to deal with this kind of exposure to PCBs students and cities and towns all across our country if there's a 34 percent reduction in the EPA budget to be able to ensure that there is compliance?

BODINE:
Senator Markey, if I'm confirmed, I would look into the issue you are raising about the PCBs in schools. And again as I said earlier, there -- you know, OECA, the Federal EPA Enforcement is going to continue to focus on cases with the most impact that might be one of them and the state -- delegated states, authorized states are going to carry out the core basic mission, which they are already doing. ECHOs likes to put out the statistic that 96 percent of the environmental statutes and work is being carried out by states already.

MARKEY:
Well, here, the EPA that -- here President Trump is going to make sure that children in schools all across the country are going to be more exposed to PCBs in their classrooms and saying to states and local communities, good luck. You take it over, the EPA had responsibility.

So, to the extent to which there's a 34 percent reduction in the Trump EPA budget for that issue, you can be sure that the states will try to intervene but the reason there is a federal program is because it is so pervasive so hard and actually part of the policy back in the 50s and 60s all the way up to 1979 where PCBs were kind of given a free pass. And I blame the federal government on that which is why we had to upgrade the Toxic Substances Control Act last year.

I, Mr. Chairman, I have a -- and I want to complement you, Mr. Chairman on the rewrite of TOSCA last year, but to this 34 percent cut in this budget is just disgraceful. It just really is going to put children all of our country a great unnecessary risk. It could have been avoided if the president didn't cut that budget for children to be protected.

Mr. Chairman, I have other questions for the witnesses that I will support -- that I will submit to -- to you for the record and with my hope the witnesses will answer. Thank you, Mr. Chairman.

INHOFE:
Well, thank you, Senator Markey. Senator Carper, let me put forth things into the record...

CARPER:
Go ahead. Go ahead.

INHOFE:
...and get -- so I won't forget. I ask unanimous consent, a June 12, 2017 EPA press release that includes statements in support of the EPA nominee from six Democrats, six Republicans, and two association leaders without objection. The six letters in support of the EPA nominee, two letters in support of the NRC nominees, one statement for the record from Senators Heller and Cortez Masto without objection I ask to be made a part of the record.

Senator Carper?

CARPER:
Yes, thanks -- thanks, Mr. Chairman. I know several of my colleagues have drilled down on the question of funding for free EPA and particularly funding for the efforts of the agency that you would lead if confirm, Ms. Bodine. I asked my staff to go back into to share with me and I will share with you what happened to EPA funding overall in the last administration. And some people will say, well, it probably went up.

Well, it didn't. In fact, it was reduced to overall for those eight years by about 20 percent, about 3 percent a year or something like that, so it's -- this administration has not inherited a robust budget or level of funding for EPA. The administration would further reduce overall in their budget proposal funding for the EPA by about a third overall.

For the agency that if confirmed you would lead, reduction would be about another roughly 24 percent and the states in this approach, that we call as policy federalism, states who share responsibility with the federal government on making sure environment is clean and safe. This administration would reduce the budget for the states to do their share by almost half.

Now, that may not concern you. As a former governor, it concerns me. It concerns me. As we're talking basically by reducing by half over the last 10 years, 9 years, reducing by half the resources available to do the job in your agency and also by half for states to do their share in enforcement, does that trouble you? Does that concern you?

BODINE:
So, I don't believe that the state and tribal grant budget is being cut in half and I don't have the exact number in front of you.

CARPER:
I believe it's 44 percent -- 44 percent.

BODINE:
Well, I have to go look...

CARPER:
Yes.

BODINE:
...at those numbers. I would -- I would point out...

CARPER:
That make the stuff up.

BODINE:
I'd point out that the environmental council of the states, their report on cooperative federalism that they issued yesterday, they point out that they're calling for a recalibration of state and federal roles and they say that that can lead to more effective environmental management at lower cost.

CARPER:
I think and we're going to move after this, but I -- this is source of real concern certainly to our side, yes, and we'll and we'll come back to this later. One of -- you all are ask three questions when you -- before you testified and one of the questions you are asked saying -- the second course was asked was, do you agree to ensure the testimony, briefings, documents, electronic and other forms of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Each of you said, yes. Each of you said, yes. And, I want to take your word. I know a couple of you pretty well. I know Ms. Svinicki very well, I have high regard for her. But I'm going to come back and so I'm going to ask that question, Ms. Bodine in a -- in a different way.

You're a current senate staffer and one who I think highly regarded and I'm troubled in this situation, I think folks on our side are troubled. I think Republicans will be troubled if we had a situation -- if they faced a situation and Republican friends say faces a situation where Democrats one of the majority of the House, majority in the Senate and also have the presidency of the White House.

And our Republican friends wanted to get their questions answered to -- from this administration from a Democratic Administration and that of Democratic Administration basically would put out direction from the administration and say, you don't have to respond to the minority. You don't have to respond to the minority. How do you think the -- how do you think the Republicans would take that?

BODINE:
Senator...

CARPER:
You've been around here for a while, how do you think they would take that?

BODINE:
Yes, I've worked for Congress for 13-1/2 years in my career and I have deep respect for the Oversight responsibility of Congress. And I, you know, if confirmed, I would -- you know, my advice would always be to respond to any member of Congress, whether the majority or the minority and certainly would not see that there would be any change in practice from EPA. And, in fact, when we met...

CARPER:
Let me just -- I don't have much time.

BODINE:
OK.

CARPER:
I have one second. But I hope that Mr. Chairman would be generous with me. He cares a lot about Oversight. I do as well. When you've got one team when they're all Democratic and Republican, whoever is on the out, whoever is in the minority, they're more likely to do well Oversight. There almost an inclination that if it's -- if you happen to be a Republican, the whole White House, the House, and the Senate are all Republican.

There's less of an inclination to do the kind of tough oversight is needed and the foster minority. And when the minority can't have our questions responded to as this turned out to be the case repeatedly here, that's -- and especially when the White House itself says don't answer those guys. You don't have to answer those guys. That is deeply troubling and I think it's -- for any of us, I don't care what party we're part of.

Let me -- let me ask -- let me ask a question if I can of our -- I'll come to the chairman of EPA NRC if I could, is there a question -- a lot of questions have been asked, there are already two question, that we

should have asked -- that we should ask, that hasn't been asked? Is there a question that you think ought to be asked that hasn't been asked? I've got several more but what do you think?

SVINICKI:
I don't know...

CARPER:
What is the...

SVINICKI:
... that it's...

(CROSSTALK)

SVINICKI:
... a very good strategy for me to...

(LAUGHTER)

SVINICKI:
... propose a question that's particularly...

CARPER:
Oh, go ahead.

SVINICKI:
... tricky questions are the ones you should be asking.

CARPER:
Yes.

SVINICKI:

But, maybe why? I'm here for a third term, which I never could have conceived of to tell you the truth, senator. But, I've developed a strong commitment and devotion to the NRC and its people and candidly this is a town of great opportunity if you're a hard worker, but I couldn't think of anything that was a better application of what I know right now.

So, again, if the Senate asks favorably on my nomination, I'm very, very honored to continue. I have had some friends and family question my sanity, but I'm very committed to this work if I'm allowed to continue.

CARPER:
Well, Senator Inhofe and I have sat here in these seats in the past and you sat there and we've watched days on very, very difficult questioning and the -- a lot of -- frankly discomfort among the five NRC commissioners and things seem to have quiet down and there seems to be a -- seem to be more collaborative feeling willingness to develop consensus and how do you explain how does this happen?

SVINICKI:
I do not know but I would observe that we appear to be bucking the trend that I think that we have again people a strong care and commitment. We had another Senate hearing last weekend and Senator Alexander remarked upon he observed from the dais the same collegiality amongst the serving members of the commission and I indicated that to us, collegiality is separate and distinct from agreeing necessarily on any particular matter that collegiality is the overriding behavior and we may disagree on individual matters but collegiality is imperative and I think it's a shared value.

CARPER:
Mr. Chairman, I was out in California during the Memorial Day Recess and I met with larger companies out there between San Francisco and San Jose doing exciting, interesting things with technology and innovation and job creation. I ask one of the big electric utilities out there, I said, where do you see growth, because they're particularly utility PG&E, they're actually providing a lot incentives for their customer, business, and otherwise to use less electricity.

And I said, that's -- how do you continue to stay in business that should be profitable? You know what they said, they said that there's a huge growing -- over the horizon use demand for electricity that's going to come from electric vehicles -- electric vehicles. And I was out at a place where they're making buses were they carry buses -- huge buses, that carry like 50 people and they go 300 miles between charges -- 300 miles.

And, so there's a – there's a huge -- going to be, I think a growing demand for electricity, actually, part of the vehicles, trucks and buses that we ride in. And I think, in order to meet that need, part of that electric generation -- electricity has to come from nuclear and we're seeing one plant after the other after another closed and being unnoticed for closure.

And, as we all know, nuclear don't put out any sulphur oxide, no nitrous oxide, no carbon oxide, no mercury and it's hardly -- that will be part of our solution and we just want to work with you to continue to -- to -- to address that need and to make sure that nuclear isn't part of the mix.

Now, Mr. Chairman, I'd like to submit for the record if I could, a survey done by the National Association of Clean Area Agencies which shows state agencies are deeply troubled by the Trump budget cuts and it will impact what states can do in regards to Clean Area Act with unanimous consent?

INHOFE:
Without objection?

CARPER:
All right, and again we thank you all for being with us today especially thank you for your family and I just want to say that your children are very well-behaved and that your husband unusually well-behaved, so.

SVINICKI:
Thank you.

CARPER:

We applaud them all. Thank you very much. And, let me just say to your -- to your mom, Mr. Wright, David -- Mrs. Wright, my mom and her mom were born on the same day -- same day and I -- August 18th, and I used to call my mom on her birthday but I used to call my mom on my birthday too.

WRIGHT:
Exactly.

CARPER:
Which is January 23rd, just to thank her for bringing me into the world. Those are some of the most memorable conversations I think I've ever had.

WRIGHT:
I agree.

CARPER:
Thank you. Thank you.

(CROSSTALK)

(LAUGHTER)

CARPER:
I want to thank your mom for having your back today.

WRIGHT:
She's always had my back. My brother is my bodyguard today.

INHOFE:
Well, let me just make a comment. I do agree with a couple of the things that my good friend, Senator Carper has said and I disagree with some basically. But, you know, one of the things I learned and we talked about this a couple hours ago, was the first subcommittee that I chaired was 1986, it was this subcommittee.

And the subcommittee, at that time, was relieved that they are actually, you're going to get Oversight, you don't expect that really from a -- from a bureaucracy but they had no Oversight for four years, so they really didn't have any direction as if nobody cared, no one is looking.

Right now, it's a different environment altogether. I think people realized that this – this is kind of resistance to nuclear energy that has been out there has been overcome to a great extent is going to have to be a part of the mix when I've said, you know, all of the above that's always included that.

So, we look forward to this to filling up and, by the time -- by the way, we do have some deadlines that we have to meet so that we'll be able to continue our operations. Is it all right if I go ahead with our final remarks?

Well, if there no more question today, members may submit follow- up written questions for the record, they are called KFRs – QFRs now we're not talking about 1,600 like Pruitt had to go through, but for an impressive written question there for Ms. Svinicki by the close of business today, Tuesday, the 13th of June.

Ms. Svinicki should respond to those questions by close of business tomorrow, Wednesday, June 14th with the agreement of Ranking Member Carper I'm expediting the QFR process regarding Ms. Svinicki's nomination because the committee will vote on her nomination this Thursday.

By reporting her quickly, it is our hope that we can expedite her confirmation through the full Senate so that the Nuclear Regulatory Commission does not lose its quorum when her current term expires at the end of June. Members may also submit...

CARPER:
So, Mr. Chairman, just for clarification.

INHOFE:
Yes.

CARPER:

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How long would we have or how long would she have to respond?

INHOFE:
We'll go back and reread this because this was an agreement that the chairman that I'm sitting in for right now.

CARPER:
So, it's one day, so that will be like noon tomorrow?

(UNKNOWN)
(OFF-MIKE)

CARPER:
Close of business tomorrow.

(UNKNOWN)
(OFF-MIKE)

CARPER:
OK, we're fine with that.

INHOFE:
Yes, it was my understanding that was an agreement that we had.

CARPER:
Sounds good.

INHOFE:
Our members may also submit follow-up questions -- follow-up written QFRs for Ms. Caputo, Mr. Wright, and Ms. Bodine by close of business this Thursday, June 15th. The nominee should respond to those questions by close of business the following Thursday, June 22nd.

All right, I want to thank the nominees for their time, their testimony today and we are adjourn. And I'm sure their two little kids have to go to the bathroom by now.

(LAUGHTER)

(CROSSTALK)

(UNKNOWN)
Thank you.

List of Panel Members and Witnesses

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SEN. LINDSEY GRAHAM, R-S.C.

WITNESSES:
KRISTINE L. SVINICKI, NOMINATED TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

ANNIE CAPUTO, NOMINATED TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

DAVID WRIGHT, NOMINATED TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

SUSAN PARKER BODINE, NOMINATED TO BE ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY (ENFORCEMENT AND COMPLIANCE ASSURANCE)

Source: **CQ Transcripts**

Message

From: Skane, Elizabeth [Skane.Elizabeth@epa.gov]
Sent: 6/13/2018 5:43:45 PM
To: Palich, Christian [palich.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: For review: reply to Barrasso et al re groundwater/hydro connection comments
Attachments: AL-18-000-7682 draft SEPW groundwater hydro response 06 04 2018.docx; EPW Committee Comments - Final.pdf

Hi Christian, attached is an incoming letter from SEPW majority Members with comments on EPA's groundwater/hydrological connection rulemaking. It was decided that we should send a reply from AA Ross since this letter was sent directly from Committee staff to EPA staff (it was also sent to the docket by the Committee). Attached also is OW's reply which has been cleared by David Ross. In it we basically say, thank you, your comments have been added to the docket and will be considered.

At your earliest convenience, please let me know if you are okay with the reply. Once you do I will clear it for signature and close-out.
Thanks!
Elizabeth

EPW Committee Comments - Fina... AL-18-000-7682 draft SEPW grou...

Elizabeth Skane ◆ 202.564.5696
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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

May 21, 2018

David P. Ross
Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: *EPA Docket ID No. EPA-HQ-OW-2018-0063, Clean Water Act Coverage of "Discharges of Pollutants" via a Direct Hydrologic Connection to Surface Water*

Dear Assistant Administrator Ross:

We commend you for requesting comment on whether the Environmental Protection Agency (EPA) should consider clarification or revision of past statements on Clean Water Act (CWA) jurisdiction as it relates to groundwater. Specifically, the proposal solicits comment on whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation.

We urge you to clarify that discharges through groundwater are not subject to regulation as point sources under the CWA.

On February 1, 2018, the U.S. Circuit Court of Appeals for the Ninth Circuit ruled that discharges into groundwater by the County of Maui wastewater treatment plant conflicted with the National Pollution Discharge Elimination System (NPDES) permitting program under the CWA. Soon after, Congress weighed in, and explained how recent court decisions were inconsistent with Congress's intended reach of the program. The report language accompanying the Consolidated Appropriations Act of 2018 stated:

> *Regulation of Groundwater.*—Since enactment in 1972, the Clean Water Act (CWA) has regulated impacts to navigable waters, while regulation of groundwater has remained outside of the Act's jurisdiction. Instead, legislative history surrounding the CWA indicates that Congress intended for groundwater pollution to be regulated through CWA's nonpoint source programs and other Federal and State laws. For example, releases into groundwater from solid waste units are regulated at a Federal level by the Resource Conservation and Recovery Act (RCRA). Recently, some courts have imposed a broad view of CWA liability based on a theory of hydrological connection between groundwater and surface water. Other courts have taken a more narrow view and have focused on statutory distinctions between surface water and groundwater. The

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> Committees are aware that the Agency has requested comment on its previous statements 'regarding the Clean Water Act (CWA) and whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation.' After completing the public comment process, the Committees encourage the Agency to consider whether it is appropriate to promulgate a rule to clarify that groundwater releases from solid waste units are regulated under RCRA and are not considered point sources, and, that releases of pollutants through groundwater are not subject to regulation as point sources under the CWA. The Agency is directed to brief the Committees about its findings and any plans for future rulemaking.

In a follow-up to the report, on April 18, 2018, the Senate Committee on Environment and Public Works (EPW Committee) held a hearing entitled, *"The Appropriate Role of States and the Federal Government in Protecting Groundwater."* During that hearing, EPW Committee members heard testimony from experts and stakeholders on this important issue, and how an expanded view of the CWA's point source program to include groundwater could have significant negative impacts on municipal, state, and agricultural interests.

We submit this comment letter and enclosures providing materials from the hearing for your consideration.

The CWA Does Not Require NPDES Permits For Discharges Into Groundwater.

The CWA is a profoundly important law that protects the environment and public health. It is the primary federal law governing pollution of surface waters, and was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."[1]

To carry out this objective, the CWA relies on a framework of cooperative federalism. The Federal Water Pollution Control Act Amendments of 1972 (FWPCA) established a regulatory framework for point source pollution control. A "point source" is "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged."[2] The 1987 amendments to the CWA gave states primary authority to regulate nonpoint source pollution, including groundwater. Thus, the CWA does not regulate all sources of pollution at the federal level; rather, the Act distinguishes between point source and nonpoint source pollution, and does not directly regulate the latter, reserving such authority for the states.[3]

Regarding groundwater, the question is not *whether* it should be protected, but rather *how*. It is clear that groundwater is not a point source under the Clean Water Act. Considering that

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[1] 33 U.S.C. § 1251(a).

[2] *Id.* § 1362(14).

[3] "[The CWA] contains no mechanism for direct federal regulation of nonpoint source pollution." *Shanty Town Assocs. Ltd. P'ship v. EPA*, 843 F.2d 782, 791 (4th Cir. 1988).

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discharges into groundwater are complex and site-specific, states are uniquely positioned to address these types of discharges.[4] As such, every state regulates discharges into groundwater in some manner.[5] Further, other federal environmental laws, such as RCRA and CERCLA, regulate discharges into groundwater under specific circumstances.

Congress's decision not to include discharges into groundwater under the CWA's point source program is supported by the legislative history. Congress explicitly rejected amendments that would have extended CWA point source regulation to groundwater. The Senate Committee on Public Works report for the 1972 amendments stated: "Several bills pending before the Committee provided authority to establish federally approved standards for groundwaters which permeate rock, soil, and other subsurface formations. Because the jurisdiction regarding groundwaters is so complex and varied from State to State, the Committee did not adopt this recommendation."[6] This is a clear indication of intent that discharges traveling through groundwater are to be excluded from NPDES regulation.

Courts have stated that the Senate report language is unambiguous:

- *Exxon Corp. v. Train*, 554 F.2d 1310, 1326 (5th Cir. 1977) ("[A]s we read the Senate report, the committee did not intend to interfere with or displace the 'complex and varied' state jurisdictions over groundwaters. Rather, it meant only to help provide the states with the information needed to operate their own groundwater pollution control programs.")

- *Rice v. Harken Expl. Co.*, 250 F.3d 264, 271 (5th Cir. 2001) ("Congress was aware that there was a connection between ground and surface waters but nonetheless decided to leave groundwater unregulated by the CWA.")

- *Kelley ex rel. Mich. v. United States*, 618 F. Supp. 1103, 1107 (W.D. Mich. 1985) ("[T]he unmistakably clear legislative history … demonstrate[s] that Congress did not intend the Clean Water Act to extend federal regulatory and enforcement authority over groundwater contamination. Rather, such authority was to be left to the states.")

Likewise, courts have held that the regulation of groundwater under the NPDES program would frustrate Congressional intent:

- *Vill. of Oconomowoc Lake v. Dayton Hudson Corp.*, 24 F.3d 962, 965 (7th Cir. 1994) ("Neither the Clean Water Act nor the EPA's definition asserts authority over ground waters, just because these may be hydrologically connected with surface waters … The omission of ground waters from the regulations is not an oversight. Members of Congress have proposed adding ground waters to the scope of the Clean Water Act, but these proposals have been defeated …")

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[4] Written testimony of Martha Clark Mettler before the EPW Committee (April 18, 2018).

[5] Questions for the record responses of Amanda Waters before the EPW Committee (April 18, 2018).

[6] *See* S. Rept. 92-414, 92nd Cong. 1st Sess. 73.

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- *26 Crown Assocs., LLC v. Greater New Haven Reg'l Water Pollution Control Auth.*, 2017 WL 2960506, at *9 (D. Conn. July 11, 2017) ("[I]f the Clean Water Act were to apply as a routine matter to the discharge of pollution onto the ground that ends up seeping into the ground water, then Congress's purpose to limit the scope of the Clean Water Act would be easily thwarted.")

- *Cape Fear River Watch, Inc. v. Duke Energy Progress, Inc.*, 25 F. Supp. 3d 798, 810 (E.D.N.C. 2014) ("Congress did not intend for the CWA to extend federal regulatory authority over groundwater, regardless of whether that groundwater is eventually or somehow 'hydrologically connected' to navigable surface waters.")

- *Cooper Indus., Inc. v. Abbott Labs.*, 1995 WL 17079612, at *4 (W.D. Mich. May 5, 1995) ("[T]he fact that ... ground waters are hydrologically connected to some surface waters is insufficient to transform [a] case to a FWPCA cause of action.")

NPDES Regulation of Groundwater Would Have Significant Negative Consequences.

Congress intentionally excluded groundwater from the scope of point source NPDES permitting because such regulation would be impractical and unfeasible. Nonetheless, some courts have recently held that discharges that travel through groundwater may be subject to NPDES regulation.[7] If upheld and applied broadly, these courts' rulings would have significant negative effects.

Eighteen states, led by the State of Arizona, explained how a recent Ninth Circuit court ruling threatens to "create an unworkable regulatory environment by extending an onerous federal regulatory structure over what has been a traditional area of state responsibility."[8] For example, NPDES permitting in Arizona alone could balloon 200,000% under the court's expansive interpretation of the law.[9]

Expansion of the NPDES program's reach would also hamper municipal water agencies from carrying out their critical mission, and threaten to derail or deter projects that are environmentally beneficial. For example, innovative public infrastructure projects, such as groundwater recharge systems and green infrastructure projects, could be stymied.[10]

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[7] *Hawai'i Wildlife Fund v. Cty. of Maui*, 886 F.3d 737 (9th Cir. 2018); *Upstate Forever v. Kinder Morgan Energy Partners*, L.P., 887 F.3d 637, 651 (4th Cir. 2018).

[8] *See* Brief of Eighteen States as Amici Curiae in Support of Petition for Rehearing En Banc of *Hawai'i Wildlife Fund v. Cty. of Maui* at 7, No. 1:12-cv-00198-SOM-BMK (Mar. 12, 2018) at 7 (hereinafter "State Amici Brief").

[9] *See id* at 8.

[10] Written testimony of Amanda Waters before the EPW Committee (April 18, 2018).

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This precedent also has the potential to cause confusion and harm private interests, such as the agricultural sector. Indeed, Joe Guild, Treasurer of the National Cattlemen's Beef Association, stated in written testimony before the EPW Committee:

> [A]ll sectors of the cattle industry will face additional federal regulation and scrutiny, with little to no environmental benefit. Without an incentive, farmers and ranchers will stop working voluntarily with state and federal conservation programs to protect water quality. As producers sell off their cattle out of frustration with further regulation, the industry will face further consolidation because smaller producers are unable to comply with overly burdensome permitting requirements.[11]

Finally, allowing NPDES permitting to regulate discharges into groundwater could have a broad effect on residential areas, as even residential septic tanks could require NPDES permits. The State of Arizona estimates that 282,897 septic systems could suddenly become subject to CWA point source regulation.[12] Such an expansion of NPDES permitting requirements would represent an unprecedented erosion of the cooperative federalism framework of the CWA.

EPA Clarification Is Critical: The Clean Water Act's NPDES Program Does Not Apply to Groundwater.

These inconsistent judicial rulings can be partially attributed to EPA's inability to articulate a consistent stance on the matter over the years. EPA's request for comment states that the Agency "has previously stated that pollutants discharged from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional water may be subject to CWA permitting requirements." EPA has made statements that contradict this assertion. For example, EPA has stated:

- "[D]ischarges to groundwater are not regulated by the NPDES program … *if* a discharge to groundwater requires a permit, the [NPDES] is not the permit program authority under which such discharges can be covered... Discharges directly or indirectly to the ground [are] subject to other program authority, including the Underground Injection Control (UIC) Program under authority of the Safe Drinking Water Act, a State groundwater discharge permit program, or a similar program authority." EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, at 7 (March 9, 2017).

- "NPDES permits are applicable for point source discharges to waters of the U.S.; discharges to groundwater are not addressed in the NPDES program and as such are not addressed by this permit." EPA, Fact Sheet, Draft General Permits for Stormwater Discharges Systems from Small Municipal Separate Sewer Systems in Massachusetts at 18 (Sept. 30, 2014).

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[11] Written testimony of Joe Guild before the EPW Committee (April 18, 2018).

[12] See State Amici Brief at 9.

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- "Under the Clean Water Act, EPA and the States regulate facilities either discharge wastewaters directly to surface waters or discharge to municipal treatment systems. … While a number of States have incorporated ground water discharges into their NPDES permits and pretreatment requirements, there is no national requirement to do so." EPA, Final Comprehensive State Groundwater Protection Guidance at 1-27 (December 1992).[13]

These statements demonstrate that EPA's stance on CWA permitting requirements for discharges into groundwater has been inconsistent at best. It is therefore imperative that EPA clarify its position.

EPA must clarify that discharges into groundwater are not subject to NPDES permitting requirements.

Thank you for considering these comments and supporting documents as you consider this matter.

Sincerely,

John Barrasso, M.D.
Chairman

Shelley Moore Capito
U.S. Senator

Joni K. Ernst
U.S. Senator

Jerry Moran
U.S. Senator

Deb Fischer
U.S. Senator

Roger F. Wicker
U.S. Senator

[13] *See* Questions for the record responses of Amanda Waters before the EPW Committee (April 18, 2018) (identifying these and other past EPA statements).

Dan Sullivan
U.S. Senator

John Boozman
U.S. Senator

James M. Inhofe
U.S. Senator

For Immediate Release:
April 18, 2018

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Barrasso Opening Remarks at Hearing on State & Federal Governments' Roles in Protecting Groundwater

"Everyday activities, including farming, ranching, or having a septic tank in your backyard could require a federal discharge permit. This is not what Congress intended when it passed the Clean Water Act."

Click here to watch Chairman Barrasso's remarks.

WASHINGTON, D.C. — Today, U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW), delivered the following remarks at a hearing on the "Appropriate Role of States and the Federal Government in Protecting Groundwater."

The hearing featured testimony from Amanda Waters, general counsel at the National Association of Clean Water Agencies; Martha Clark Mettler, assistant commissioner at the Indiana Department of Environmental Management's Office of Water Quality; Joe Guild, treasurer at the National Cattlemen's Beef Association; Frank Holleman III, senior attorney at the Southern Environmental Law Center; and Anthony Brown, chief executive officer and principal hydrologist at aquilogic.

For more information on their testimonies click here.

Senator Barrasso's remarks:

"Today, we are here to discuss a timely and important issue.

"What is the best way to protect groundwater, and what is the appropriate role of the federal government?

"This issue has come to a forefront recently before all three branches of government.

"As we will hear from our witnesses today, a number of federal courts have generated confusing and conflicting opinions on the issue.

"In February, EPA recognized this confusion and asked for members of the public to file comments with the agency by May 21 of this year.

"And finally, last month, Congress weighed in.

"Congress directed EPA to resolve this issue as part of the omnibus spending bill.

"The bill's report specified releases through groundwater should not be regulated as point sources under the Clean Water Act.

"As chairman of the Senate Committee with jurisdiction over the Clean Water Act, I want our members to hear from the experts and determine what additional actions are needed.

"In 1971, the predecessor to this committee –the Committee on Public Works – rejected attempts to set federal standards for groundwater.

"Now, 37 years later, states, cities, farmers, water utilities, and private citizens have grave concerns that Congress's intent has been turned on its head by recent court decisions.

"Those decisions place Washington in charge of permitting when groundwater connects a source of pollution with a 'Water of the United States.'

"This is a disturbing development.

"A broad group of municipalities and water utilities have opposed this idea.

"Including: the city of San Francisco, the city of New York, and the Narragansett Bay Commission in Rhode Island.

"They voiced their opposition in a brief filed in federal court last year.

"Under the misguided theory, everyday activities including farming, ranching, or having a septic tank in your backyard could require a federal discharge permit.

"This is not what Congress intended when it passed the Clean Water Act.

"Eighteen states also recently filed a brief in opposition to this expanded and unreasonable interpretation.

"My home state of Wyoming joined that brief.

"The states explained the alarming consequences of a recent federal court's ruling in California.

"If the court's ruling stands, many more individuals and companies will need to apply for federal permits.

"In the brief, the state of Arizona pointed out the number of activities that would require federal permits could jump more than 200,000 percent.

"For example, up to 282,897 septic systems in that state could become federally regulated.

"Making matters worse, the additional permitting would come with significant added costs but no additional environmental benefit.

"States already have comprehensive groundwater protection laws.

"In addition, the Safe Drinking Water Act and the Resource Conservation and Recovery Act already protect groundwater at the federal level."

"The additional permitting would sow great confusion and result in tremendous cost.

"I believe it is a harmful expansion of Washington's authority."

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http://epw.senate.gov
Twitter | YouTube

No. 15-17447

In the United States Court of Appeals for the Ninth Circuit

HAWAI'I WILDLIFE FUND, A HAWAII NON-PROFIT CORPORATION; SIERRA CLUB-MAUI GROUP, A NON-PROFIT CORPORATION; SURFRIDER FOUNDATION, A NON-PROFIT CORPORATION; WEST MAUI PRESERVATION ASSOCIATION, A HAWAII NON-PROFIT CORPORATION,

Plaintiffs–Appellees,

v.

COUNTY OF MAUI,

Defendant-Appellant.

Appeal from the United States District Court
For the District of Hawaii
Case No. 1:12-cv-00198-SOM-BMK

BRIEF OF AMICI CURIAE STATES OF ARIZONA, ALABAMA, ALASKA, ARKANSAS, GEORGIA, INDIANA, KANSAS, LOUISIANA, MISSOURI, MONTANA, NEBRASKA, NEVADA, OKLAHOMA, SOUTH CAROLINA, TEXAS, UTAH, WEST VIRGINIA, AND WYOMING IN SUPPORT OF PETITION FOR REHEARING EN BANC

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March 12, 2018

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STATEMENT OF AMICI CURIAE

The States of Arizona, Alabama, Alaska, Arkansas, Georgia, Indiana, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, Oklahoma, South Carolina, Texas, Utah, West Virginia, and Wyoming file this brief under Circuit Rule 29-2(a) to spotlight the effect of the February 1, 2018 panel decision and speak in furtherance of their interests in (and sovereignty over) intrastate water management, in particular when the actions of state political subdivisions are at issue. The panel decision, which threatens to deny state and local governments their traditional primary authority to regulate and manage intrastate land and water uses, is bad for the Amici States, wrong for the environment, and contrary to the principles of our "compound republic." *Quoting* Federalist No. 51, reprinted in 1 Debate on the Constitution 323 (B. Bailyn ed. 1993) (J. Madison).

The Amici States have a significant interest in en banc rehearing because of their sovereign status and long history of responsible governance over intrastate lands and waters, including groundwaters. Arizona's efforts in this regard include its Aquifer Protection Permit and Aquifer Water Quality Standards programs, which protect

groundwaters and aquifers. *See, e.g.*, A.R.S. §§ 49-203(A)(4), 223, 224(B). And other Amici States have their own permitting and water quality standards programs.[1]

SUMMARY OF ARGUMENT

The petition for rehearing en banc should be granted because the panel decision wrongly extends Clean Water Act ("CWA") jurisdiction to intrastate "point sources" that are hydrologically connected only through intrastate nonpoint sources, such as groundwaters, to navigable waters. The panel's decision usurps from state and local governments their traditional regulatory and management authority in

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[1] For example, pursuant to the Nevada Water Pollution Control Law, the Nevada Division of Environmental Protection issues discharge permits that define the quality of a permitted discharge deemed necessary to protect the waters of the State. *See* NRS 445A.300-700. Nevada's definition of waters of the State is broad and includes "all waters situated wholly or partly within or bordering upon [the] State, including but not limited to: (1) [a]ll streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and (2) [a]ll bodies or accumulations of water, surface and underground, natural or artificial." NRS 445A.415. Further, NRS 445A.465 specifically prohibits the discharge of a pollutant without a permit. The Nevada Division of Environmental Protection has a long history of successfully overseeing this program. Accordingly, the Nevada Water Pollution Control Law would address the types of discharges contemplated while being protective of all waters of the State.

the sphere of intrastate land and water uses, and thus presents an issue of exceptional importance.

CWA point source jurisdiction is limited to intrastate point sources that themselves convey a pollutant into navigable waters because the governing statutory definition of "discharge of any pollutant" omits any reference to nonpoint sources, such as groundwaters, as a conveyance of a pollutant. Properly construed under the canon "expressio unius est exclusio alterius," this omission precludes CWA point source jurisdiction when pollutants are conveyed to navigable waters solely by groundwaters or other nonpoint sources.

In reaching a contrary conclusion, the panel decision circumvents Supreme Court precedent, conflicts with opinions from other circuits, and undermines a rule of national application on a question of exceptional importance in which there is an overriding need for uniformity.

ARGUMENT

The mistaken expansion of CWA point source jurisdiction embraced by the panel decision is understandable from a certain perspective—everyone wants a clean, safe and healthy environment.

But the federal government need not usurp state authority to achieve that outcome, and Congress intended no such complete occupation of the field. State and local governments have the plenary power to protect public health, safety, and welfare; this includes protecting intrastate groundwaters from point source discharges. As compared to any federal agency, state and local governments are closer to the problem sources and more responsive to the people. The CWA even authorizes states to form interstate compacts to furnish solutions to interstate problems. 33 U.S.C. § 1253(b). As discussed below, both the environment and the rule of law are best protected by respecting the statutory text, the congressional intent, and the principles of cooperative federalism embraced by the CWA.

I. THE PANEL DECISION INVOLVES A QUESTION OF EXCEPTIONAL IMPORTANCE BECAUSE IT CLASHES WITH OTHER CIRCUITS AND WOULD SWEEP AWAY TRADITIONAL STATE AND LOCAL AUTHORITY

"'It was said of the late Justice Story, that if a bucket of water were brought into his court with a corn cob floating in it, he would at once extend the admiralty jurisdiction of the United States over it.'" *Village of Oconomowoc Lake v. Dayton Hudson Corporation*, 24 F.3d 962, 965 (7th Cir. 1994). Courts should avoid adopting a similar

approach to CWA point source jurisdiction. Nevetheless, the panel held that CWA point source jurisdiction extends to a "point source" whenever a pollutant added to navigable waters in a more than de minimis amount is "fairly traceable" to a point source, regardless of how the pollutant traveled from the point source. Dkt. 65 18-19, 25.[2] The panel specifically ruled that a county-operated injection well, which was used for water reclamation and waste management, was required to secure federal National Pollutant Discharge Elimination System ("NPDES") permitting because pollutants traceable to the well reached the ocean by seeping through intermediating groundwaters. In other words, under the panel's decision, the jurisdictional element for liability under the CWA is satisfied whenever there is an indirect hydrological connection between a point source and navigable waters, regardless of intervening nonpoint sources, even if the intervening medium is groundwaters.[3]

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[2] For the sake of brevity, reference to "navigable waters" is used collectively to include both "navigable waters" and "waters of the contiguous zone or ocean." *See* 33 U.S.C. §1362(12)(A), (B).

[3] "It is basic science that ground water is widely diffused by saturation within the crevices of underground rocks and soil," and "[a]bsent exceptional proof of something akin to a mythical Styx-like subterranean river," "passive migration of pollutants" through

But neither admiralty nor CWA point source jurisdiction extends to every bucket of water (or well) that is hydrologically connected through inadvertent seepage to navigable waters, especially if that connection is through groundwaters. Contrary to the panel decision, other circuits have held that a point source must *itself* convey a pollutant into navigable waters to trigger CWA point source jurisdiction—*without* the pollutant travelling through nonpoint sources, such as groundwaters.[4] The Seventh Circuit, for example, has observed that, even if groundwaters were thought within the scope of federal

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groundwater is not a discharge from a point source. *26 Crown Assocs., LLC v. Greater New Haven Reg'l Water Pollution Control Auth.*, 2017 WL 2960506, at *8 (D. Conn. July 11, 2017).

[4] *Village of Oconomowoc Lake*, 24 F.3d at 965 (CWA does not assert "authority over groundwaters, just because these may be hydrologically connected with surface waters"); *see also Rice v. Harken Exploration Co.*, 250 F.3d 264, 272 (5th Cir. 2001) ("a generalized assertion that covered surface waters will eventually be affected by remote, gradual, natural seepage from the contaminated groundwater" was outside the scope of the Oil Pollution Act in order "to respect Congress's decision to leave the regulation of groundwater to the States"); *Cape Fear River Watch v. Duke Energy Progress*, 25 F. Supp. 3d 798, 810 (E.D.N.C. 2014) ("Congress did not intend for the CWA to extend federal regulatory authority over groundwater, regardless of whether that groundwater is eventually or somehow 'hydrologically connected' to navigable surface waters"); *see generally Catskill Mountains v. City of New York*, 273 F.3d 481, 493 (2d Cir. 2001) (point source "refers only to the proximate source from which the pollutant is directly introduced to the destination water body"); *Nat'l Wildlife Fed'n v. Gorsuch*, 693 F.2d 156, 165, 175-76 (D.C. Cir. 1982) (affirming reasonableness of EPA interpretation that "the point source must *introduce* the pollutant into navigable water").

regulatory authority (an unsettled question), "the Clean Water Act does not attempt to assert national power to the fullest." *Village of Oconomowoc Lake*, 24 F.3d at 965. The circuit reasoned that Congress repeatedly refused to pass proposals to add groundwaters "to the scope of the Clean Water Act." *Id.* (citing *Exxon Corp. v. Train*, 554 F.2d 1310, 1325-29 (5th Cir.1977)). The Seventh Circuit further explained that there was a clear reason for Congress's refusal: *impracticality*. As stated by the Senate Committee on Public Works in 1972, Congress rejected proposals to add jurisdiction over groundwaters "[b]ecause the jurisdiction regarding groundwaters is so complex and varied from State to State." *Id.* at 965.

Congress was right. The panel decision threatens to create an unworkable regulatory environment by extending an onerous federal regulatory structure over what has been a traditional area of state responsibility. Whether and how pollutants seep through groundwaters into navigable waters from a point source is exceedingly difficult to observe and measure, much less predict, due to numerous factors including difficulty of access, temperature changes, chemical interactions, movement of the earth, tides, transpiration, evaporation,

groundwater withdrawals, vegetative conditions, atmospheric conditions, and surrounding surface and below-ground land uses. *See* T.C. Winter, et al, Ground Water and Surface Water: A Single Resource, U.S. Geological Survey Circular 1139 (1998). And yet, under the panel's reading of the CWA, unforeseeable criminal and civil liability could arise whenever any point source is shown *in hindsight* to have caused the addition of some pollution to any navigable waters through *even the most unpredictable, improbable and multistepped causal chain*. *See, e.g.*, 33 U.S.C. §§ 1319(c), (d), 1365(a).

The civil and criminal exposure threatened by the panel decision would haunt far more than traditional waste management facilities. Section 1362(6) defines "pollutant" broadly to include much more than traditional wastes.[5] Point sources that require NPDES permitting in Arizona alone could possibly jump more than *200,000%*—from the current ~150 permitted facilities to most (if not all) of the State's 35,382

[5] Even potable water can be considered a pollutant due to the residuals of the disinfection process. *See, e.g., W.R. Grace & Co. v. United States EPA*, 261 F.3d 330, 333 (3d Cir. 2001) (describing disinfection process for potable water as creating chloramines).

Class V Wells and potentially even an estimated 282,897 septic systems.[6]

If anything, a *multi-thousand percent increase* in the number of alleged mandatory NPDES permittees is a conservative estimate of the regulatory impact of the panel decision. The regulatory effort compelled by the panel decision would need to range to the entire network of ever changing, externally influenced underground capillaries and seeps that ultimately feed "navigable waters." *See* 33 U.S.C. § 1342(c)(3). It is hard to imagine *any* land or water use with any *potential* for runoff, spillage, or leakage (much less *any* water storage, transportation, recycling, or waste management activity) that would not have this *possible* or *eventual* hydrological connection to navigable waters, particularly if viewed in hindsight. Every fluid or semi-fluid discharge that is capable of seepage, runoff, spillage, leakage, or evaporation is likely hydrologically connected to navigable waters indirectly through

[6] *Compare* "FY 2017 Non-Tribal Permits Detailed Percent Current Status," https://www.epa.gov/sites/production/files/2018-01/documents/final_fy17_eoy_non-tribal_backlog_report_card.pdf, *with* "National Underground Injection Control Inventory-Federal Fiscal Year 2016," https://www.epa.gov/sites/production/files/2017-06/documents/state_fy_16_inventory_format_508.pdf, and "Septic Stats: Arizona," http://www.nesc.wvu.edu/septic_idb/arizona.htm (all last visited 3.1.2018).

nonpoint sources, such as groundwaters. And almost every land or water use is capable of generating such discharges. As quipped in *Village of Oconomowoc Lake*, even a bucket of water can be hydrologically connected to navigable waters. 24 F.3d at 965.

In short, extending CWA liability to any point source that is connected by groundwaters, or other nonpoint sources, to navigable waters threatens to force Arizona (and other Amici States that have accepted primacy) to undertake a massive expansion of NPDES permitting in areas the CWA was never intended to reach, as the far more reasonable approach of other circuits has confirmed.

II. THE PANEL REACHED ITS SWEEPING OUTCOME BY DISREGARDING A TRADITIONAL CANON OF CONSTRUCTION AND THE COOPERATIVE FEDERALISM EMBODIED IN THE CWA

En banc rehearing would allow for correction of the panel's error through a straightforward application of a basic canon of statutory interpretation with due consideration for principles of cooperative federalism.

A. The Panel Disregarded The Interpretative Canon "Expressio Unius Est Exclusio Alterius"

Under the interpretative canon "expressio unius exclusio alterius," the omission of a relevant term from a statutory provision is presumed

to exclude intentionally what has been omitted. *Lamie v. United States Trustee*, 540 U.S. 526, 537 (2004); *U.S. v. Vonn*, 535 U.S. 55, 64 (2002). This canon compels the conclusion that CWA point source jurisdiction cannot be triggered, such that a NPDES permit becomes necessary, unless a point source is *the* conveyance that adds pollution to navigable waters—to the exclusion of nonpoint sources, such as groundwaters.

The jurisdictional reach of the CWA is established by the meaning of "discharge of any pollutant" in the Act's declaration that "the discharge of any pollutant by any person shall be unlawful." 33 U.S.C. § 1311(a). The definition of "discharge of a pollutant" (and "discharge of pollutants") is "any addition of any pollutant to navigable waters [or waters of the contiguous zone or the ocean] from any point source [other than a vessel or other floating craft]." *Id.* § 1362(12)(A), (B). However, the reference in this definition to "any point source" is emphatically *not* a reference to a mere source for a pollutant. A "point source" is expressly defined as *more* than a source; it is defined as a type of "conveyance" that is "discernible, confined, and discrete." 33 U.S.C. § 1362(14). A conveyance is a "means or way of conveying," it is *not*

merely a "source."[7] Thus, in the definition of "discharge of a pollutant," Congress chose to reference "any point source" as the *only* designated "means or way of conveying" a pollutant into navigable waters.

Congress's stark omission of any reference to nonpoint sources, such as groundwaters, as a "means or way of conveying" a pollutant in 33 U.S.C. § 1362(12) should not be ignored. Congress repeatedly rejected amendments that would have extended the CWA to groundwater. S. Rep. No. 92-414, at 3735-3739 (1971). Furthermore, whether the conveyance of a pollutant is a point or nonpoint source is highly relevant to the CWA. Numerous provisions of the CWA distinguish between point and nonpoint sources. *See, e.g.*, 33 U.S.C. §§ 1251, 1255, 1270, 1281, 1285, 1311, 1314, 1319, 1324, 1330, 1346. Congress was clearly aware that a nonpoint source, such as groundwaters, could be a relevant conveyance of pollution to navigable waters. Yet, Congress made no mention of any nonpoint source in the

[7] *Conveyance*, Webster's New International Dictionary of the English Language Unabridged (3rd ed. 1993) ("1: the action of conveying . . . b: carrying, transporting, transportation. . . 2: a means or way of conveying . . . c: a channel or passage for conduction or transmission . . . d: a means of carrying or transporting something"); *see also conveyance*, Webster's New International Dictionary of the English Language Unabridged (2nd ed. 1950).

definition of "discharge of a pollutant," which controls the reach of CWA point source jurisdiction. *Compare* 33 U.S.C. § 1311(a) *with* § 1362(12)(A), (B). This omission should be read as intentional.

Given the omission of any reference to any nonpoint source in the governing definitions, a straightforward application of the "expressio unius exclusio alterius" canon confirms that CWA point source jurisdiction (and NPDES permitting) applies only to point sources that themselves convey pollution into navigable waters, to the exclusion of any nonpoint source, such as groundwaters. *See Nat'l R.R. Passenger Corp. v. Nat'l Ass'n of R.R. Passengers*, 414 U.S. 453, 458 (1974) ("'When a statute limits a thing to be done in a particular mode, it includes the negative of any other mode.' This principle of statutory construction reflects an ancient maxim—*expressio unius est exclusio alterius*.").

To sustain CWA point source jurisdiction, a "point source" must be *the* "conveyance" of the pollutant into navigable waters, not merely the source, because *it is the only conveyance mentioned*. This natural interpretation, which has been adopted by other circuits as discussed above, defeats the claim that CWA point source jurisdiction can be

sustained by a mere indirect hydrological connection between a point source and navigable waters through nonpoint sources, such as groundwaters. *See also Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Dabit*, 547 U.S. 71, 87–88 (2006) ("The existence of these carve-outs both evinces congressional sensitivity to state prerogatives in this field and makes it inappropriate for courts to create additional, implied exceptions.").

B. The Panel Disregarded The Cooperative Federalism Principles Embodied In The CWA

The CWA is a quintessential example of "cooperative federalism." *Catskill Mountains Chapter of Trout Unlimited, Inc. v. EPA*, 846 F.3d 492, 514 (2nd Cir. 2017) ("Act largely preserves states' traditional authority over water allocation and use"). The CWA emphasizes that Congress had the intention to accommodate the traditional and "primary" role of state and local government in the field of environmental regulation. 33 U.S.C. §1251(b). The CWA also repeatedly emphasizes that federal agencies are to act in "cooperation" with the States. 33 U.S.C. §§ 1251(g), 1252(a).

When it comes to state authority to "allocate quantities of water," such as in the Arizona Recharge Program, the CWA includes a

powerfully deferential savings clause to bar federal regulation from interfering with state primacy. 33 U.S.C. § 1251(g).[8] And this savings clause is reinforced by 33 U.S.C. §1370, which states: "except as expressly provided in this chapter, nothing in this chapter shall . . . be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

The panel decision's indirect hydrological connection theory of CWA point source jurisdiction is inconsistent with these manifestations of cooperative federalism in the CWA, which even the EPA recognizes. *Definition of "Waters of the United States"—Recodification of Pre-Existing Rules*, 82 FR 34899, 34900 (July 27, 2017) (identifying policy goals of CWA as "(a) To restore and maintain the nation's waters; and (b) to preserve the States' primary responsibility and right to prevent, reduce, and eliminate pollution"). It disregards the traditional

[8] As part of its Recharge Program, Arizona currently oversees and regulates a vast array of groundwater storage facilities, many, if not most, of which are not currently regarded as subject to NPDES permitting. *Underground Water Storage, Savings and Replenishment*, available at https://new.azwater.gov/recharge (last visited 2.26.2018). Planning is underway for many more such facilities on the assumption that NPDES permitting is not necessary. *USF Permit Application Online Noticing*, available at https://new.azwater.gov/recharge/permitted-facilities (last visited 2.26.2018).

management and regulatory authority of states over local land and water uses. *FERC v. Mississippi*, 456 U.S. 742, 767 n.30 (1982) (management and regulation of local lands and waters "is perhaps the quintessential state activity"). And, by threatening a nearly limitless expansion of preemptive federal jurisdiction, the panel decision wrongly circumvents the Supreme Court's efforts to moderate similarly limitless interpretations of "waters of the United States" in *Rapanos v. United States*, 547 U.S. 715, 779, 786 (2006) (Scalia, J., concurring; Kennedy, J., plurality), and *SWANCC v. U.S. Army Corps of Engineers*, 531 U.S. 159, 172-74 (2001).[9] For these reasons, the panel's indirect hydrological connection theory of CWA point source jurisdiction, which lacks any clear and manifest textual support in the Act, should be rejected in

[9] The doctrine of constitutional avoidance requires courts to construe statutes, "if fairly possible, so as to avoid not only the conclusion that it is unconstitutional, but also grave doubts upon that score." *United States v. Jin Fuey Moy*, 241 U.S. 394, 401 (1916). A mere indirect hydrological connection between a point source and navigable waters might not be a sufficient "jurisdictional element" for Commerce Clause authority under *U.S. v. Morrison*, 529 U.S. 598 (2000), and *U.S. v. Lopez*, 514 U.S. 549 (1995). The panel's theory is also constitutionally questionable because it may effectively authorize federal permitting to supersede nearly all state authority over intrastate land and water uses. *SWANCC*, 531 U.S. at 172-74 ("significant constitutional questions" are raised by "permitting federal encroachment upon a traditional state power"); *see also Bond v. U.S.*, 564 U.S. 211, 222 (2011) (observing our system of dual sovereignty denies "any one government complete jurisdiction over all the concerns of public life").

favor of the interpretation that a point source must *itself* be the conveyance of pollutants into navigable waters.[10]

CONCLUSION

For the forgoing reasons, the undersigned Amici States request that the petition for en banc rehearing be granted.

March 12, 2018

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[10] A federal statute should not be construed to preempt state laws or traditional sovereign interests unless such intent is evidenced by a clear and manifest statement from Congress. *Wyeth v. Levine*, 555 U.S. 555, 565 (2009); *Gonzales v. Oregon*, 546 U.S. 243, 255, 270-72 (2006). This doctrine is applicable with special force in the context of cooperative federalism. *New York State Dep't of Social Services v. Dublino*, 413 U.S. 405, 421 (1973).

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C), the undersigned hereby certifies that this brief complies with the type-volume limitations of Fed. R. App. P. 29(b) as modified by Fed. R. App. P. 29-2(c)(2).

1. Exclusive of the exempted portions of the brief, as provided in Fed. R. App. P. 32(a)(7)(B)(iii) and (f), this brief is 3464 words.
2. This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Century type.

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

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April 18, 2018

Testimony of

Martha Clark Mettler

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On behalf of the
Association of Clean Water Administrators

U.S. Senate
Committee on Environment
and Public Works

Regarding

The Appropriate Role of States and the Federal Government in Protecting Groundwater

Introduction

Chairman Barasso, Ranking Member Carper, and members of the Committee, my name is Martha Clark Mettler and it is my pleasure to appear before you today to provide the Association of Clean Water Administrators' ("ACWA") perspectives on the appropriate role of states and the federal government in protecting groundwater. I am here today representing the members of ACWA as a long-time member and past president.

I am currently the Assistant Commissioner of the Office of Water Quality at the Indiana Department of Environmental Management ("IDEM"). IDEM is responsible for the daily implementation of the Clean Water Act ("CWA") water quality programs in Indiana. I have been with IDEM since 1995 and have served as Assistant Commissioner since 2015.

ACWA is the national, non-partisan professional organization representing the State, Interstate, and Territorial water quality control officials responsible for the implementation of surface water protection programs throughout the nation. ACWA members are on the front lines of CWA monitoring, permitting, inspection, compliance, and enforcement across the country and are dedicated to Congress' goal of restoring and maintaining the chemical, biological, and physical integrity of our nation's waters.

As the primary entities responsible for carrying out the CWA, states are uniquely positioned to provide input on the appropriate role of states and the federal government in regulating discharges of pollutants to groundwater, specifically those discharges that may lead to surface waters via direct hydrologic connection. Discharges to groundwater are often site-specific and complex and

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defining a "direct" hydrologic connection can be challenging. Due to this complexity, as well as varying state legal frameworks, there is great diversity of state approaches on the appropriate manner of regulating discharges of pollutants to groundwater. However, states are consistent in their desire to retain their current flexibilities to regulate these discharges using their discretion to determine which laws and regulatory schemes apply, including the federal Safe Drinking Water Act ("SDWA") Underground Injection Control ("UIC") Program, the federal Resource Conservation and Recovery Act ("RCRA"), state laws, as well as the CWA.

ACWA members are currently reviewing relevant case law, federal law, and their own state laws to submit comments responsive to EPA's recent request on the issue. My statement today does not supersede or alter the perspective or input of any individual state, including Indiana. I encourage the Committee to review individual state comments sent to the docket in response to EPA's request for comment on this issue so that you and the members of the Committee fully understand the diversity among the states.

Cooperative Federalism – State Input

ACWA appreciates EPA and this Committee seeking comment and testimony from stakeholders, especially the states. Because of states' role under the CWA as co-regulators, states encourage EPA to maintain regular contact, through forums, calls, and other communication, with ACWA and its members throughout the life of this effort. State regulators have significant experience dealing with this issue as well as technical expertise and particular knowledge of their own waters and regulatory structures. In the spirit of cooperative federalism, we look forward to working with EPA, as well as Congress, on this important issue.

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State Flexibility

States are currently equipped with legal frameworks to regulate discharges of pollutants to groundwater, including discharges that may lead to surface waters via direct hydrologic connection. However, there is significant diversity in the approaches states employ to regulate these discharges.

- Some states, like New York, Wisconsin, Wyoming, and Oklahoma, include groundwater under their definitions of "Waters of the State", allowing for the regulation of direct discharges of pollutants to groundwater through state programs;
- Some states, like Tennessee, Connecticut, South Dakota, West Virginia, and Nevada, utilize the federal Safe Drinking Water Act ("SDWA") Underground Injection Control ("UIC") Program to regulate certain discharges of pollutants to groundwater;
- Some states, like Maine and Kentucky, employ the Resource Recovery and Conservation Act to address groundwater pollution; and
- Some states, like Colorado and Alaska, use federal NPDES permitting authority to regulate discharges of pollutants into groundwater that may lead to surface waters via direct hydrologic connection.

Additionally, many states, including those listed, use variations and combinations of these regulatory controls.

It is critical that states retain maximum flexibility to regulate discharges to groundwater in ways that work for the states. Therefore, states prefer that EPA neither demand nor deny of the use of

NPDES for groundwater that may lead to surface water via direct hydrologic connection. States are in the best position to manage this issue for they are particularly situated to assess local environmental conditions, understand their own legal frameworks, have the expertise, and recognize how to appropriately implement the various federal and state laws that may cover a discharge of pollutants to groundwater, including discharges that may impact surface water. Therefore, ACWA supports the empowerment of states to utilize their own laws, federal laws, and CWA protections at their own discretion to manage discharges to groundwater.

Uncertainty Due to Court Decisions

We recognize that there are multiple federal courts currently addressing CWA citizen suits on this issue. The *Hawai'i Wildlife Fund v. County of Maui* decision in the Ninth Circuit established a specific test to determine when the CWA applies to discharges to groundwater. The Ninth Circuit explained that for a discharge of pollutants to groundwater to violate the CWA, (1) there must be a discharge of pollutants from a point source, (2) the pollutants must be "fairly traceable" from a point source to a navigable water such that the discharge is the functional equivalent of a discharge into a navigable water, and (3) the pollutant levels reaching a navigable water are more than *de minimus*. In their decision in *Upstate Forever, et al., v. Kinder Morgan Energy Partners*, the Fourth Circuit ruled similarly to the Ninth Circuit in *Maui* stating, "We do not hold that the CWA covers discharges to ground water itself. Instead, we hold only that an alleged discharge of pollutants, reaching navigable waters located 1000 feet or less from the point source by means of ground water with a direct hydrological connection to such navigable waters, falls within the scope of the CWA". There are also cases pending in the Second (*26 Crown Associates v. Greater New Haven Regional Water Pollution Control Authority*), Fourth (*Sierra Club v. Dominion Energy*),

and Sixth (*Kentucky Waterways Alliance v. Kentucky Utilities* and *Tennessee Clean Water Network v. TVA*) Circuits on the issue. It is unclear how these courts will rule. However, there is a chance that circuit courts will end up split, causing national uncertainty. This would be problematic for states implementing the CWA. Therefore, states encourage EPA to clarify its previous statements on discharges to groundwater in order to explicitly empower states to continue to make decisions at their own discretion.

Congressional and Agency Action

The EPA request for comment, *Clean Water Act Coverage of "Discharges of Pollutants" via a Direct Hydrologic Connection to Surface Water* [EPA-HQ-OW-2018-0063], is an excellent opportunity for the Agency to work with states in the spirit of cooperative federalism. Therefore, Congress should allow the process to progress before taking legislative action on this issue. At a minimum, this Committee should encourage EPA to clarify previous statements on discharges to groundwater in order to explicitly empower states to continue to make decisions at their own discretion.

Further, because of states' role under the CWA as co-regulators, the fact that states are in the best position to assess local environmental conditions, understand their own legal frameworks, and implement the various federal and state laws that may cover a discharge of pollutants to groundwater, we urge this Committee to direct the Agency to coordinate with state programs and continue to monitor EPA's efforts, especially as the Agency reviews public comments on this issue and determines what future actions to take.

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Closing

Mr. Chairman, Ranking Member Carper and Members of the Committee, I thank you for this opportunity to share ACWA's perspectives on the appropriate role of states and the federal government in protecting groundwater. ACWA remains committed to the goals of the CWA and look forward to working with our partners at EPA as they move forward with efforts related to this issue. ACWA remains ready to answer any questions or concerns EPA or Congress may have and would be pleased to facilitate further dialogue with our state member agencies. I am happy to answer any questions that you may have.

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Senate Committee on Environment and Public Works
Hearing entitled, *"The Appropriate Role of States and the Federal Government in Protecting Groundwater"*

April 18, 2018
Responses for the Record

Amanda Waters
General Counsel
National Association of Clean Water Agencies

Chairman Barrasso

1. Ms. Waters, both the U.S. Court of Appeals for the Ninth Circuit and the U.S. Court of Appeals for the Fourth Circuit have issued recent decisions concerning the scope of the National Pollutant Discharge Elimination System (NPDES) program as it applies to situations where groundwater serves as a "conduit" between a point source and a surface water. Have the courts articulated a clear standard for when NPDES liability attaches?

   No. Because the "direct hydrologic connection" and "conduit" theories are not grounded in the text, structure, or legislative history of the CWA, courts have created a variety of vague and inconsistent standards for subjecting releases to groundwater to NPDES regulation. The Ninth Circuit ***rejected*** EPA's "direct hydrologic connection" test because it "reads two words into the CWA ('direct' and 'hydrological') that are not there." *Hawai'i Wildlife Fund v. County of Maui*, 886 F.3d 737, 749 n.3 (9th Cir. 2018). Ironically, the Ninth Circuit then invented yet another new standard, claiming that NPDES permitting requirements apply when pollutants are "fairly traceable" from a point source to a navigable water and the "pollutant levels reaching navigable water are more than de minimis." Like EPA's "direct hydrologic connection" standard, however, the Ninth Circuit's "fairly traceable" and "*de minimis*" standard appears nowhere in the statute, leaving permitting authorities, regulated parties, and courts to guess as to what those words mean. For its part, the Fourth Circuit's majority opinion adopted EPA's "direct hydrologic connection" interpretation, but overlooked critical indications of congressional intent in the CWA's text, structure, and legislative history. Even if these standards were grounded in the text of the CWA, they provide no direction to the regulated community, as either standard would require extensive and costly scientific study to determine whether a discharge falls within the definition.

2. Ms. Waters, Ranking Member Carper and Mr. Holleman asserted that the "direct hydrologic connection" or "conduit theory" interpretation they support has been the agency's consistent interpretation since the Clean Water Act was enacted. What is your view on that assertion?

   EPA's "direct hydrologic connection" and "conduit theory" interpretations are contrary to EPA's original interpretations and ongoing interpretations for the past 45 years. To demonstrate this, we have attached a list of EPA statements regarding discharges to

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groundwater from 1973 to 2017, showing that any suggestion that EPA's "direct hydrologic connection" and "conduit theory" interpretations have been longstanding or consistent grossly distorts the record. In seeking comments on the "direct hydrologic connection" interpretation, EPA itself recently acknowledged that it has approached this issue in "different ways ... over the years." EPA, Region 10 Tribal Newsletter (Apr. 2018).

3. Ms. Waters, to your knowledge, has the term "direct hydrological connection" ever been defined in federal statute or regulation?

   No. EPA has never defined "direct hydrologic connection" in any guidance or rule. In fact, when EPA was asked whether it could define "direct hydrologic connection" in 2001 (nearly 30 years after the CWA was enacted), the agency said it was "not sure how it should define this specifically in a national rule." EPA, CAFO Public Meeting, Denver, CO (Mar. 2001). Likewise, EPA recently said that "the connection between groundwater discharges and surface waters is too complex to determine a direct causal effect." EPA, Response to Comments on NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewers Systems in Massachusetts, at 219 (Apr. 4, 2016).

4. Ms. Waters, what role, if any, do you see Congress playing in helping to provide certainty for public wastewater and stormwater agencies?

   EPA's "direct hydrologic interpretation" has created a massive amount of uncertainty and confusion among courts, states, and regulated parties, including public wastewater and stormwater agencies. Although we agree with the courts that have found that the plain language of the Clean Water Act makes clear that discharges to surface water via groundwater are not subject to NPDES permitting (*see, e.g.*, *Ky. Waterways Alliance v. Ky. Utils.*, 2017 WL 6628917 (E.D. Ky. Dec. 28, 2017), Congress could, if necessary, amend the definition of "discharge of a pollutant" in 33 U.S.C § 1362(12) to confirm what these courts have found that the statute already expressly says, i.e., to exclude discharges to surface water via groundwater.

5. At the hearing, Mr. Holleman suggested that the "direct hydrologic connection" interpretation he supports is consistent with Rapanos v. United States, 547 U.S. 715 (2006). Is that true?

   No. The kind of "indirect" conveyances discussed in the plurality opinion were "sewer systems," "pipes," and "storm drains"—discrete conveyances that the plurality noted likely qualified as "point sources" themselves. 547 U.S. at 743. The plurality's recognition that the CWA permitting program may apply to a discharge from one point source to another point source that ultimately discharges into navigable waters does not support the "direct hydrologic connection" theory, which claims that the conveyance of pollutants by groundwater (an indisputable nonpoint source) to navigable waters triggers NPDES permitting requirements. Indeed, that contention is fundamentally inconsistent with the plurality's admonition that the CWA should not be interpreted to "result in a significant impingement of the States' traditional and primary power over land and water use." *Id.* at 747.

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6. Ms. Waters, given your knowledge of the NPDES permitting program, are there practical concerns with how that program would be applied on a permit-basis to situations such as groundwater seepage? Do you think the NPDES program is the appropriate tool to address this type of pollution?

   The NPDES program is not designed to require NPDES permits for the addition of pollutants to surface water via groundwater. Discharges of pollutants covered by section 402 are subject to "effluent limitations," which are specific, numeric limits on pollutants at the point of discharge. 33 U.S.C. § 1362(11). (The only exception under section 402 are discharges from municipal separate stormwater sewer systems, which are required to limit pollutants to the "maximum extent practicable" standard). As a result, the NPDES program requires identifiable discharge points for permitting. This approach only works for discernable, discrete and confined discharges to navigable waters, such as through a pipe. As EPA has explained: "[i]n contrast to ... nonpoint sources, point sources of water pollution are generally characterized by discrete and confined conveyances from which discharges of pollutants into navigable waters *can be controlled by effluent limitations*." 41 Fed. Reg. 24,709, 24,710 (June 18, 1976) (emphasis added). Neither EPA nor Mr. Holleman has ever explained how a permitting authority would apply effluent limitations to diffuse subsurface releases of pollutants to surface water or how a source could monitor them.

7. Ms. Waters, can you give an example of the types of regulation at the federal and state level that apply to your members' groundwater injection activities? Is groundwater protected in all the states in which your members operate?

   The Safe Drinking Water Act (SDWA) regulates underground injection wells through the underground injection control program. The SDWA is designed to protect the quality of drinking water in the United States, and specifically mandates the regulation of underground injection of fluids through wells. In addition, as indicated in the attached chart, all 50 states have robust laws that protect groundwater conditions, which in turn protects surface water conditions.

8. Ms. Waters, much of Mr. Holleman's testimony dealt with coal ash operations, which are regulated under the Resource Conservation and Recovery Act (RCRA). If the concerns are with coal ash, the RCRA program seems best suited to address those concerns. Do you agree? Would application of the conduit theory under the Clean Water Act's NPDES program affect more than the utility industry?

   As NACWA only works with municipal wastewater and stormwater utilities, I am not familiar enough with the practices of coal ash operations to answer the first question.

   EPA's "direct hydrological connection" theory is already affecting local governments and public water treatment agencies. Application of the theory will lead to a substantial expansion of the number and types of sources that are independently treated "point sources" and thus individually subject to the requirements of the CWA and the NPDES program. The result is the potential to trigger the regulation of an indeterminable array of diffuse and indistinct sources by blurring the distinction between whole systems that can

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be coherently managed and regulated, on the one hand, and components of such systems that would be subject to separate and piecemeal regulation. These diffuse sources could include public water distribution and sewer collection systems, retention ponds, municipal green infrastructure projects designed specifically to infiltrate stormwater into the ground and groundwater, and water recycling projects where recycled water is injected or seeps into groundwater.

9. At the hearing, Mr. Holleman testified that a source could avoid Clean Water Act regulation by moving a discharge back a few feet from a surface water and in turn "avoid the protections of the Nation's waters." Do you have input on that assertion?

   The hypothetical is unrealistic—no permitting authority would authorize the movement of a discharge pipe a few feet (or even further) simply to allow that pipe to discharge onto the ground and avoid NPDES regulation. Such a notion is also at odds with reality when considering engineering design and safety standards, and volume of effluent flows, at facilities.

   Indeed, at the hearing, Mr. Holleman failed to identify any instance of this occurring during the entire 45-year history of the NPDES program. In any event, the question is not whether such a discharge would be regulated, but how it would be regulated. For example, even if the discharge was not subject to NPDES permitting requirements under the CWA, the discharge still would be regulated as an underground injection well under the SDWA, or under CWA nonpoint source programs, other federal programs, and state programs like those identified in the attached chart summarizing groundwater protection laws in all 50 states.

10. Ms. Waters, in your testimony, you mention green infrastructure and water recharge projects. Can you further explain what those types of projects are and how they benefit health and the environment?

    EPA's "direct hydrologic connection" theory would likely discourage the construction or operation of a number of public and private treatment and pollution control infrastructure projects specifically designed to protect and preserve water resources. Groundwater recharge systems use spreading basins, percolation ponds, infiltration basins, and injection wells to convey stormwater or recycled wastewater into subsurface aquifers. These systems provide a host of ecological benefits; they augment public water supplies, create seawater intrusion barriers, and eliminate surface outfalls.

    The DHC theory could also put green infrastructure – intended to treat stormwater to further the water quality protection goals of the CWA – at risk of being regulated as point sources of pollutants subject to CWA jurisdiction. Specifically, every instance where stormwater runoff drains into green infrastructure – for the very purpose of preventing the pollutants carried in such runoff from entering surface waters – could be viewed as a discharge to groundwater that might have a "direct hydrological connection" to surface water. This type of approach is inconsistent with how States have categorized stormwater and the infiltration of stormwater. *See, e.g.*, Oyster Pond Embayment System TMDL at 4,

14 (Feb. 7, 2008) (Massachusetts assigned load allocations to stormwater runoff as nonpoint source pollution, knowing that "the vast majority of storm water percolates into the ground and aquifer and proceeds into the embayment systems *through groundwater migration*.")

11. Do you think it is important for EPA to articulate a clear, binding nationwide position concerning when NPDES permitting requirements attach to particular discharges?

Yes. The way EPA has framed the issue in the February Federal Register notice (e.g., "review and revise" the DHC theory) makes it appear that EPA believes the statute gives EPA a choice. In other words, it appears the Agency believes that it could simply review and revise the DHC theory based on policy or technical reasons. NACWA does not believe that is correct.

EPA should disavow its "direct hydrologic connection" theory as contrary to the CWA's plain language, structure and legislative history. EPA should promptly issue a memorandum (1) explaining that the agency no longer supports its statements on "direct hydrologic connection," including the amicus brief submitted by the United States in the Ninth Circuit; and (2) confirming that an addition of pollutants to surface water via groundwater is not an "addition ... to navigable waters from a point source" under the CWA.

Notwithstanding that the CWA is unambiguous on this issue and releasing short-term guidance, EPA should conduct an expedited notice and comment rulemaking so our members, other regulated entities, environmental activist organizations, the States, and other federal agencies can comment and then EPA can take final action through rulemaking on its position and how the CWA should be implemented and enforced. In part, what is so frustrating about this issue is that the public has never been able to weigh-in nor has EPA been able to hear from public entities on how this issue impacts them and the impossibility of using the NPDES permitting program to address these types of factual circumstances.

Ranking Member Carper

12. You write in your testimony that, "Despite being aware that pollutants in groundwater may enter navigable waters, the Senate and House rejected proposals to extend the CWA's reach."[1] In support of this proposition, you quote legislative history from the Committee of Public Works (the predecessor of this committee) showing the Committee intentionally declined to provide "authority to establish Federally approved standards for groundwaters . . . Because the jurisdiction regarding groundwaters is so complex and varied from State to State, the Committee did not adopt this recommendation."[2]

    a. Your citation appears to be confusing the difference between regulating groundwater as a water of the United States (for which, in the words of the Committee report, there would thus be "Federally approved standards"), and merely acknowledging that

[1] Testimony of Amanda Waters at 2–3.
[2] *Id.* (quoting S. Rep. No. 92-414, at 73 (1971))

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pollutants discharged from point sources can travel relatively direct paths through groundwater *into* a water of the United States. Did you understand that discrepancy when you cited this authority?

i. There is no discrepancy. As noted in my testimony, EPA requested authority over groundwater, in part, because pollutants in groundwater can enter surface waters. Indeed, the Committee "recognize[d] the essential link between ground and surface waters," S. Rep. No. 92-414, at 73 (1971), and members of Congress fully understood that pollution in groundwater could migrate to navigable waters "through seepage and other means," 118 Cong. Rec. 10666 (1972) (floor statement of Rep. Aspin).

b. Did either the Ninth Circuit in the *Hawaii Wildlife Fund* case or the Fourth Circuit in the *Kinder Morgan* case hold that the groundwaters are jurisdictional waters under the CWA (thus establishing the prospect that EPA could, in the Committee's terms, set "Federally approved standards for groundwaters")?

i. No. The central question in both cases is whether releases to surface water via groundwater are subject to the CWA's NPDES permitting program. As noted, the Ninth Circuit rejected EPA's "direct hydrologic connection" interpretation, because it "reads two words into the CWA ('direct' and 'hydrological') that are not there." *Hawai'i Wildlife Fund v. County of Maui*, 886 F.3d 737, 749 n.3 (9th Cir. 2018).

13. You write in your testimony that "EPA's direct hydrologic connection theory is contrary to the text and structure of the CWA . . . ." Your testimony also says that other statutes regulate pollutants that find their way into groundwater, citing SDWA, RCRA, and CERCLA.

a. Are you saying that the existence of SDWA, RCRA, and CERCLA illuminate congressional intent in enacting the CWA's discharge prohibition? If yes, why?

i. Yes. Almost twenty years ago, the Supreme Court held that "the meaning of one statute may be affected by other Acts, particularly where Congress has spoken subsequently and more specifically to the topic at hand." *FDA v. Brown & Williamson Tobacco Corp.*, 120 S. Ct. 1291, 1301 (2000). And here, Congress "has spoken subsequently and more specifically to the topic" of groundwater contamination and its impact on surface waters through SDWA, RCRA and CERCLA. The later enactment of these statutes, and the regulation of discharges to groundwater therein, reflect Congress' clear intent not to include discharges to groundwater within the CWA NPDES permit program.

b. The modern Clean Water Act — and the statutory language at issue in *Hawaii Wildlife Fund* and *Kinder Morgan* — was enacted in 1972. The statutes you cite were all passed *after* the CWA: SDWA (1974); RCRA (1976); CERCLA (1980).

When Congress wrote the discharge prohibition language, those statutes did not yet exist. When interpreting the CWA under *Chevron*, why should courts or regulators look to the existence of post-1972 statutes to define the scope of a statute enacted by the 92nd Congress?

i. See my response to Question 13.a. above.

c. What provision of RCRA is concerned with the protection of navigable waters? Are all discharges of pollutants conceivably capable of being regulated under RCRA?

i. As NACWA only works with municipal wastewater and stormwater utilities, I am not familiar enough with RCRA to answer this question. However, RCRA represents only one of several federal and state laws that regulate discharges to groundwater.

14. The April 18, 2018 hearing was conducted in the shadow of EPA's request for comment on whether to maintain its longstanding position that discharges directly to surface waters via hydrologically connected groundwater are regulated by the CWA. *See* 83 FR 7126.

a. To your knowledge, is it EPA's longstanding position that groundwater *itself* is a "water of the United States" under the CWA? Why do you believe that?

i. No. See my response to Question 2 above.

b. Were you previously aware of a 1979 Memorandum from EPA General Counsel Joan Z. Bernstein stating, "the CWA generally does not apply to groundwater," and that EPA thus lacks the ability to set "water quality standards [for groundwater] under [CWA] § 303"?

i. See attached list of EPA statements referenced in Question 2(a) above. While the list may not be comprehensive as to every EPA statement on groundwater, it nonetheless reflects that EPA's "direct hydrologic connection" and "conduit theory" interpretations have not been longstanding or consistent.

15. Mr. Guild's written testimony contains numerous concerns that groundwater may be regulated as a point source. Did either the Ninth Circuit in the *Hawaii Wildlife Fund* case or the Fourth Circuit in the *Kinder Morgan* case hold that the groundwater is a point source?

1. Neither court held that groundwater is a point source, but both decisions have the effect of transforming groundwater, as well as numerous sources long considered to be nonpoint sources, into point sources.

16. The thrust of your testimony would appear to have a much larger scope than just groundwater.

a. Is it NACWA's legal position that *any* entry of pollutants to groundwater terminates Clean Water Act liability, no matter how short or direct the hydrologic flow is to a jurisdictional water, and no matter how toxic the pollutant is? Please explain your answer.

   i. As outlined in my testimony, other tools exist within the CWA, and there are other federal and state environmental laws, that are better designed and currently utilized to address the release of pollutants into groundwater.

b. Is NACWA's position limited to groundwater? For example, some streams have brief periods of subsurface flow. If a point source discharged into a foot-long stretch of subsurface flow, and the stream resurfaced as a surface water (containing the pollutants) one foot later, would that point source discharge be exempt from the Clean Water Act?

   i. See my response to Question 9 above.

17. Suppose you had two pipelines carrying chemical waste over the Delaware River. Pipeline #1 ruptures directly above the river, and chemical waste starts pouring in. Pipeline #2 ruptures 100 feet from the water, and chemical waste pours onto the ground, burns through the soil, and runs downhill through a shallow subsurface connection into the Delaware River. Neither pipeline has a NPDES permit for the discharge.

   a. Based on the facts presented, in your opinion, should the owner of Pipeline #1 be subject to CWA liability for that discharge? Why or why not?
   b. Based on the facts presented, in your opinion, should the owner of Pipeline #2 be subject to CWA liability for that discharge? Why or why not?
   c. Do you believe it would lead to absurd results if courts or the EPA regulated only one of those discharges? Why or why not?

      i. As to Questions 17(a) – (c), there are not enough facts and/or missing facts to be able to reasonably answer these questions. Further, NACWA only works with municipal wastewater and stormwater utilities, and I am therefore not familiar enough with regulation of pipelines or chemical waste to answer these questions. However, generally, Congress envisioned that these types of factual scenarios—spills or releases of oil and hazardous substances (e.g., chemical waste)—would be addressed via CWA section 311, not via section 301(a) and the NPDES program. Under section 311, a "discharge" is defined differently to mean "any spilling, leaking, pumping, pouring, emitting, emptying or dumping," section 311(a)(2), and such a discharge is prohibited "into or upon the navigable waters of the United States [or] adjoining shorelines." CWA section 311(b)(1).

Senator Merkley

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18. In your testimony before the Senate Environment and Public Works Committee, you state that the question that should be asked is how releases to groundwater that reach surface water should be regulated. You represent hundreds of public water utilities, much like the Lahaina Wastewater Reclamation Facility that was the basis for the Ninth Circuit decision (*Hawai'i Wildlife Fund v. County of Maui*). Please explain you how think a facility discharging to groundwater, where that discharge impacts surface waters, should be regulated.

    1. As outlined in my testimony, these discharges are currently regulated under other federal and state statutes. Specifically, the discharges at issue in *Hawaii Wildlife Fund v. County of Maui*, are regulated as underground injection wells under the Safe Drinking Water Act.

19. You stressed the importance of cooperative federalism in your testimony and how states should have control over groundwater impacts to surface waters in their states. Yet in the *Hawai'i Wildlife Fund v. County of Maui* case, the state was not controlling those groundwater discharges and it created an excursion of water quality standards in surface waters. There are many other cases where these types of discharges adversely impacted surface waters. What cooperative federalism approach would you propose to ensure states are regulating these types of discharges consistently across the country that gives citizens an assurance that their waters kept clean and safe?

    1. As outlined in my testimony, a myriad of state and federal environmental laws already operates in concert to address discharges that reach surface water via groundwater. If these statutes or regulations are not sufficiently protective of public health and the environment, the remedy is to revise those statutes or regulations at the state or federal level rather than to overlay the NPDES permit program on top of these existing regulations.

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EPA STATEMENTS ON DISCHARGES TO GROUNDWATER (1973-2017)

- **EPA Office of General Counsel Memorandum, 1973.**

In 1973, shortly after the CWA was enacted, EPA's Office of General Counsel issued a memorandum confirming that the term "discharge of a pollutant" is "defined so as to include *only* discharges into navigable waters," and that "[d]ischarges into ground waters are not included." *In re E.I. DuPont de Nemours & Co.*, Op. No. 6, 1975 WL 23850, at *3 (E.P.A.G.C. Apr. 8, 1975) (emphasis added).

- **United States Rule 12(b) Motion to Dismiss, 1984.**

About a decade later, the United States successfully argued in *Kelley ex rel. People of the State of Michigan* that discharges from a U.S. Coast Guard facility to groundwater allegedly hydrologically connected to nearby navigable waters were *not* regulated by the point source program. 618 F. Supp. 1103, 1105-07 (W.D. Mich. 1985). In moving to dismiss the case, the United States did not dispute a hydrologic connection, such that "chemicals [could] enter the groundwaters under the ... area *and be discharged into Grand Traverse Bay*." United States Mem. in Supp. of Rule 12(b) Mot. & In The Alternative for Summ. J. at 3-4, *Kelley ex rel. People of the State of Michigan v. United States*, 618 F. Supp. 1103 (W.D. Mich. 1985) (No. G83-630) (emphasis added). Rather, the United States argued that "Michigan cannot make these claims under the Clean Water Act since the Act does not regulate pollutant discharges onto soil or into underlying groundwater." *Id.* at 5. According to the United States, "[t]he statutory language, the legislative history, the case law, and EPA's interpretation of the Act all support this conclusion." *Id.* at 22.

- **EPA, Final Comprehensive State Groundwater Protection Guidance, 1992.**

In 1992, EPA issued guidance explaining that "EPA and the States regulate facilities [under the CWA] that either discharge wastewaters *directly* to surface waters or discharge to municipal treatment systems." EPA, Final Comprehensive State Groundwater Protection Guidance at 1-27 (December 1992). In addition, "[w]hile a number of States have incorporated ground water discharges into their NPDES permits and pretreatment requirements," EPA confirmed that "*there is no national requirement to do so*." *Id.* (emphasis added).

- **EPA, President Clinton's Clean Water Initiative, 1994.**

In 1994, EPA proposed a new Clean Water Initiative, including an "updated CWA" that addresses water quality issues "through a new, more targeted approach." In discussing this new approach, EPA said it was "presently unclear whether a discharge to the ground or to groundwater that rapidly moves into surface water through a 'direct hydrologic connection' between the point of discharge and the surface water is subject to NPDES regulation." To address this, EPA suggested that the "*CWA should be amended* so that ... a point source discharge to ground or to groundwater that has a direct hydrologic connection with surface waters is subject to regulation as a NPDES point source discharge." To mitigate the consequences of such an massive expansion of the NPDES program, however, EPA suggested

that this rule should only apply if: (1) "a reasonably foreseeable direct hydrologic connection to surface waters in the proximity of the release"; (2) "a greater than de minimis quantity of the pollutant must reasonably be able to reach the surface water"; and (3) "no other Federal statute directly addresses the activity causing the release." EPA, President Clinton's Clean Water Initiative at 104-105 (Feb. 1994).

- **EPA, Office of Wastewater Management, Case Study Questionnaire, 2000.**

In 2000, EPA issued a questionnaire to plants operating cooling water intake structures in connection with the development of regulations under Section 316(b) of the CWA, 33 U.S.C. § 1326(b). In the questionnaire, EPA noted that "NPDES permits are required to be held ... by any point source that discharges pollutants *directly* to waters of the United States." For facilities that discharge all of their "effluent" to "groundwater injection wells," the questionnaire directed the recipients to answer "no" to the question of whether "the facility presently ha[s] or ... [is] in the process of obtaining a ... NPDES ... permit." EPA, Office of Wastewater Management, Case Study Questionnaire (January 2000). In the questionnaire, EPA did not suggest that the facility should determine whether impacted groundwater has a "direct hydrologic connection" to surface water.

- **EPA, Memorandum to EPA Administrator Browner, 2000.**

Later that same year, high-ranking EPA officials (including EPA's Director of the Water Permits Division) issued a memorandum to EPA Administrator Browner concerning potential new regulations for Concentrated Animal Feeding Operations ("CAFOs"). As part these new regulations, the EPA officials indicated they were "exploring an *option* under which CAFOs would be required to determine whether they have a reasonable potential to discharge to groundwater with a direct hydrological connection to surface water." At the time, the EPA officials explained that this "determination would likely require hiring an assessor." If a "potential to discharge were established," the officials suggested that the proposed regulations "might specify additional monitoring (which may require the operator to drill wells), record keeping and reporting requirements and compliance requirements (e.g., lining existing lagoon(s) to prevent leaching) to prevent or reduce discharges to groundwater." In light of "the potentially high costs to small operators associated with such an option," however, the EPA officials noted that EPA should give "careful consideration" to the "associated small business impacts" and "balance these against any identified environmental benefits." In fact, the EPA officials recommended that EPA "streamlin[e] the[se] requirements for small businesses ... or *exempt[] them altogether*."

- **EPA, Update -- Concentrated Animal Feeding Operations (CAFOs) Regulation, 2001.**

In a 2001 update on CAFO regulation, EPA noted that "[e]xisting regulations do not explicitly address environmental concerns such as ... discharges to surface water via groundwater with a direct hydrologic connection." EPA, Concentrated Animal Feeding Operations Regulation – Update (Aug. 13, 2001).

- **EPA, Effectiveness of Effluent Guidelines Program for Reducing Pollutant Discharges Uncertain, 2004.**

In 2004, EPA published a report regarding effluent guidelines for reducing pollutant discharges. In that report, EPA indicated that the "National [NPDES] regulations apply to … [e]xisting facilities that discharge *directly* to surface waters," but did not provide any indication that those regulations also apply to releases to groundwater with a "direct hydrological connection" to surface water. EPA, Effectiveness of Effluent Guidelines Program for Reducing Pollutant Discharges Uncertain at Chapter 1, page 2 (August 24, 2014) (emphasis added).

- **EPA, Response to Comments on Draft NPDES Permit, Holyoke Gas & Electric Department, Cabot Street Station, 2005.**

In 2005, EPA responded to comments on a draft NPDES permit for Holyoke Gas & Electric Department's Cabot Street Station, which sits on the banks of the Holyoke Canal System (a tributary of the Connecticut River). In discussing the facility's options to avoid NPDES permitting requirements, EPA explained that direct surface water discharges "could be re-directed to a non-surface water discharge location, such as ground injection." EPA, Holyoke Gas & Electric Department Cabot Street Station Response to Comments on Draft National Pollutant Discharge Elimination System (NPDES) Permit No. MA0001520, at 20. Under these circumstances, EPA said that "NPDES … permit requirements would not apply, because there would be no *direct* discharge to a surface water of the United States." *Id.*

- **EPA, Fact Sheet, Draft NPDES Permit, Public Service of New Hampshire, Merrimack Station, 2011.**

In 2011, EPA issued a fact sheet related to a draft NPDES permit for the Public Service of New Hampshire's Merrimack Station, which sits next to the Merrimack River in Bow, New Hampshire. Although the previous NPDES permit included discharges from roof drains, EPA eliminated those discharges from the permit because "the roof drains convey rain water from [station's] roof and drain it into the ground." As a result, EPA concluded, the "roof drains do not constitute a point source with a *direct* discharge to the Merrimack River."

- **EPA, Response to Public Comments, EPA NPDES Pesticide General Permit, 2011.**

Also in 2011, in response to a comment on a final NPDES pesticide general permit stating that the permit should "ensure that discharges do not affect groundwater," EPA confirmed that the "NPDES program … is for the control of discharges to waters of the United States" and that "discharges to groundwater are not regulated under the NPDES program." EPA, Response to Public Comments, EPA NPDES Pesticide General Permit (Oct. 31, 2011) at xxii. In confirming that the NPDES program does not regulate "discharges to groundwater," EPA provided no indication that a source must consider whether that groundwater has a "direct" hydrological-connection to surface water.

- **EPA, Fact Sheet, Draft General Permits for Stormwater Discharges Systems from Small Municipal Separate Sewer Systems in Massachusetts, 2014.**

In 2014, EPA issued a fact sheet regarding the reissuance of three NPDES permits for the discharge of stormwater from municipal storm sewer systems to waters in Massachusetts. In addressing stormwater "discharges to the subsurface," EPA stated that "NPDES permits are applicable for point source discharges to waters of the U.S" and that "discharges to groundwater are not addressed in the NPDES program and as such are not addressed by this permit." EPA, Fact Sheet, Draft General Permits for Stormwater Discharges Systems from Small Municipal Separate Sewer Systems in Massachusetts at 18 (Sept. 30, 3014).

- **EPA, Response to Comments on NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewers Systems in Massachusetts, 2016.**

In 2016, in response to comments on NPDES General Permits in Massachusetts, EPA said that "[i]n general the connection between groundwater discharges and surface waters is too complex to determine a direct causal effect." EPA, Response to Comments on NPDES General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewers Systems in Massachusetts at 219 (April 4, 2016).

- **EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, 2017.**

In 2017, in response to public comments on draft NPDES permits authorizing remediation activity discharges in Massachusetts and New Hampshire, EPA again made clear that "discharges to groundwater are not regulated by the NPDES program," but "may be regulated under other discharge permit authorities." EPA, Response to Public Comments, Permit Nos. MAG910000 and NHG910000, at 7 (March 9, 2017). As EPA explained: "*if* a discharge to groundwater requires a permit, the [NPDES] is not the permit program authority under which such discharges can be covered." Rather, "such discharges are generally regulated under the [Underground Injection Control] Program" under the Safe Drinking Water Act, or "similar programs ... such as State groundwater discharge programs."

State	Standard	Enforcement Authorities	Other Relevant State Authority
Alabama	"Every person, prior to discharging any new or increased pollution into any waters of this state, shall apply to the commission in writing for a permit and must obtain such permit before discharging such pollution." Ala. Code § 22-22-9(I)(3).	Available enforcement includes administrative orders, injunctive relief, authority to initiate civil actions, and civil and criminal penalties. Ala. Code §§ 22-22-9(I)-(n), 22-22A-5(17)-(19), 22-22-14.	"Discharge" is defined as "The addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state." Ala. Code § 22-22-1. "Waters" is defined to mean "All waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Ala. Code § 22-22-1. All pollution is declared to be a public nuisance. Ala. Code § 22-22-9.
Alaska	"A person may not pollute or add to the pollution of the air, land, subsurface land, or water of the state." Alaska Stat. Ann. § 46.03.710.	Enforcement of this section is permitted through administrative penalties, injunctions, and compliance orders. Alaska Stat. Ann. § § 46.03.761, 46.03.850, 46.03.765.	"Pollution" is defined to mean "the contamination or altering of waters, land, or subsurface land of the state in a manner which creates a nuisance or makes waters, land, or subsurface land unclean, or noxious, or impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life." Alaska Stat. Ann. § 46.03.900. "Waters" is defined to include "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state." Alaska Stat. Ann. § 46.03.900.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Arizona	"It is unlawful to . . . Discharge without a permit or appropriate authority under this chapter . . . Fail to . . . report discharges as required by a permit . . . . Violate a discharge limitation specified in a permit . . . . [or] Violate a water quality standard." Ariz. Rev. Stat. Ann. § 49-263. ". . . any person who discharges or who owns or operates a facility that discharges shall obtain an aquifer protection permit from the director." (i.e., the Arizona Aquifer Protection Permit program). Ariz. Rev. Stat. Ann. § 49-241. "water quality standards for all navigable waters and for all waters in all aquifers to preserve and protect the quality of those waters for all present and reasonably foreseeable future uses" and in setting these standards the state considers "[t]he provisions and requirements of the clean water act and safe drinking water act and the regulations adopted pursuant to those acts; and [t]he degree to which standards for one category of waters could cause violations of standards for other, hydrologically connected, water categories." Ariz. Rev. Stat. Ann. § 49-221(A), (C).	Enforcement is available through compliance orders, preliminary and permanent injunctions, and civil penalties of up to $25,000 per day per violation. Ariz. Rev. Stat. Ann. §§ 49-261, 262. The statute also provides for misdemeanor and felony prosecutions and citizen suits. Ariz. Rev. Stat. Ann. §§ 49-263, 264.	"'Discharge' means the direct or indirect addition of any pollutant to the waters of the state from a facility. For purposes of the aquifer protection permit program prescribed by article 3 of this chapter, discharge means the addition of a pollutant from a facility either directly to an aquifer or to the land surface or the vadose zone in such a manner that there is a reasonable probability that the pollutant will reach an aquifer." Ariz. Rev. Stat. Ann. § 49-201. "'Waters of the state' means all waters within the jurisdiction of this state including all perennial or intermittent streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, aquifers, springs, irrigation systems, drainage systems and other bodies or accumulations of surface, underground, natural, artificial, public or private water situated wholly or partly in or bordering on the state." Ariz. Rev. Stat. Ann. § 49-201.
Arkansas	"It shall be unlawful for any person to . . . Cause pollution, as defined in § 8-4-102, of any of the waters of this state." Ark. Code Ann. § 8-4-217.	Arkansas Department of Environmental Quality may issue administrative enforcement orders and impose civil penalties of up to $10,000 per day per violation. Ark. Code Ann. §§ 8-4-103, 208. The statute also provides for criminal prosecutions of misdemeanor and felony violations of the chapter or related permit. Id.	"'Pollution' means such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, or such discharge of any liquid, gaseous, or solid substance in any waters of the state as will, or is likely to, render the waters harmful, detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish, or other aquatic life." Ark. Code Ann. § 8-4-102(6). "'Waters of the state' means all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state." Ark. Code Ann. § 8-4-102(10).

State	Standard	Enforcement Authorities	Other Relevant State Authority
California	A "report of discharge" is required for any "person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system." Cal. Water Code § 13260(1)(a). "A person who . . . has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action . . . ." Cal. Water Code § 13304(a).	Enforcement is available by order, injunction, or remedial action with cost recovery. Cal. Water Code § 13304(a). Other sections of the law provide for civil penalties, injunctions, misdemeanor prosecutions, and administrative orders. Cal. Water Code §§ 13261, 13265, 13268, 13301, 13304, 13305, 13308, 13323, 13331, 13399. The state may order the person to "cleanup the waste or abate the effects of the waste, or in the case of threatened pollution or nuisance, take another necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts" Cal. Water Code § 13304(a).	"'Waters of the state' means any surface water or groundwater, including saline waters, within the boundaries of the state." Cal. Water Code § 13050(e).
Colorado	"No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge . . . ." 5 Colo. Code Regs. § 1002-61:61.3.	The Department of Public health and Environment may enforce the prohibitions in this title through cease and desist orders, clean-up orders, restraining orders, injunctions, and criminal and civil penalties. Colo. Rev. Stat. Ann. §§ 25-8-605, 606, 607, 608, 609. Civil penalties may range as high as $10,000 per day per violation, and criminal penalties may be as high as $25,000. §§ 25-8-608, 609.	"Discharge of pollutants" means the introduction or addition of a pollutant into state waters." Colo. Rev. Stat. Ann. § 25-8-103. "'State waters' means any and all surface and subsurface waters which are contained in or flow in or through this state . . . ." Colo. Rev. Stat. Ann. § 25-8-103.
Connecticut	"No person or municipality shall initiate, create, originate or maintain any discharge of water, substance or material into the waters of the state without a permit for such discharge issued by the commissioner." Conn. Gen. Stat. Ann. § 22a-430. "No person or municipality shall cause pollution of any of the waters of the state or maintain a discharge of any treated or untreated wastes in violation of any provision of this chapter." Conn. Gen. Stat. Ann. § 22a-427.	Enforcement includes administrative orders for sources "which reasonably can be expected to create a source of pollution to the waters of the state," injunctive relief, civil penalties up to $25,000 for each violation, each day constituting a separate violation, and criminal penalties. Conn. Gen. Stat. Ann. §§ 22a-432, 435, 438. Orders may also be issued against landowners if different from the discharger. Conn. Gen. Stat. Ann. § 22a-433.	Discharge "means the emission of any water, substance or material into the waters of the state, whether or not such substance causes pollution." Conn. Gen. Stat. Ann. § 22a-423. Waters "means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof." Conn. Gen. Stat. Ann. § 22a-423.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Delaware	"No person shall, without first having obtained a permit from the Secretary, undertake any activity . . . which may cause or contribute to discharge of a pollutant into any surface or ground water . . . ." Del Code Ann. tit. 7, § 6003(a).	Enforcement of this chapter is permitted through temporary restraining orders, permanent injunctions, or monetary penalties, up to $10,000 per day for each completed violation. Penalties may be tripled for chronic violators. Del Code Ann. tit. 7, § 6005.	"'Discharge Of A Pollutant' means any addition of any pollutant, or combination of pollutants, to state waters or the contiguous zone, or the ocean, from any source or activity . . . ." Code Del. Regs. 7 7000 7201. "'State Waters' Or 'Waters Of The State' means all water, on the surface and under the ground, wholly or partially within, or bordering the State, or within its jurisdiction." Code Del. Regs. 7 7000 7201.
District of Columbia	"Except as provided in § 8-103.06, no person shall discharge a pollutant to the waters of the District." D.C. Code Ann. § 8-103.02.	Available enforcement mechanisms include administrative orders, civil penalties, injunctive relief, and criminal prosecution for willful or negligent violations. D.C. Code Ann. §§ 8-103.16, 103.17, 103.18. District of Columbia Code also provides for a private right of action against any person in violation of the Water Pollution Control subchapter. D.C. Code Ann. § 8-103.19.	"'Discharge' means the spilling, leaking, releasing, pumping, pouring, emitting, emptying, or dumping of any pollutant or hazardous substance, including a discharge from a storm sewer, into or so that it may enter District of Columbia waters." D.C. Code Ann. § 8-103.01(6). "'Waters of the District' or 'District waters' means flowing and still bodies of water, whether artificial or natural, whether underground or on land, so long as in the District of Columbia, but excludes water on private property prevented from reaching underground or land watercourses, and also excludes water in closed collection or distribution systems." D.C. Code Ann. § 8-103.01(25).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Florida	"It shall be a violation of this chapter, and it shall be prohibited for any person . . . [t]o cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property . . . . or [t]o fail to obtain any permit required by this chapter or by rule or regulation . . . ." Fla. Stat. Ann. § 403.161(1). "Without the written authorization of the department, a person may not discharge any waste into the waters of the state which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for such waters." Fla. Stat. Ann. § 403.088(1). "[n]o installation shall directly or indirectly discharge into groundwater any contaminant that causes a violation of the water quality standards or minimum criteria in the receiving groundwater as established in this Chapter…." F.A.C.§ 62-520.310(7). "discharge to groundwater shall not impair the designated use of contiguous surface waters." F.A.C.§ 62-520.310(2). FDEP's practice is to "incorporate groundwater discharge considerations into other [FDEP] permits, as appropriate, and not to require a separate permit for discharges to groundwater." F.A.C.§ 62-520.310(12).	Violators are subject to enforcement orders, injunctive relief, and criminal penalties. Fla. Stat. Ann. §§ 403.061, 403.131, 161. Private citizens may also initiate civil actions against violators or compel the government to enforce its laws, rules, or regulations relating to the protection of water and other natural resources. Fla. Stat. Ann. § 403.412.	"'Pollution' is the presence in the . . . waters of the state of any substances, contaminants, noise, or manmade or human-induced impairment of air or waters or alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law." Fla. Stat. Ann. § 403.031 (7). "'Waters' include, but are not limited to, rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural . . . ." Fla. Stat. Ann. § 403.031 (13).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Georgia	"Any person who owns or operates a facility of any type or who desires to erect, modify, alter, or commence operation of a facility of any type which results or will result in the discharge of pollutants from a point source into the waters of the state shall obtain from the director a permit to make such discharge." Ga. Code Ann. § 12-5-30(a). "Any person desiring to erect or modify facilities or commence or alter an operation of any type which will result in the discharge of pollutants from a nonpoint source into the waters of the state, which will render or is likely to render such waters harmful to the public health, safety, or welfare, or harmful or substantially less useful for domestic, municipal, industrial, agricultural, recreational, or other lawful uses, or for animals, birds, or aquatic life, shall obtain a permit from the director to make such discharge." Ga. Code Ann. § 12-5-30(b).	Enforcement of these prohibitions may be accomplished through enforcement orders, civil actions for permanent or temporary injunctions, civil actions for damages, and civil and criminal penalties. Ga. Code Ann. §§ 12-5-23, 48, 51, 52, 53.	"'Waters' or 'waters of the state' means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation." Ga. Code Ann. § 12-5-22.
Hawaii	"No person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director." Haw. Rev. Stat. Ann. § 342D-50.	The director of the Department of Health may enforce the title through administrative orders, injunctive relief in an environmental court, civil penalties of up to $25,000 per day per violation, and criminal penalties or imprisonment for negligent or knowing violations. Haw. Rev. Stat. Ann. §§ 342D-9, 342D-30, 342D-31, 342D-32, 342D-11.	"'State waters' means all waters, fresh, brackish, or salt, around and within the State, including, but not limited to, coastal waters, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground waters, and lakes; provided that drainage ditches, ponds, and reservoirs required as a part of a water pollution control system are excluded." Haw. Rev. Stat. Ann. § 342D-1. "Water pollution" means . . . [s]uch contamination or other alteration of the physical, chemical, or biological properties of any state waters . . . or is likely to create a nuisance or render such waters unreasonably harmful, detrimental, or injurious to public health, safety, or welfare, including harm, detriment, or injury to public water supplies, fish and aquatic life and wildlife, recreational purposes and agricultural and industrial research and scientific uses of such waters or as will or is likely to violate any water quality standards, effluent standards, treatment and pretreatment standards, or standards of performance for new sources adopted by the department." Haw. Rev. Stat. Ann. § 342D-1. Hawaii also administers a nonpoint source pollution management and control program to enforce and carry out all laws, rules, and programs relating to nonpoint source pollution in the state. Haw. Rev. Stat. Ann. § 342E-2.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Idaho	Unless prior agency approval has been obtained, "[n]o person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of an outstanding resource water, except for short-term or temporary nonpoint source activities which do not alter the essential character or special uses of a segment, issuance of water rights permits or licenses, allocation of water rights, or operation of water diversions or impoundments." Idaho Code Ann. §§ 39-3618, 39-3620. The Idaho Department of Environmental Quality has also promulgated rules to establish and protect ground water quality standards, which provide that "[n]o person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that . . . [c]auses a ground water quality standard to be exceeded . . .[i]njures a beneficial use of ground water; or . . . [i]s not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method." Idaho Admin. Code r. 58.01.11.400.	The director of the department may issue compliance orders, initiate administrative or civil enforcement actions against violators, issue monetary penalties up to $10,000 per violation or $1,000 for each day the violation continues (whichever is greater). Idaho Code Ann. §§ 39-108, 39-116; Idaho Admin. Code r. 58.01.11.400. The statute also provides for criminal prosecutions. Idaho Code Ann. § 39-109.	"All state agencies shall incorporate the adopted ground water quality protection plan in the administration of their programs and shall have such additional authority to promulgate rules to protect ground water quality as necessary to administer such programs which shall be in conformity with the ground water quality protection plan." Idaho Code Ann. § 39-126. "'Waters' means all accumulations of water, surface and underground, natural and artificial, public and private or parts thereof which are wholly or partially within, flow through or border upon this state except for private waters as defined in section 42-212, Idaho Code." Idaho Code Ann. § 39-103(18).
Illinois	"No person shall . . . Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act." 415 Ill. Comp. Stat. Ann. 5/12.	The prohibitions in the Illinois code are enforced through administrative citations and orders, injunctive relief, civil penalties ($50,000 for each violation and $10,000 for each day the violation continues), and criminal penalties. 415 Ill. Comp. Stat. Ann. 5/31.1, 5/33, 5/42-5/45.	"The Agency shall establish a Statewide groundwater monitoring network. Such network shall include a sufficient number of testing wells to assess the current levels of contamination in the groundwaters of the State and to detect any future degradation of groundwater resources." 415 Ill. Comp. Stat. Ann. 5/13.1. "'Waters' means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State of Illinois, except that sewers and treatment works are not included except as specially mentioned . . . ." Ill. Admin. Code tit. 35, § 301.440.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Indiana	"[A] person may not: (1) throw, run, drain, or otherwise dispose; or (2) cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed [] into any of the streams or waters of Indiana any organic or inorganic matter that causes or contributes to a polluted condition of any of the streams or waters of Indiana, as determined by a rule of the board . . ." Ind. Code Ann. § 13-18-4-5.	The Department of Environmental Management may enforce the statute through administrative compliance orders and civil actions seeking injunctive relief. Ind. Code Ann. §§ 13-18-4-6, § 13-14-2-6, 13-14-2-7, 13-30-4-1. Civil penalties of up to $25,000 per day of any violation are authorized, as well as criminal penalties. Ind. Code Ann. §§ 13-30-4-1, 13-30-10-1.5.	"'Waters', for purposes of water pollution control laws and environmental management laws, means: (1) the accumulations of water, surface and underground, natural and artificial, public and private; or (2) a part of the accumulations of water[,] that are wholly or partially within, flow through, or border upon Indiana." Ind. Code Ann. § 13-11-2-265.
Iowa	"A pollutant shall not be disposed of by dumping, depositing, or discharging such pollutant into any water of the state, except that this section shall not be construed to prohibit the discharge of adequately treated sewage, industrial waste, or other waste in accordance with rules adopted by the commission." Iowa Code Ann. § 455B.186.	Enforcement mechanisms include cease and desist orders, civil penalties up to $5,000 per day for each violation, a range of criminal penalties, and temporary and permanent injunctions. Iowa Code Ann. §§ 455B.175, 455B.191.	Iowa's Groundwater Protection Act supplements Iowa's water quality laws to further promote its goal of "prevent[ing] contamination of groundwater from point and nonpoint sources of contamination to the maximum extent practical . . ." Iowa Code Ann. § 455E.4. "'Water of the state' means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof." Iowa Code Ann. § 455B.171(39).
Kansas	"No person, company, corporation, institution or municipality shall place or permit to be placed or discharge or permit to flow into any of the waters of the state any sewage . . . ." Kan. Stat. Ann. § 65-164.	Enforcement of the statute is perrmited through cease and desist orders, civil penalties, and criminal penalties. Kan. Stat. Ann. §§ 65-164 (d), 65-170d, 65-167.	"'[S]ewage' means any substance that contains any of the waste products or excrementitious or other discharges from the bodies of human beings or animals, or chemical or other wastes from domestic, manufacturing or other forms of industry." Kan. Stat. Ann. § 65-164. "'Waters of the state' means all streams and springs, and all bodies of surface and subsurface waters within the boundaries of the state . . ." Kan. Stat. Ann. § 65-161(a). "'[D]ischarge' means when used without qualification, the causing or permitting of sewage to enter, either directly or indirectly, into waters of the state . . . ." Kan. Stat. Ann. § 65-161(b).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Kentucky	"No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter." Ky. Rev. Stat. Ann. § 224.70-110.	Enforcement mechanisms include civil penalties, up to $25,000 per day as long as violation continues, Civil actions for injunctive relief and to recover penalties or damages for injury to fish or wildlife, criminal penalties and/or imprisonment. Ky. Rev. Stat. Ann. §§ 224.99-010 , 224.99-020, 224.1-070.	"'Pollutant' means and includes dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, chemical, biological or radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, industrial, municipal or agricultural waste, and any substance resulting from the development, processing, or recovery of any natural resource which may be discharged into water." Ky. Rev. Stat. Ann. § 224.1-010(34). "'Water pollution' means the alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the Commonwealth in such a manner, condition, or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural, or other legitimate purposes." Ky. Rev. Stat. Ann. § 224.1-010(33). "Water" or "waters of the Commonwealth" are defined to mean and include "any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes, and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction." Ky. Rev. Stat. Ann. § 224.1-010 (32).
Louisiana	"No person shall conduct any activity which results in the discharge of any substance into the waters of the state without the appropriate permit, variance, or license required under the regulations of the department adopted pursuant to this Chapter." La. Stat. Ann. § 30:2075. "No person shall discharge or allow to be discharged into any waters of the state: (a) Any waste or any other substance of any kind that will tend to cause water pollution in violation of any rule, order, or regulation; or (b) Any substance, the discharge of which violates any term, condition, or limit imposed by a permit." La. Stat. Ann. § 30:2076.	Available enforcement includes compliance orders, civil actions for permanent or temporary injunctions and/or damages against violators, civil penalties of up to $32,500 for each day of a violation, and criminal penalties. La. Stat. Ann. §§ 30:2025, 30:2050.2, 30:2076.1.	"'Discharge' means the placing, releasing, spilling, percolating, draining, pumping, leaking, seeping, emitting, or other escaping of pollutants into the air, waters, subsurface water, or ground as the result of a prior act or omission; or the placing of pollutants into pits, drums, barrels, or similar containers under conditions and circumstances that leaking, seeping, draining, or escaping of the pollutants can be reasonably anticipated." La. Stat. Ann. § 30:2004(10). "'Waters of the state' means both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, groundwaters, and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico. . . ." La. Stat. Ann. § 30:2073(7).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Maine	"No person may directly or indirectly discharge or cause to be discharged any pollutant without first obtaining a license therefor from the department." Me. Rev. Stat. tit. 38, § 413.	Enforcement of these provisions is permitted through administrative orders and consent agreements, civil actions, civil penalties amounting to not more than $10,000 per day for each violation, or $25,000 if the violation relates to hazardous waste, criminal penalties between $2,500 and $25,000 for each day of the violation, and debarment from department contracts for repeated violations. Me. Rev. Stat. tit. 38, § 347-A , 348, 349, 349-B.	"'Discharge' means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of any pollutant to water of the State. Me. Rev. Stat. tit. 38, § 361-A(1). "'Waters of the State' means any and all surface and subsurface waters that are contained within, flow through, or under or border upon this State or any portion of the State . . . ." Me. Rev. Stat. tit. 38, § 361-A(7).
Maryland	"[A] person may not discharge any pollutant into the waters of this State." Md. Code Ann., Envir. § 9-322.	Enforcement of these provisions is by administrative corrective action orders, injunctions, civil penalties not exceeding $10,000 per day (judicially) or $1,000 per day (administratively), or criminal prosecution. Md. Code Ann., Envir. §§ 9-334, 9-335, 9-338, 9-339, 9-342, 9-343.	"Discharge" is defined to mean "the addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of this State" or "the placing of a pollutant in a location where the pollutant is likely to pollute." § 9-101(b). "Waters of this State" includes, in relevant part, "[b]oth surface and underground waters within the boundaries of this State subject to its jurisdiction. . . ." § 9-101(l)(1).
Massachusetts	"Any person who, directly or indirectly, throws, drains, runs, discharges or allows the discharge of any pollutant into waters of the commonwealth, except in conformity with a permit" shall be subject to the enforcement provisions. Mass. Gen. Laws Ann. ch. 21, § 42. "[n]o person shall engage in any other activity that may reasonably be expected to result, directly or indirectly, in discharge of pollutants into waters of the commonwealth." Mass. Gen. Laws Ann. ch. 21, § 43(2).	Violations of the standards shall punished by a fine, imprisonment, or shall be subject to a civil penalty not to exceed $25,000 per day of such violation. Enforcement mechanisms, in addition to civil penalties, include orders and injunctive relief. Mass. Gen. Laws Ann. ch. 21, §§ 44, 46.	"'Waters' and 'waters of the commonwealth,' all waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, coastal waters and groundwaters." Mass. Gen. Laws Ann. ch. 21, § 26A.

State	Standard	Enforcement Authorities	Other Relevant State Authority
Michigan	"A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following: (a) To the public health, safety, or welfare . . . domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such water . . . .[t]o the value or utility of riparian lands . . . ." Mich. Comp. Laws Ann. § 324.3109(1). "A person shall not discharge without an authorization" under Part 22 Rules (Groundwater Quality), which establishes specific critieria for the "discharge," which is defined to means "any direct or indirect discharge . . . into the groundwater or on the ground." R §§ 323.2204, 323.2201(i).	Enforcement of these provisions is permitted through abatement orders, civil actions, civil fines of up to $25,000 per day per violation, criminal penalties and imprisonment. Mich. Comp. Laws Ann. §§ 324.1601, 324.3112, 324.3115.	"'Waters of the state' means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state." Mich. Comp. Laws Ann. § 324.3101(aa).
Minnesota	"[I]t is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state" Minn. Stat. Ann. § 115.061. "No sewage, industrial waste, or other wastes shall be discharged from either a point or a nonpoint source into the waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution as defined by law." Minn. R. 7050.0210.	Minnesota's Water Pollution Control Act may be enforced through civil actions, civil penalties, criminal penalties, and administrative orders. Minn. Stat. Ann. § 115.071.	"Discharge" means "the addition of any pollutant to the waters of the state or to any disposal system." Minn. Stat. Ann. § 115.01.(4). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state . . . ." Minn. Stat. Ann. § 115.01(22).
Mississippi	"[I]t is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state. It is also unlawful to discharge any wastes into any waters of the state which reduce the quality of those waters below the water quality standards established by the commission; or to violate any applicable pretreatment standards or limitations, technology-based effluent limitations, toxic standards or any other limitations established by the commission. Any such action is declared to be a public nuisance." Miss. Code. Ann. § 49-17-29(2)(a).	Available enforcement includes administrative orders, civil actions, civil penalties, and misdemeanor prosecution. Miss. Code. Ann. §§ 49-17-31, 49-17-43.	"Waters of the state" is defined to mean "all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the state . . . ." Miss. Code. Ann. § 49-17-5(1)(f).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Missouri	"It is unlawful for any person . . . [t]o cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state; [or] discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards . . . ." Mo. Ann. Stat. § 644.051.	Enforcement includes administrative orders, civil actions, administrative penalties and civil penalties. Mo. Ann. Stat. §§ 644.079, 644.076.	"Pollution" is defined to mean "such contamination or other alteration of the physical, chemical or biological properties of any waters of the state . . . or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life . . . " Mo. Ann. Stat. § 644.016(17). "Discharge" is defined to mean "the causing or permitting of one or more water contaminants to enter the waters of the state." Mo. Ann. Stat. § 644.016(6). "Waters of the state" means "all waters within the jurisdiction of this state, including all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state . . . ." Mo. Ann. Stat. § 644.016(27).
Montana	It is unlawful to "cause pollution . . . of any state waters or to place or cause to be placed any wastes where they will cause pollution of any state waters." Mont. Code Ann. § 75-5-605.	The department may enforce these provisions through administrative orders for abatement, compliance, or cleanup, administrative penalties, civil actions for inunctive relief, civil penalties, criminal penalties and/or imprisonment. Mont. Code Ann. §§ 75-5-611 to 75-5-614, 75-5-631, 75-5-632.	"Pollution" means "contamination or other alteration of the physical, chemical, or biological properties of state waters that exceeds that permitted by Montana water quality standards," or "the discharge, seepage, drainage, infiltration, or flow of liquid, gaseous, solid, radioactive, or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife." Mont. Code Ann. § 75-5-103 (30)(a). "State waters" is defined to mean "a body of water, irrigation system, or drainage system, either surface or underground." Mont. Code Ann. § 75-5-103(34)(a).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Nebraska	"It shall be unlawful for any person" to "cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state" or "discharge or emit any wastes into any air, waters, or land of the state which reduce the quality of such air, waters, or land below the air, water, or land quality standards established therefor by the council. Any such action is hereby declared to be a public nuisance." Neb. Rev. Stat. Ann. § 81-1506.	Enforcement is permitted through administrative corrective action orders, injunctions, civil penalties, felony and misdemeanor prosecution. Neb. Rev. Stat. Ann. §§ 81-1508, 81-1508.01, 81-1508.02.	"Water pollution shall mean the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water . . . " Neb. Rev. Stat. Ann. § 81-1502(20). "Waters of the state shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial . . . " Neb. Rev. Stat. Ann. § 81-1502(21). Nebraska also manages groundwater though the "Nebraska Ground Water Management and Protection Act." Neb. Rev. Stat. Ann. § 46-701 et seq.
Nevada	"[A] person shall not discharge a pollutant from a point source into any waters of the State without obtaining a permit from the Department." Nev. Admin. Code 445A.228. The Nevada Department of Conservation and Natural Resources possesses the authority to prescribe pollution controls for "diffuse sources", or delegate such authority to local municipalities. Nev. Rev. Stat. Ann. § 445A.570; Nev. Admin. Code 445A.314.	Persons who violate the statute or regulations are subject to administrative compliance orders, civil actions for injunctive relief, civil penalties, and criminal penalties. Nev. Rev. Stat. Ann. §§ 445A.675, 445A.690, 445A.695 445A.700. If the violation relates to a rule or regulation concerning diffuse sources, no civil or criminal penalties may be imposed for failing to obey an administrative order. Nev. Rev. Stat. Ann. § 445A.680.	"'Diffuse source' means any source of water pollution which is diffused to the extent that it is not readily discernible and cannot be confined to a discrete conveyance. This term is intended to be equivalent to the term "nonpoint source" as used in federal statutes and regulations." Nev. Rev. Stat. Ann. § 445A.335. "'Discharge' means any addition of a pollutant or pollutants to water." Nev. Rev. Stat. Ann. § 445A.345. "Waters of the State" is defined to mean "all waters situated wholly or partly within or bordering upon this State, including but not limited to . . . [a]ll streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and [] [a]ll bodies or accumulations of water, surface and underground, natural or artificial." Nev. Rev. Stat. Ann. § 445A.415.

State	Standard	Enforcement Authorities	Other Relevant State Authority
New Hampshire	"It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or groundwater of the state without first obtaining a written permit from the department of environmental services." N.H. Rev. Stat. Ann. § 485-A:13. "After adoption of a given classification for a stream, lake, pond, tidal water or section of such water . . . it shall be unlawful for any person or persons to dispose of any sewage, industrial, or other wastes, either alone or in conjunction with any other person or persons, in such a manner as will lower the quality of the waters . . . below the minimum requirements of the adopted classification." N.H. Rev. Stat. Ann. § 485-A:12.	Available enforcement includes administrative cease and desist orders, civil actions for injunctive relief, administrative penalties, civil penalties, and criminal penalties or imprisonment. N.H. Rev. Stat. Ann. §§ 485-A:22, 485-A:22-a.	"Waste" means "industrial waste and other wastes." N.H. Rev. Stat. Ann. § 485-A:2. XVI. "Other wastes" is defined to mean "garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substance harmful to human, animal, fish or aquatic life." N.H. Rev. Stat. Ann. § 485-A:2.VIII. "Sewage" means "the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present." N.H. Rev. Stat. Ann. § 485-A:2. X.
New Jersey	"It shall be unlawful for any person to discharge any pollutant, except as provided pursuant to [this section], or when the discharge conforms with a valid [state or federal discharge permit, e.g. a NPDES permit]." N.J. Stat. Ann. § 58:10A-6.	The commissioner of the New Jersey Department of Environmental Protection may enforce the state's water pollution statute through compliance orders, administrative penalties, civil action for injunctive relief, civil penalties, and criminal fines. N.J. Stat. Ann. §§ 58:10A-10, 58:10A-24.6.	"'Discharge' means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a pollutant into the waters of the State, onto land or into wells from which it might flow or drain into said waters or into waters or onto lands outside the jurisdiction of the State, which pollutant enters the waters of the State." N.J. Stat. Ann. § 58:10A-3(e). "Waters of the State" is defined to mean "the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State." N.J. Stat. Ann. § 58:10A-3(t). The state also has a program to designate areawide waste treatment management planning areas that would include the establishment of regulations to, among other things, provide control mechanisms for nonpoint source pollution. N.J. Stat. Ann. § 58:11A-4.

State	Standard	Enforcement Authorities	Other Relevant State Authority
New Mexico	Under the state's water quality control commission's authority to promulgate rules to prevent or abate water pollution and develop water quality standards for surface and ground waters, New Mexico code provides that "[a]ny person intending to make a new water contaminant discharge or to alter the character or location of an existing water contaminant discharge . . . shall file a notice with the ground water quality bureau of the department for discharges that may affect ground water, and/ or the surface water quality bureau of the department for discharges that may affect surface water." N.M. Stat. Ann. § 74-6-4 ; N.M. Admin. Code 20.6.2.1201. The regulations further provide that, "[u]nless otherwise provided by this Part, no person shall cause or allow effluent or leachate to discharge so that it may move directly or indirectly into ground water unless he is discharging pursuant to a discharge permit issued by the secretary." N.M. Admin. Code 20.6.2.3104.	Enforcement is available through administrative compliance orders and penalties, civil penalties, and criminal penalties for knowing violations. N.M. Stat. Ann. §§ 74-6-10, 74-6-10.1,74-6-10.2.	"Water contaminant" is defined to mean "any substance that could alter, if discharged or spilled, the physical, chemical, biological or radiological qualities of water." N.M. Stat. Ann. § 74-6-2(B). "Water" is defines to mean "all water, including water situated wholly or partly within or bordering upon the state, whether surface or subsurface, public or private, except private waters that do not combine with other surface or subsurface water." N.M. Stat. Ann. § 74-6-2(H).
New York	"It shall be unlawful for any person, directly or indirectly, to throw, drain, run or otherwise discharge into such waters organic or inorganic matter that shall cause or contribute to a condition in contravention of the standards adopted by the department . . ." N.Y. Envtl. Conserv. Law § 17-0501.	Available enforcement mechanisms include administrative compliance orders, civil actions for injunctive relief or the recovery of penalties, civil penalties, criminal fines and/or imprisonment. N.Y. Envtl. Conserv. Law §§ 71-1707, 71-1711, 71-2727, 71-1929, 71-1931, 71-1933.	"Waters" or "waters of the state" are defined to include "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial limits of the state of New York and all other bodies of surface or underground water . . . which are wholly or partially within or bordering the state or within its jurisdiction." N.Y. Envtl. Conserv. Law § 17-0105(2).

State	Standard	Enforcement Authorities	Other Relevant State Authority
North Carolina	Unless a person has received a permit and complied with all conditions set forth in the permit, "no person shall . . . [c]ause or permit any waste, directly or indirectly, to be discharged to or in any manner intermixed with the waters of the State in violation of the water quality standards applicable to the assigned classifications or in violation of any effluent standards or limitations established for any point source, unless allowed as a condition of any permit, special order or other appropriate instrument . . . ." N.C. Gen. Stat. Ann. § 143-215.1(a)(6).	The North Carolina Environmental Management Commission may issue special orders "to any person whom it finds responsible for causing or contributing to any pollution of the waters of the State within the area for which standards have been established." N.C. Gen. Stat. Ann. § 143-215.2. The Commission may also enforce state water pollution laws through injunctive relief and civil and criminal penalties. N.C. Gen. Stat. Ann. §§ 143-215.6A, 143-215.6B, 143-215.6C.	The term "water pollution" is defined to mean "the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities." N.C. Gen. Stat. Ann. § 143-213(19). Reference to "discharge" or "discharge of waste" is interpreted to include "discharge, spillage, leakage, pumping, placement, emptying, or dumping into waters of the State . . . .". N.C. Gen. Stat. Ann. § 143-213(9). "'Waters' means any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State, including any portion of the Atlantic Ocean over which the State has jurisdiction." N.C. Gen. Stat. Ann. § 143-212(6).
North Dakota	"It shall be unlawful for any person" to "cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state," and "[t]o discharge any wastes into any waters of the state or to otherwise cause pollution, which reduces the quality of such waters below the water quality standards established therefor by the department." N.D. Cent. Code Ann. § 61-28-06.	The Department of Health may enforce the state's water pollution laws through orders for compliance or abatement, injunctive relief against threatened or continuing violations, civil and criminal penalties, and/or imprisonment. N.D. Cent. Code Ann. §§ 61-28-04, 61-28-07, 61-28-08.	"Pollution" is defined to mean "the manmade or man-induced alteration of the physical, chemical, biological, or radiological integrity of any waters of the state." N.D. Cent. Code Ann. § 61-28-02(7). "'Waters of the state' means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, and all other bodies or accumulations of water on or under the surface of the earth, natural or artificial, public or private, situated wholly or partly within or bordering upon the state . . . ." N.D. Cent. Code Ann. § 61-28-02(15).
Ohio	Unless holding a valid permit, "[n]o person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state," and "[s]uch an action . . . is hereby declared to be a public nuisance." Ohio Rev. Code Ann. § 6111.04.	Enforcement mechanisms include administrative orders, injunctions, civil penalties of up to $10,000 per day, criminal penalties, and/or imprisonment. Ohio Rev. Code Ann. §§ 6111.06, 6111.07, 6111.08, 6111.99.	"'Pollution' means the placing of any sewage, sludge, sludge materials, industrial waste, or other wastes in any waters of the state." Ohio Rev. Code Ann. § 6111.01(A). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state . . . ." Ohio Rev. Code Ann. § 6111.01(H).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Oklahoma	"It shall be unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance." Okla. Stat. Ann. tit. 27A, § 2-6-105.	Available enforcement includes cease and desist orders, civil penalties, injunctive relief, criminal penalties and/or imprisonment in county jail. Okla. Stat. Ann. tit. 27A, §§ 2-6-105, 2-6-901.	"'Pollution' means the presence in the environment of any substance, contaminant or pollutant, or any other alteration of the physical, chemical or biological properties of the environment or the release of any liquid, gaseous or solid substance into the environment in quantities which are or will likely create a nuisance or which render or will likely render the environment harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, or to property." Okla. Stat. Ann. tit. 27A, § 2-1-102(12). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof . . . ." Okla. Stat. Ann. tit. 27A, § 2-1-102(15).
Oregon	"[N]o person shall . . . [c]ause pollution of any waters of the state or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means" or "[d]ischarge any wastes into the waters of the state if the discharge reduces the quality of such waters below the water quality standards established by rule for such waters by the Environmental Quality Commission." Or. Rev. Stat. Ann. § 468B.025(1); see § 468B.050. Violations of this section are considered a public nuisance. Or. Rev. Stat. Ann. § 468B.025(3).	Enforcement of the Oregon's water pollution control laws is permitted through compliance and abatement orders, civil action, and civil penalties of up to $25,000 per day for each violation. Or. Rev. Stat. Ann. §§ 468B.032, 468.090, 468.100, 468.140.	"Pollution" or "water pollution" are defined to mean "such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to . . . render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses . . . ." Or. Rev. Stat. Ann. § 468B.005(5). "Water" or "the waters of the state" is defined to include "lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters . . . wholly or partially within or bordering the state or within its jurisdiction." Or. Rev. Stat. Ann. § 468B.005(10).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Pennsylvania	"It shall be unlawful for any person or municipality to put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined. Any such discharge is hereby declared to be a nuisance." 35 Pa. Stat. Ann. § 691.401. "The waters of this Commonwealth may not contain toxic substances attributable to point or nonpoint source waste discharges in concentrations or amounts that are inimical to the water uses to be protected." 25 Pa. Code § 93.8a(a).	Enforcement mechanisms include abatement orders, injunctions, civil penalties up to $10,000 for each separate offense (each day constituting a new offense), criminal penalties, and imprisonment. 35 Pa. Stat. Ann. §§ 691.601, 691.610, § 691.605, 691.602.	"Pollution" is defined to mean "contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life . . . ." 35 Pa. Stat. Ann. § 691.1. "'Waters of the Commonwealth' shall be construed to include any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth." 35 Pa. Stat. Ann. § 691.1.
Rhode Island	"It shall be unlawful for any person to discharge any pollutant into the waters except as in compliance with the provisions of this chapter and any rules and regulations promulgated hereunder and pursuant to the terms and conditions of a permit." 46 R.I. Gen. Laws Ann. § 46-12-5(b) "It shall be unlawful for any person to place any pollutant in a location where it is likely to enter the waters or to place or cause to be placed any solid waste materials, junk, or debris of any kind whatsoever, organic or non organic, in any waters." 46 R.I. Gen. Laws Ann. § 46-12-5(a).	Enforcement of the Rhode Island water pollution laws may be achieved through compliance orders, injunctive relief, civil penalties of up to $25,000 per day, criminal penalties, and/or imprisonment. 46 R.I. Gen. Laws Ann. §§ 46-12-9, 46-12-13, 46-12-14, 46-12-16.	"Pollutant" is defined to mean "any material or effluent which may alter the chemical, physical, biological, or radiological characteristics and/or integrity of water, including but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, [or] biological materials . . . ." 46 R.I. Gen. Laws Ann. § 46-12-1(15). "'Waters' includes all surface waters including all waters of the territorial sea, tidewaters, all inland waters of any river, stream, brook, pond, or lake, and wetlands, as well as all groundwaters." 46 R.I. Gen. Laws Ann. § 46-12-1 (23).
South Carolina	"It is unlawful for a person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes, and other wastes, except in compliance with a permit issued by the department." S.C. Code Ann. § 48-1-90(A)(1).	Enforcement mechanisms include administrative orders for compliance or abatement, civil actions for injunctive relief or damages where appropriate, civil penalties, criminal penalties up to $25,000 per day for each violation, and/or up to two years imprisonment. S.C. Code Ann. §§ 48-1-50, 48-1-220, 48-1-320.	"'Environment' means the waters, ambient air, soil and/or land" S.C. Code Ann. § 48-1-10 (20). "Waters" is defined to mean "lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction." S.C. Code Ann. § 48-1-10(2).

State	Standard	Enforcement Authorities	Other Relevant State Authority
South Dakota	"No person may discharge any wastes into any waters of the state which reduce the quality of such waters below the water quality level existing on March 27, 1973" and "[n]o person may cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state." S.D. Codified Laws §§ 34A-2-22, 34A-2-21.	Enforcement mechanisms include emergency abatement orders, civil actions for injunctive relief and recovery of penalties, civil penalties, and criminal fines and/or prosecution. S.D. Codified Laws §§ 34A-2-53, 34A-2-68, 34A-2-73 to 34A-2-75. Violations may also be abated as a public nuisance. S.D. Codified Laws §§ 34A-2-22, 34A-2-21.	"Waters of the state," is defined to mean "all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground . . . within or bordering upon the state . . ." S.D. Codified Laws § 34A-2-2(12). "Pollutant," is defined to mean "any dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, munitions, chemical waste, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt or any industrial, municipal or agricultural waste discharged into waters of the state." S.D. Codified Laws § 34A-2-2(5).
Tennessee	"It is unlawful for any person . . . to carry out any of the following activities, except in accordance with the conditions of a valid permit: [] The alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state . . . [] The discharge of sewage, industrial wastes or other wastes into waters, or a location from which it is likely that the discharged substance will move into waters [or] . . . the underground placement of fluids and other substances that do or may affect the waters of the state." Tenn. Code Ann. § 69-3-108(b).	The state's Department of Environment and Conservation may enforce provisions of the statute through orders for corrective action, emergency orders (without prior notice), civil penalties up to $10,000 per day for each day the violation continues, criminal penalties and prosecution. Tenn. Code Ann. §§ 69-3-109, 69-3-112, 69-3-113, 69-3-115, 69-3-116.	"Pollutant" means "sewage, industrial wastes, or other wastes." Tenn. Code Ann. § 69-3-103(27). "Industrial wastes" are "any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any process of industry, manufacture, trade, or business . . ." Tenn. Code Ann. § 69-3-103 ((15)) "Other wastes" is defined to mean "any and all other substances or forms of energy, with the exception of sewage and industrial wastes, including, but not limited to, decayed wood, sand, garbage, silt, municipal refuse, sawdust, shavings, bark, lime, ashes, offal, oil, hazardous materials, tar, sludge, or other petroleum byproduct . . . ." Tenn. Code Ann. § 69-3-103 (23). "Sewage" means "water-carried waste or discharges from human beings or animals, from residences, public or private buildings, or industrial establishments . . . ." Tenn. Code Ann. § 69-3-103(34). "Waters" is defined to mean "any and all water, public or private, on or beneath the surface of the ground, that are contained within, flow through, or border upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership that do not combine or effect a junction with natural surface or underground waters." Tenn. Code Ann. § 69-3-103(44).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Texas	"[N]o person may: (1) discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state; (2) discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state . . . ." Tex. Water Code Ann. § 26.121(a).	The Texas Natural Resource Conservation Commission or its executive director may enforce state water code provisions through the initiation of civil actions for injunctive relief, issuance of compliance orders, administrative and civil penalties (both) up to $25,000 per day for each violation, attorney's fees if the state prevails, criminal penalties for unauthorized, intentional, or knowing discharges, and/or confinement. Tex. Water Code Ann. §§ 7.001, 7.002, 7.032, 7.051, 7.052, 7.101, 7.102, 7.105, 7.108, 7.152, 7.187.	"Waste" is defined to mean "sewage, industrial waste, municipal waste, recreational waste, agricultural waste, or other waste, as defined in this section." Tex. Water Code Ann. § 26.001(6) "Pollution" is defined to mean "the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose." Tex. Water Code Ann. § 26.001(14). "Water" or "water in the state" is defined to mean "groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state." Tex. Water Code Ann. § 26.001(5).
Utah	"[I]t is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any wastes in a location where there is probable cause to believe it will cause pollution." Utah Code Ann. § 19-5-107(1)(a). "[A]ny violation of this subsection is a public nuisance." Utah Code Ann. § 19-5-107(1)(b).	Available enforcement includes cease and desist orders, civil actions for injunctive relief, civil penalties up to $10,000 per day of violation, and criminal prosecution and penalties. Utah Code Ann. §§ 19-5-111, 19-5-115.	"'Pollution' means any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of any waters of the state . . . ." Utah Code Ann. § 19-5-102(13). "'Discharge' means the addition of any pollutant to any waters of the state." Utah Code Ann. § 19-5-102(7). "Waters of the state" is defined to mean "all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground . . .which are contained within, flow through, or border upon this state or any portion of the state . . . ." Utah Code Ann. § 19-5-102(23).

State	Standard	Enforcement Authorities	Other Relevant State Authority
Vermont	"No person shall discharge any waste, substance, or material into waters of the State, nor shall any person discharge any waste, substance, or material into an injection well or discharge into a publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with those works or would have a substantial adverse effect on those works or on water quality, without first obtaining a permit for that discharge from the Secretary." Vt. Stat. Ann. tit. 10, § 1259.	Enforcement of Vermont's water pollution laws is permitted through administrative orders and penalties, civil actions for injunctive relief, civil penalties of not more than $100,000 for each continuing violation, and criminal penalties or imprisonment. Vt. Stat. Ann. tit. 10, §§ 1274, 1275, 8001-8018.	"'Discharge' means the placing, depositing, or emission of any wastes, directly or indirectly, into an injection well or into the waters of the State." Vt. Stat. Ann. tit. 10, § 1251(3). "'Waters' includes all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters, artificial or natural, which are contained within, flow through, or border upon the State or any portion of it." Vt. Stat. Ann. tit. 10, § 1251(13). "Waste" is defined to mean "effluent, sewage or any substance or material, liquid, gaseous, solid or radioactive, including heated liquids, whether or not harmful or deleterious to waters . . ." Vt. Stat. Ann. tit. 10, § 1251(12).
Virginia	Except in compliance with a certificate or permit . . . it shall be unlawful for any person to . . . [d]ischarge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances . . ." Va. Code Ann. § 62.1-44.5(A). "Except as otherwise permitted by law, it shall be unlawful for any person to dump, place or put, or cause to be dumped, placed or put into, upon the banks of or into the channels of any state waters any object or substance, noxious or otherwise, which may reasonably be expected to endanger, obstruct, impede, contaminate or substantially impair the lawful use or enjoyment of such waters and their environs by others." Va. Code Ann. § 62.1-194.1.	Enforcement of these provisions is by special order, civil actions for injunctive relief, civil and criminal penalties, and criminal prosecution. Va. Code Ann. § 62.1-44.32, 62.1-44.15:1.1, 62.1-44.15.	"'Other wastes' means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances except industrial wastes and sewage which may cause pollution in any state waters." Va. Code Ann. § 62.1-44.3. "Pollution" is defined to mean "such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life . . . ." Va. Code Ann. § 62.1-44.3. "'State waters' means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands." Va. Code Ann. § 62.1-44.3.
Washington	"It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters . . . ." Wash. Rev. Code 90.48.080. For the "disposal of solid or liquid waste material into the waters of the state," the person "shall procure a permit from . . . the [Department of Ecology]." Wash. Rev. Code 90.48.160	The Department of Ecology is authorized "to bring any appropriate action at law or in equity, including action for injunctive relief" to enforce the Code, including "with the assistance of the attorney general." Wash. Rev. Code 90.48.037. The Department of Ecology may also issue an order to abate "polluting content of waste discharged or to be discharged into any waters of the state." Wash. Rev. Code 90.48.120.	"'[W]aters of the state' shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington." Wash. Rev. Code 90.48.020.

State	Standard	Enforcement Authorities	Other Relevant State Authority
West Virginia	"It is unlawful for any person, unless the person holds a permit therefor from the department, which is in full force and effect, to . . . [a]llow sewage, industrial wastes or other wastes, or the effluent therefrom, produced by or emanating from any point source, to flow into the waters of this state," "[m]ake, cause or permit to be made any outlet, or substantially enlarge or add to the load of any existing outlet, for the discharge of sewage, industrial wastes or other wastes, or the effluent therefrom, into the waters of this state," [or] "[a]cquire, construct, install, modify or operate a disposal system or part thereof for the direct or indirect discharge or deposit of treated or untreated sewage, industrial wastes or other wastes, or the effluent therefrom, into the waters of this state . . . ." W. Va. Code Ann. § 22-11-8.	The state water pollution control act may be enforced through administrative orders for compliance or abatement, injunctive relief, administrative penalties, civil penalties, and criminal fines. W. Va. Code Ann. § 22-11-12, 22-11-16, 22-11-15, 22-11-22, 22-11-24.	"Water resources", "water" or "waters" are defined to mean "any and all water on or beneath the surface of the ground, whether percolating, standing, diffused or flowing, wholly or partially within this state, or bordering this state and within its jurisdiction, and includes, without limiting the generality of the foregoing, natural or artificial lakes, rivers, streams, creeks, branches, brooks, ponds (except farm ponds, industrial settling basins and ponds and water treatment facilities), impounding reservoirs, springs, wells, watercourses and wetlands . . . ." W. Va. Code Ann. § 22-11-3(23).
Wisconsin	Wisconsin's Department of Natural Resources is authorized to "issue general orders, and adopt rules applicable throughout the state for the construction, installation, use and operation of practicable and available systems, methods and means for preventing and abating pollution of the waters of the state." Wis. Stat. Ann. § 281.19 (1). The Department may also "[o]rder or cause the abatement of pollution which the department . . . has determined to be significant and caused by a nonpoint source . . . ." Wis. Stat. Ann. § 281.20(1)(a).	Enforcement of the department's orders are permitted through emergency orders, civil penalties., and civil action by the state attorney general. Wis. Stat. Ann. §§ 281.19, 281.20, 281.98.	"'Pollution' includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life." Wis. Stat. Ann. § 281.01(10). "'Waters of the state' includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction." Wis. Stat. Ann. § 281.01(18).
Wyoming	"No person, except when authorized by a permit issued pursuant to the provisions of this act, shall . . . Cause, threaten or allow the discharge of any pollution or wastes into the waters of the state," or "[a]lter the physical, chemical, radiological, biological or bacteriological properties of any waters of the state . . . ." Wyo. Stat. Ann. § 35-11-301.	Enforcement mechanisms include administrative cease and desist orders, civil penalties, criminal penalties or imprisonment, and injunctive relief. Wyo. Stat. Ann. §§ 35-11-701, 35-11-901, 35-11-903. Citizen suits are also permitted. Wyo. Stat. Ann. § 35-11-904.	"'Pollution' means contamination or other alteration of the physical, chemical or biological properties of any waters of the state . . . ." Wyo. Stat. Ann. § 35-11-103(i). "Waters of the state" is defined to mean "all surface and groundwater, including waters associated with wetlands, within Wyoming." Wyo. Stat. Ann. § 35-11-103(vi).

NACWA
A CLEAR COMMITMENT TO AMERICA'S WATERS

The Appropriate Role of States and the Federal Government in Protecting Groundwater

April 18, 2018

Written Testimony of:

Amanda Waters
General Counsel
National Association of Clean Water Agencies

Before the:

U.S. Senate Committee on Environment and Public Works

Chairman John Barrasso
Ranking Member Thomas R. Carper

Chairman Barrasso, Ranking Member Carper and members of the Committee, thank you for the opportunity to appear before you today. My name is Amanda Waters and I am General Counsel for the National Association of Clean Water Agencies. NACWA is a not-for-profit trade association that represents the interests of over 300 public clean water utilities nationwide who share a common objective and responsibility to protect the environment and public health by providing wastewater and stormwater treatment services for their communities in compliance with the Clean Water Act (CWA). I have worked on clean water issues for nearly two decades having previously served as General Counsel for a NACWA clean water utility in Northern Kentucky and for the Departments of Environment Protection in Kentucky and West Virginia. I was fortunate to begin my legal career at the Hudson Riverkeeper. The experience I gained working as a regulator, for a regulated entity, and as an environmental advocate has given me a well-rounded perspective on the interplay between local government, states, and the US Environmental Protection Agency (EPA). As a result, I have a pragmatic passion for advancing and ensuring transparent and definitive science-based clean water policies that adhere to the statutory requirements contained in the CWA.

On behalf of NACWA, I sincerely thank the Committee for holding this hearing to gather input on regulating releases to groundwater.

The question before us is not *whether* releases to groundwater that reach surface water should be regulated, but *how* such releases are and should be regulated; specifically, should a release of a pollutant that reaches groundwater and thereafter enters a CWA jurisdictional surface water be considered a "point source" discharge triggering the requirement for a CWA National Pollutant Discharge Elimination System (NPDES) permit. The answer requires a review of fundamental CWA provisions and, moreover, an understanding of how such releases *are already* regulated under other provisions of the CWA, other federal environmental statutes, and state laws, in accordance with Congressional intent.

The CWA is one of the most successful environmental statutes in the nation's history and public clean water utilities continue to be a paramount contributor to that success. Working closely with state and federal regulators, public utilities have collectively achieved an astonishing level of pollution reduction, both at their own facilities and at thousands of industrial facilities regulated by utilities under the federal pretreatment program, since the CWA was enacted.

These public utilities own, operate, and manage the nation's most critical infrastructure systems for protecting public health and the environment. Approximately 76% of the US population relies on the nation's treatment plants for wastewater treatment.

The CWA's prohibition against "the discharge of any pollutant" unless authorized, in relevant part, by a NPDES permit, 33 U.S.C. §1311(a), is limited to the addition of pollutants to navigable waters from a "point source," *id.* §1362(12), which means "any discernible, confined and discrete conveyance." *Id.* §1362(14). In accordance with these provisions, clean water utilities that discharge to surface waters operate pursuant to the CWA's NPDES permitting system, which is designed to be an "end-of-pipe" program under which pollutants can be effectively monitored and reported to permitting authorities. When the CWA was enacted, EPA asked Congress for authority over groundwater, in part, because EPA knew pollutants in groundwater can enter surface waters. Despite being aware that pollutants in groundwater may enter navigable waters, the Senate and the House rejected proposals to extend the

CWA's reach. *E.g.*, S. Rep. No. 92-414, at 73 (1971), *reprinted in* 1972 U.S.C.C.A.N. 3668, 3739 ("Several bills pending before the [Senate] Committee provided authority to establish Federally approved standards for groundwaters. ... Because the jurisdiction regarding groundwaters is so complex and varied from State to State, the Committee did not adopt this recommendation.").

Congress foresaw that an NPDES permit is not always the solution to address pollutants that reach navigable waters; there is not a "loophole" to allow the unregulated pollution of groundwater and surface waters. The CWA itself contains other tools, including total maximum daily loads ("TMDLs"), grants, planning, and nonpoint source management programs.

There are other federal environmental laws that are better designed and are currently utilized to address releases of pollutants into groundwater including the Safe Drinking Water Act (SDWA), the Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Most importantly, states may adopt more stringent requirements, *see* 33 U.S.C. §1370 (preserves states' ability to adopt any requirement to control pollution), and all 50 states have adopted laws and regulations that prohibit or regulate the release of pollutants into groundwater. The CWA is a cooperative federalism statute and groundwater and nonpoint source pollution is primarily the responsibility of the states.

EPA's direct hydrologic connection theory is contrary to the text and structure of the CWA, perpetuates regulatory uncertainty, and will significantly expand the universe of sources that would require NPDES permits or run the risk of government and citizen suit enforcement.

Public utilities have a compelling public interest in ensuring that the NPDES permitting program, and attendant CWA liability, remains predictable and lawfully within the scope of the Act. Regulatory certainty is necessary to allow utilities to plan prudently for the expenditure and investment of public funds.

There are many different entities and interests that are impacted by the important question the committee examines today, but it is important to note that NACWA's members are the only public entities that are directly impacted from a regulatory perspective. NACWA's members do not make a profit from their operations, nor do they answer to shareholders. They answer only to their local communities and ratepayers, many of whom could bear additional and unnecessary financial cost if this issue is not correctly addressed.

In addition to the lack of statutory authority, there are considerable practical and policy reasons to avoid extending the CWA prohibition to pollutants entering groundwater.

The existence of a direct hydrological connection is a fact-specific inquiry. It depends on site-specific factors, such as topography, climate, the distance to a surface water, geologic factors, and will require technical assessments. Yet, there is no clarity on how long and how far pollutants can travel for a connection to be considered "direct." The Ninth Circuit's recent decision in *Hawai'i Wildlife Fund v. County of Maui* demonstrates the nebulous nature of liability: "We leave for another day the task of

determining when, if ever, the connection between a point source and a navigable water is too tenuous to support liability under the CWA."

The costs to determine whether groundwater beneath a source has a direct hydrologic connection to navigable water will depend on the nature of the facility, its geographic location, and availability of trained hydrogeologists, among other factors. The real significance of the cost arises from the countless number of facilities upon which liability could be imposed. For example, systems that leak due to age or episodic failures include public water supply pipelines, recycled water pipelines, and sanitary sewer collection systems. These could all fall within the CWA prohibition under EPA's direct hydrologic connection interpretation.

Critically, even if public utilities err on the side of caution and apply for a permit, there is no certainty a permit can be obtained. As previously mentioned, the NPDES permitting regulations are "end-of-pipe." The permitting authority must calculate effluent limits, determine the potential to exceed water quality standards, ensure consistency with antidegradation policies, allocate load and waste loads as part of TMDLs, assess the need for mixing zones, and determine appropriate monitoring, among other critical functions.

Determinations necessary to issue a permit would often be infeasible (if not impossible) in the context of groundwater. If a permit cannot be obtained, the addition of pollutants must cease, or a public utility would be subject to federal enforcement and citizen suit challenges. The CWA is a strict liability statute and just one CWA violation can result in a civil penalty of $52,414 per day, in addition to injunctive relief and legal fees. NACWA members are currently facing CWA citizen suits based on this direct hydrologic connection theory.

To reduce liability, significant public resources would be needed to remove and/or replace infrastructure. The nation is already facing a public water infrastructure crisis with approximately $600 billion needed over the next 20 years to address aging public sewer lines and systems. There is no indication that Congress intended the CWA and citizen suit enforcement to be the tool used to address the nation's infrastructure.

Expanding the NPDES universe would have the unintended consequence of impeding beneficial and innovative public infrastructure projects such as groundwater recharge systems that are used to convey stormwater or recycled wastewater into aquifers to augment public water supplies, create seawater intrusion barriers, prevent land subsidence, and eliminate surface outfalls to protect water quality. Green infrastructure, a wet weather management tool used to retain and infiltrate stormwater into the ground to minimize discharges of municipal stormwater and combined sewer overflows, could also be subject to NPDES regulation and enforcement despite already getting the broad stamp of approval from EPA and Congress.

The CWA is clear that the release of pollutants into groundwater which then flows to navigable waters is not an "addition . . . to navigable waters from a point source." However, even if the CWA was not clear, EPA's direct hydrologic connection theory is not a reasonable interpretation of the Act. As a matter of good government, EPA has never gone through rulemaking to establish this direct hydrologic connection theory. None of the costs or regulatory burdens to public utilities and their local ratepayers have ever been considered by EPA through a public process. EPA has bypassed the

transparency and due process safeguards in the Administrative Procedure Act, which Congress enacted to provide public notice of proposed agency action, to encourage public participation, and to afford agencies with the framework to carefully consider all relevant factors before taking final agency action.

Further, there has not been a consistent federal government position on this issue. For example, in litigation defending federal facilities against CWA citizen suits, the United States has argued that the CWA does not prohibit pollutants that enter navigable waters from spills into the soil and groundwater. *Kelley v. United States*, 618 F.Supp. 1103, 1105-06 (W.D. Mich. 1985). The bottom line is that the federal government needs to provide certainly and clarity on this issue so that regulated entities – especially public clean water utilities – know what is expected of them. Until it does so, regulators and regulated parties alike will face uncertainty, and the risks and costs that unavoidably accompany it.

Public clean water utilities are on the front lines of environmental and public health protection, and fully support a strong regulatory framework to protect water resources. But such regulations must be grounded in statute and consistent with Congress's intent under the CWA. The direct hydrologic connection theory fails to meet this standard and threatens to hamper public clean water agencies in carrying out their critical public missions. Moreover, using the ill-suited NPDES permitting program to regulate discharges that are better addressed by other federal regulatory programs or state law will have a ripple effect of deterring projects that are otherwise environmentally beneficial.

Thank you again for holding this important hearing. I know that all parties and all witnesses here today want the same thing – clean and safe water – and I would be happy to answer any questions.

Testimony

on behalf of the

National Cattlemen's Beef Association
&
Public Lands Council

with regards to

"The Appropriate Role of the States and Federal Government in Regulating Groundwater"

submitted to the

United States Senate
Committee on Environment and Public Works
John Barrasso, Chairman

submitted by

Joe Guild
Treasurer
National Cattlemen's Beef Association
Member
Public Lands Council

April 18, 2018
Washington, D.C.

NCBA National Cattlemen's Beef Association

PUBLIC LANDS COUNCIL

Good morning, my name is Joe Guild. I am a rancher from Washoe County, Nevada, where I live with my wife, Catherine. I co-operate a cow-calf ranch for a family trust located on private and US Forest Service land in Douglas County, Nevada and Alpine County, California, in addition to running a small herd of my own cattle. Additionally, I'm a member of the management team for a large cattle, sheep, and dairy alfalfa ranch in Eastern Nevada that operates on private and public lands. I'm a past president of the Nevada Cattlemen's Association, member of the Public Lands Council, and current Treasurer of the National Cattlemen's Beef Association. Today, I represent nearly 25,000 of America's cattle producers who will be detrimentally impacted by federal regulation of groundwater under the Clean Water Act. Thank you, Chairman Barrasso and Ranking Member Carper, for allowing me to speak on this critical issue today.

One of the most complex environmental issues facing our country in recent history has been the Environmental Protection Agency's (EPA) attempted definition of Waters of the United States, known simply as WOTUS. NCBA has worked hard, and continues working to ensure that the definition of WOTUS is not expanded to include water that Congress never intended to regulate. However, if the EPA finds authority to regulate discharges to surface water via groundwater, any progress made on this front will be lost. The regulation of groundwater has the potential to impact even more cattle operations than the damaging 2015 WOTUS definition.

The Carson River runs through a portion of the range on the smaller ranch that I manage. The water is used to irrigate hay fields and mountain and valley pastures. A tributary runs through one of the valleys on the mountain range. To prevent degradation of the streambed, we move the cattle away from the stream as often as possible. I don't have an NPDES permit for this operation because, quite frankly, I don't need one. My cattle are not point sources, and thus do not meet the Clean Water Act's discharge standard. Through USDA-NRCS, I've implemented voluntary conservation practices on my operations, including the strategic placement of wells and underground pipelines to move water throughout the operation. Such voluntary practices increase efficiency and maintain natural resource quality, both on my operation and downstream. However, the expansion of the Clean Water Act to regulate discharges into groundwater would change all of this. Not only would such an expansion directly contradict the intent of the law, but take authority from those who can best manage groundwater quality.

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Currently, a range of thought exists when it comes to the appropriate regulation of groundwater at the federal and state level. Among those who believe federal groundwater regulation to be necessary, two schools of thought exist. The conduit theory argues that groundwater is a point source, while the direct hydrologic connection theory claims that groundwater is a conveyance. Under the plain language of the Clean Water Act, groundwater is neither. Groundwater is sufficiently managed through state programs and the Safe Drinking Water Act. Regulation under the Clean Water Act would only lead to unnecessary, duplicative permitting and enforcement, usurping current state authority.

States are uniquely positioned to manage and prevent the discharge of pollutants into groundwater.

The Clean Water Act begins by stating that it is the "policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act." This important statement indicates the key role that states play in protecting the quality of our nation's water. Unfortunately, the EPA's direct hydrologic connection theory completely obliterates this federal-state partnership through a *de facto* declaration that all waters are federal.

When Congress enacted the Clean Water Act in 1972, then amended the Act in 1987, one theme remained constant; the Clean Water Act is intended to regulate discharges to jurisdictional surface waters from point sources. The Act specifically defines a point source as a discernable, confined, and discrete conveyance that discharges pollutants to a jurisdictional surface water. By limiting Clean Water Act jurisdiction to point sources, Congress ensured that responsibility would remain with the states to regulate groundwater quality. This wasn't an accident – Congress understood that groundwater regulation could not be a one-size-fits all approach.

Only states have the flexibility to regulate groundwater discharges in a way that is most beneficial to the environment. The state of Nevada has a robust environmental regulatory regime, much of which is dedicated to maintaining groundwater quality. In western states like Nevada, water quality is directly tied into a question of water quantity. Questions of water quantity are

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often tied directly to questions of water quality, and states cannot effectively manage water rights if they have no control over the regulation of groundwater quality.

In Nevada, we have a number of different subsurface water systems that are unique to our region. Certainly, underground flow of glacial water, which is a unique piece in Nevada's water quality regulatory framework, should not be regulated in Mississippi, New Jersey, or Florida. One of the things I love most about our country is its geographic and topographic variety – every state provides a new adventure. But those new adventures present new challenges to overcome, and states are the only parties that can address soil and water quality in a holistic manner to ensure that our agricultural operations stay in business for many generations to come.

Groundwater is not a point source, and regulating it as such blurs the line between point and non-point source standards that are key to the integrity of the Clean Water Act.

The theory that groundwater may be regulated as a point source defeats the Act's bifurcated approach by blurring the line between sources and non-point sources. Bringing non-point sources into the realm of Clean Water Act regulation will exponentially expand EPA's permitting and enforcement authority, while providing little environmental benefit.

To determine if federally regulating groundwater as a point source under the Clean Water Act really provides a significant benefit, Congress and the EPA must consider what environmental benefit will be gained, and if that benefit outweighs a significant increase in operation costs. In the cattle industry, Concentrated Animal Feeding Operations (CAFOs) are defined as point sources under the Clean Water Act, and are therefore required to have an NPDES permit if there is a discharge from their operation into a jurisdictional surface water. Under the NPDES permit, CAFOs are required to implement manure management practices that prevent their operation from discharging. A CAFO does not receive an NPDES permit until it meets set requirements for nutrient management.

So who will this additional permitting requirement effect in the cattle industry? Me, the pasture-based cow-calf rancher, and the other ranchers like me across the country. We work hard to maintain the soil and water quality on our operations through the implementation of voluntary USDA-NRCS programs. Due to the unpredictable, diffuse flow of groundwater that varies depending on the hydrological and geological features in each region, it is difficult to calculate

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what amount of nutrients could be coming from my ranching operation and flowing through groundwater to distant or adjacent surface water. That all said, it would be devastating to the farming community for the government to require farmers and ranchers to get NPDES permits for groundwater flow.

To put it in perspective, the number of cattle that graze today on pasture in the United States is less than the number of buffalo that grazed America's prairies prior to westward expansion. Waste from non-point, pasture-based agriculture is simply not a regulatable source of surface water pollutant. By regulating groundwater, the EPA accomplishes nothing other than a significant expansion of Clean Water Act authority to manage operations that, frankly, do not need to be federally managed. Presently, discharges to groundwater are managed at the state level, and should remain so.

Groundwater is not a conveyance as defined by the Clean Water Act.

While it is clear that groundwater should not be regulated as a point source, additional confusion remains as to whether groundwater can be classified as a "conveyance" under the Clean Water Act. While the Act provides no definition for conveyance, the general definitions section of the Act clarifies that conveyances must be "discernable, confined, and discrete." All prior case law in this area finds that a point source may be separated from a jurisdictional surface water, and that point source can still be subject to permitting and enforcement if a conveyance exists which connects it to the surface water. However, in all cases, the conveyances considered met the qualifications provided by the Clean Water Act. In fact, these conveyances were specifically engineered to convey pollutants from one point to another. Naturally flowing and diffuse groundwater is nothing like conveyances that were designed, built, and maintained with the sole purpose of moving effluent from one point to another.

Interpretation of the Clean Water Act to regulate groundwater as a conveyance presents a significant risk to any diversified producer. Earlier, I mentioned that I assist in managing a large operation to produce alfalfa for beef cattle, dairy cattle, and sheep. On this operation, we fertilize crops and consult with experts to ensure that nutrients are no over applied. But scientific data tells us that, even with the best precision application practices – even when we do everything possible to ensure that the application of nutrients to a crop is exact, there will always be some amount of nutrient that pass the root zone. If we do our job right, that amount will be filtered out

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by soil in the groundwater system, and has little to no environmental or public health impact. However, under the direct hydrologic connection, because a risk exists of discharging to surface water, even though that risk is minimal, operations will be required to get an NPDES permit.

If Congress allows the expanded interpretation of "conveyance" to include groundwater, all sectors of the cattle industry will face additional federal regulation and scrutiny, with little to no environmental benefit. Without an incentive, farmers and ranchers will stop working voluntarily with state and federal conservation programs to protect water quality. As producers sell off their cattle out of frustration with further regulation, the industry will face further consolidation because smaller producers are unable to comply with overly burdensome permitting requirements.

Thank you for taking the time to hear my concerns, and for listening to livestock producers around the country. The key to environmental sustainability is working together with states and stakeholders, not fighting us. Thank you for your time, and I look forward to answering your questions.

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Message

From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 6/28/2018 10:09:33 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: RE: Re EPA response to PASSBACK on LRM [EHF-115-141Q*2] Additional EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals
Attachments: Whitehouse QFR10 Enclosure_3.pdf

Revised Enclosure 3 attached.

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Frye, Tony (Robert)
Sent: Thursday, June 28, 2018 11:55 AM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: FW: Re EPA response to PASSBACK on LRM [EHF-115-141Q*2] Additional EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals

Hey Carolyn, per Holly's email, do you have any thoughts? Can you make the adjustment?
Thanks,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Fitter, E. Holly H. EOP/OMB [mailto:E. Holly Fitter@omb.eop.gov]
Sent: Thursday, June 28, 2018 11:52 AM
To: Palich, Christian <palich.christian@epa.gov>
Subject: Re EPA response to PASSBACK on LRM [EHF-115-141Q*2] Additional EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals

OMB recommends that EPA Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Is EPA ok with that?

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 6/28/2018 3:55:24 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: FW: Re EPA response to PASSBACK on LRM [EHF-115-141Q*2] Additional EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals
Attachments: Whitehouse QFR10 Enclosure_3.pdf

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Thanks,
Tony

Tony Frye
Special Advisor
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Environmental Protection Agency
Cell: 202.603.3225

From: Fitter, E. Holly H. EOP/OMB [mailto:E. Holly Fitter@omb.eop.gov]
Sent: Thursday, June 28, 2018 11:52 AM
To: Palich, Christian <palich.christian@epa.gov>
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OMB recommends that EPA Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Is EPA ok with that?

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 6/19/2018 11:38:58 PM
To: [redacted]@mac.com; [redacted]@icloud.com
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Fwd: 2018.06.20 JMI Questions DRAFT
Attachments: 2018.06.20 JMI Questions DRAFT.docx; ATT00001.htm

Hi Guys,

Take a look at Senator Inhofes attached questions for tomorrow to prepare. They were kind enough to provide them to us.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: Ex. 6 - Personal Privacy

Sent from my iPhone

Begin forwarded message:

> **From:** "Wright, Jennie (Inhofe)" <Jennie_Wright@inhofe.senate.gov>
> **Date:** June 19, 2018 at 6:25:18 PM EDT
> **To:** "Palich, Christian" <palich.christian@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>
> **Subject: 2018.06.20 JMI Questions DRAFT**
>
> Here is what I've drafted for Senator Inhofe. I have not had a chance to talk with him regarding the questions. If these change in any way, I'll let you know.
>
> Sincerely,
> Jennie H. Wright
> U.S. Senator James M. Inhofe

Environment and Public Works Committee
Hearing on, "Hearing on the Nominations of William Charles McIntosh and Peter C. Wright to be Assistant Administrators of the Environmental Protection Agency."
10:00am | Wednesday, June 20, 2018 | Dirksen 406

Witnesses:

- W. Charles "Chad" McIntosh, nominee, Assistant Administrator, Office of International and Tribal Affairs (OITA), U.S. Environmental Protection Agency
- Peter C. Wright, nominee, Assistant Administrator, Office of Land and Emergency Management (OLEM), U.S. Environmental Protection Agency

Questions:

1. Mr. McIntosh, In Northeast Oklahoma we have one of the largest Superfund sites in the nation known as Tar Creek. This former lead and zinc site spans about 40 square miles and currently contains about 50 million tons of mine waste and miles of underground mines causing many different health and safety issues. Oklahoma DEQ and the Quapaw Tribe are working well with EPA on the slow and methodical cleanup of the site. The waste from the mine – chat – can be useful when mixed with asphalt in the road construction industry, but the Quapaw Tribe has run into a barrier called the Bureau of Indian Affairs that has made it very difficult for the tribe to sell the chat on their lands while other landowners can.
   - **If confirmed as Assistant Administrator of OITA, will you work with the Tribe and BIA to explore ways to simplify the process for chat sales so that the tribe can re-enter the market and sell their chat as others are doing?**
2. Mr. McIntosh, the Quapaw Tribe is the lead agency for site cleanup and they are doing a great job of remediation – in fact, Oklahoma entered into their own agreement with them to clean up nontribal land – but they do find that EPA can be a bit inflexible when it comes how the remediation is being handled. For example, EPA will not allow topsoil to be replaced once contaminated soil is removed. This severely limits the use of the land once cleanup is completed.

- **Can I get your commitment to ensure the tribe's wishes for how their land is remediated is given the proper weight and consideration they deserve?**

3. Mr. Wright, as nominee for the office that oversees the Superfund program you should know that you'll find no better partner than Chairman Berry and the Quapaw Tribe.
   - **Can I get your commitment too that the tribe's considerations for the condition they want their land in be given the weight it deserves?**
4. Thus far EPA has not investigated long term solutions to the contaminated mine water discharging into Tar Creek, and ultimately Grand Lake.
   - **Will you both commit to working with the Quapaw Tribe to find a permanent solution to this problem?**
5. Mr. Wright, the OLEM is an office that I'm very familiar with. I have a long history of working with them on the Tar Creek Superfund site and Oklahoma has many examples of the benefits from the Brownfields program. In fact, I authored the recent reauthorization of the program along with other EPW Sens. Markey, Rounds, Booker, Whitehouse, Carper and Gillibrand. That bill was included in the omnibus bill and is now law. If confirmed, you'll be in charge of implementing the reforms in this law.
   - **Do I have your commitment to implement the reforms as intended by Congress?**
6. The other side of the aisle always seems to think that working for an industry should be disqualifying when someone seeks public service. When I look at your bios, I see nominees that have a lot of experience and are familiar with our environmental laws.
   - **What will each of you and your experience bring to the Offices you're nominated for?**

ED_001863D_00020888-00002

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 6/25/2018 7:00:30 PM
To: Miller, Sophie (Daines) [Sophie_Miller@daines.senate.gov]
CC: Falvo, Nicholas [falvo.nicholas@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Most expensive Superfund sites

Hi Sophie,

The following table lists those sites where EPA has spent the most Superfund resources through the end of FY 2017. With the exception of reimbursable funds from other federal agencies, Homeland Security Supplemental appropriation, and Brownfields expenditures, the data include all EPA expenditures of Superfund appropriated and reimbursable (e.g., funds from settlements with potentially responsible parties (PRPs) resources for these sites through the end of FY 2017, including intramural (e.g., payroll) and extramural (e.g., contract, grant) expenditures.

Note: These data do not include costs incurred by PRPs as they are not required to provide that information to EPA. If we had data to include PRP expenditures, this list would look very different.

Region	State	EPA ID	Site Name	NPL Status	EPA Superfund expenditures through end of FY 2017
10	ID	IDD048340921	BUNKER HILL MINING & METALLURGICAL COMPLEX	Final	$604.2 Million
1	MA	MAD980731335	NEW BEDFORD	Final	$517.8 Million
8	MT	MT0009083840	LIBBY ASBESTOS SITE	Final	$418.0 Million
2	NJ	NJD986620995	WELSBACH & GENERAL GAS MANTLE (CAMDEN RADIATION)	Final	$346.6 Million
6	OK	OKD980629844	TAR CREEK (OTTAWA COUNTY)	Final	$271.7 Million

Source: IFMS/Compass data as of EOFY 2017 (in nominal dollars)

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov

From: Miller, Sophie (Daines) [mailto:Sophie_Miller@daines.senate.gov]
Sent: Wednesday, June 20, 2018 3:41 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: Most expensive Superfund sites

Hello Christian,

Would you be able to share which Superfund sites are the most expensive? I understand there may be two categories: EPA-funded and PRP-funded. If that's the case, two separate lists would be fine.

Thank you.

-Sophie

--

Sophie Miller
Legislative Assistant
U.S. Senator Steve Daines (MT)
202.224.2651 (o)
www.daines.senate.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 6/13/2018 7:28:29 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: For Review: Senator Udall staff Information request on Superfund sites

Fine by me. Thanks Carolyn.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: 202.306.4656

Sent from my iPhone

On Jun 13, 2018, at 3:26 PM, Levine, Carolyn <Levine.Carolyn@epa.gov> wrote:

Hi Christian,

Attached is information from both OECA and OLEM to respond to Jonathan's request (below) for information on the Administrator's Emphasis List sites to include: NPL Hazard Ranking Score, list of PRPs. It is two separate documents because it was pulled from two databases. I tried to save the excel spreadsheet as pdf, but it changed the formatting and it became 170 pages. It just lists PRPs, no sensitive data, so I think Excel is fine—I marked it as final.

For his request for PRP Notice Letters, I directed him to EPA's website for an example template for General and Special Notice letters: https://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/index.cfm?action=3&sub_id=1219

Please let me know if you have any concerns with providing these spreadsheets. I'm happy to discuss.

Thanks,
Carolyn

Carolyn Levine
Office of Congressional and Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Thursday, June 07, 2018 12:04 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: Information request on Superfund sites

Hi Carolyn,

I'm hoping you can easily pull together some information for me. Below is the Administrator's list of Superfund sites targeted for immediate and intense action. I'd like to see the Hazardous Rating Scores for these sites as well as lists of Potentially Responsible Parties. I'd also like to also see any notice letters sent to the PRPs, but perhaps there is a template or something else that is easier to pull.

We are requesting information to help our office better understand the development of and progress on the Administrator's priority list of Superfund sites that have been initiated in the time following the Administrator's confirmation.

Thanks!
---Jonathan

FROM: https://www.epa.gov/superfund/superfund-sites-targeted-immediate-intense-action

Mohawk Tannery
Centredale Manor Restoration Project
American Cyanamid Co.
Diamond Alkali Co. (aka Upper Lower Passaic)
Ventron/Velsicol (aka Berry's Creek)
L. A. Clarke & Son
Delaware Sand & Gravel Landfill
B.F. Goodrich
Mississippi Phosphates Corporation
U.S. Smelter and Lead Refinery, Inc. (aka USS Lead or East Chicago)
Allied Paper, Inc./Portage Creek/Kalamazoo River
St. Regis Paper Co.
Tar Creek (Ottawa County)
Des Moines TCE (aka Dico Company)
West Lake Landfill
Bonita Peak Mining District
Anaconda Co. Smelter
Silver Bow Creek/Butte Area
Orange County North Basin
Casmalia Resources
Portland Harbor
Quendall Terminal

In addition to the sites on the list targeted for immediate and intense action, can you please supply the same information for these sites?

Quivara Vent Hole (Ashtabula, NM)
Hudepohl Brewery Site (Cincinnati, OH)
Zizzo Properties (Kenosha, WI)
Liberty Street Ansonia Copper and Brass Site (Ansonia, CT)
USS Lead (East Chicago, IL)
Madison County Mines (Fredericktown, MO)
Black Butte Mine Site (Cottage Grove, OR)
Burlington Industries/Highland Industries Site (Cheraw, DC)
Lower Darby Creek Area (Darby Township, PA)
Mississippi Phosphates Site (Pascagoula, MS)
35th Avenue Site (Birmingham, AL)
Wiley's Bridge Lead Site (Reading, PA)
Marina Spill Jersey City (Jersey City, NJ)

Hope Iron and Metal (Hope, AR)
Pittsburgh White Metal (Brooklyn, NY)
Oronogo-Duenweg Mining Belt (Joplin, MO)
Safety Light Corp (Bloomsburg, PA)
Tar Creek Site (Ottawa, OK)
Treece OU4 (Cherokee, KS)
Zephyr Oil Refinery (Muskogee, MI)

<AEL sites-HRS Scores.pdf>

<AEL sites -PRPs-June 2018.xlsx>

Message

From: Tracey MacDermott [Ex. 6 - Personal Privacy @yahoo.com]
Sent: 12/13/2017 1:45:01 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Tar Creek

I have to wonder why you refused to prosecute over the environmental disaster at Tar Creek? Your destruction and disgusting favors know no end!

Message

From: [redacted]@att.net [redacted]@att.net]
Sent: 12/22/2017 5:30:19 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Message from Tar Creek
Attachments: IMG_1793.JPG

Dear Mr. Pruitt,

We are hoping you have the best of holidays. We are sending you a banner from Tar Creek, it will be arriving in a box decorated with Christmas wrapping. The only thing inside is a banner with signatures from people who care like you do and want a clean Tar Creek (and a piece of paper with these words on it). In order to have it happen we know you have our support for a strong EPA and the funding you will need to make the Superfund Program work for our communities and all the others across the country.

With Regards,
Rebecca Jim

LEAD Agency, Inc.

Virus-free. www.avast.com

Message

From: shauna evans [Ex. 6 - Personal Privacy @att.net]
Sent: 10/12/2017 2:57:48 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Re: Your Message to EPA Administrator E. Scott Pruitt

Dear Mr. Pruitt,
I am hoping you are not just giving lip service to this. I have seen the environment destroyed over and over again with mountaintop removal, oil spills in the streams and the oceans, lead dripping into Tar Creek. You and I both know that the effects are irreversible. Let's take the right direction this time and not go down that path. As a wise person once said,
When the last tree has been cut down, the last fish caught, the last river poisoned, only then will we realize that one **cannot eat money**.

Shauna L. Evans

On Wednesday, October 11, 2017 7:43 PM, "Pruitt, Scott" <Pruitt.Scott@epa.gov> wrote:

Thank you for your email message.

Promoting and protecting a strong and healthy environment is among the lifeblood priorities for the government. The U.S. Environmental Protection Agency is vital to that mission. I am proud to lead this agency, and I seek to listen and learn as we address the issues we face as a nation.

I believe we can grow our economy and harvest the resources we are blessed with while also being good stewards of the air, land and water by which we have been favored.

Together with the dedicated public servants at the EPA and our state partners across this great country, we can and will achieve clean air and water and strong economic growth and job creation. I hope you will visit www.epa.gov to learn more about our work and to follow our progress.

My staff will follow up in response to your email as necessary and appropriate.

Respectfully yours,
E. Scott Pruitt
EPA Administrator

Message

From: Kenneth Gill (Ex. 6 - Personal Privacy@hotmail.com) Sent You a Personal Message [automail@knowwho.com]
Sent: 4/15/2018 5:58:32 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: EPA Administrator Scott Pruitt: Resign

Dear EPA Administrator Scott Pruitt,

I am a Oklahoman your disgraceful actions with Tar creek are disgusting please consider our state and Federal lands future for all of our Grandchildren they are watching

By recklessly moving to dismantle critical health protections like the Clean Power Plan and clean water protections, rejecting standards that would reduce methane pollution, allowing dangerous chemicals to remain on the market, and advocating for the United States to abdicate its leadership role in the global clean energy economy, you are deliberately defying the wishes of the American people and undermining the mission of the EPA. Moreover, you have wasted tens of thousands of taxpayer dollars on luxury first-class and business-class plane tickets and chartered jets, sparking investigations into your stewardship of the public trust raising concerns among Congressional Republicans and Democrats alike.

It's clear where your priorities lie, Administrator Pruitt - with polluters and your political benefactors, not American families.

For your numerous ethical breaches, alarming dirty dealings with polluters and the irreparable damage that you've done to our health and environment, you must resign immediately.

Sincerely,

Kenneth Gill

Ex. 6 - Personal Privacy

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

Message

From: gary jones (Ex. 6 - Personal Privacy @SBCGLOBAL.NET) Sent You a Personal Message [automail@knowwho.com]
Sent: 4/12/2018 3:36:28 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: EPA Administrator Scott Pruitt: Resign

Dear EPA Administrator Scott Pruitt,

By recklessly moving to dismantle critical health protections like the Clean Power Plan and clean water protections, rejecting standards that would reduce methane pollution, allowing dangerous chemicals to remain on the market, and advocating for the United States to abdicate its leadership role in the global clean energy economy, you are deliberately defying the wishes of the American people and undermining the mission of the EPA. Moreover, you have wasted tens of thousands of taxpayer dollars on luxury first-class and business-class plane tickets and chartered jets, sparking investigations into your stewardship of the public trust raising concerns among Congressional Republicans and Democrats alike.

It's clear where your priorities lie, Administrator Pruitt - with polluters and your political benefactors, not American families.

For your numerous ethical breaches, alarming dirty dealings with polluters and the irreparable damage that you've done to our health and environment, you must resign immediately.

Sincerely,

gary jones

Ex. 6 - Personal Privacy

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Message

From: Defenders of Wildlife [Ex. 6 - Personal Privacy]
on behalf of Gary Jones [Ex. 6 - Personal Privacy]
Sent: 8/15/2017 1:24:04 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Protect Bristol Bay - Stop the Pebble Mine

Aug 15, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I am writing as a Defender of Wildlife and a concerned citizen regarding the decision on July 14th by the Environmental Protection Agency (EPA) to eliminate its 2014 protection of Bristol Bay under the Clean Water Act. This decision will make it easier for the proposed Pebble Mine to proceed, but I forcefully reject the idea that we should allow a foreign mining company to build a massive open-pit mine in Bristol Bay, Alaska near some of our nation's most precious waters.

Every year, tens of millions of wild salmon return to Bristol Bay, supporting 14,000 American jobs, over $90 million in recreation and tourism revenue and an incredible variety of wildlife ranging from Pacific walrus to brown bears.

The protection of Bristol Bay was supported by over a million Americans and erasing these protections represents a huge shift in the agency's approach to protecting the nation's clean waters and the important species like salmon found in them. This change in course reflects a pro-industry administration turning a blind eye to the future of Bristol Bay and our nation's valuable salmon fisheries.

In addition to jeopardizing Bristol Bay and a world class salmon run, the development of Pebble Mine would include a large jetty into Cook Inlet, a key habitat for endangered Cook Inlet beluga whales.

The Environmental Protection Agency has already determined that the mine will have "adverse effects" on the Bristol Bay region, and we should not go back on the agency's determination now.

Please respect the American people's overwhelming desire to protect salmon, its habitat and species like Cook Inlet belugas and do everything you can to shield them from the impacts of a large mine.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Defenders of Wildlife Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 10/8/2017 5:33:35 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Protect Bristol Bay - Stop the Pebble Mine

Oct 8, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I am writing as a Defender of Wildlife and a concerned citizen regarding the decision on July 14th by the Environmental Protection Agency (EPA) to eliminate its 2014 protection of Bristol Bay under the Clean Water Act. This decision will make it easier for the proposed Pebble Mine to proceed, but I forcefully reject the idea that we should allow a foreign mining company to build a massive open-pit mine in Bristol Bay, Alaska near some of our nation's most precious waters.

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The Environmental Protection Agency has already determined that the mine will have "adverse effects" on the Bristol Bay region, and we should not go back on the agency's determination now.

Please respect the American people's overwhelming desire to protect salmon, its habitat and species like Cook Inlet belugas and do everything you can to shield them from the impacts of a large mine.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: World Wildlife Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 9/8/2017 2:19:26 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Protect Bristol Bay from the Pebble Mine!

Sep 8, 2017

Administrator E. Scott Pruitt

Dear Admin. Pruitt and Acting Region 10 Admin. Pirzadeh Administrator Pruitt,

I am writing today to encourage the US Environmental Protection Agency (EPA) to protect Bristol Bay, Alaska, from the proposed Pebble Mine that would threaten the region's irreplaceable fish and wildlife resources and the 14,000 jobs that depend on Bristol Bay's clean, healthy waters. EPA must keep the Bristol Bay 404(c) Proposed Determination in place to protect Bristol Bay, its salmon, waters, people, and sustainable economy from the proposed Pebble Mine.

EPA's own scientific study contains highly concerning facts: even without a mine disaster, construction of the Pebble deposit will destroy 94 miles of salmon streams and 5,350 acres of wetlands, lakes and ponds. Overall, EPA concluded that mining the headwaters of the Bristol Bay river systems could cause irreparable harm to the valuable Bristol Bay fishery, wildlife, and people.

According to the EPA's own study, the Bristol Bay watershed provides vital habitat for 29 fish species, more than 190 bird species, and more than 40 terrestrial animals. All five species of Pacific salmon--sockeye, Chinook, coho, chum and pink--spawn and rear in the pristine Bristol Bay watershed. The Bristol Bay watershed supports the largest sockeye salmon run in the world, producing approximately 46% of the world's wild sockeye harvest, creating $1.5 billion in economic output and nearly 20,000 jobs.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: World Wildlife Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 10/15/2017 4:43:59 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Protect Bristol Bay from the Pebble Mine!

Oct 15, 2017

Administrator E. Scott Pruitt

Dear Admin. Pruitt and Acting Region 10 Admin. Pirzadeh Administrator Pruitt,

I am writing today to encourage the US Environmental Protection Agency (EPA) to protect Bristol Bay, Alaska, from the proposed Pebble Mine that would threaten the region's irreplaceable fish and wildlife resources and the 14,000 jobs that depend on Bristol Bay's clean, healthy waters. EPA must keep the Bristol Bay 404(c) Proposed Determination in place to protect Bristol Bay, its salmon, waters, people, and sustainable economy from the proposed Pebble Mine.

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Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Earthjustice Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 7/6/2017 6:37:30 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Don't turn your back on Bristol Bay

Jul 6, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

Don't rape Mother Earth. We owe her our life.

I write in support of the communities of Alaska's Bristol Bay and ask you not to withdraw the proposed determination to adopt restrictions protecting the habitat of Bristol Bay's world-renowned salmon.

The proposed determination was made at the request of local communities and adopted only after years of rigorous scientific study, public participation and peer review. The EPA was correct in 2014 when it found that the Pebble Mine would have "significant and unacceptable adverse effects" on "one of the most productive, pristine, valuable and vulnerable ecosystems remaining in North America today."

The EPA has noted that commercial fishing in Bristol Bay generates $300 million annually in direct sales of commercially caught salmon, generating 11,000 jobs. These salmon support not only the commercial and sportfishing industries, but a traditional Native way of life that has endured for millennia and thrives today.

The EPA should stand by its proposed determination and take all necessary actions to protect the Bristol Bay watershed.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 4/2/2018 9:40:24 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Rolling back Clean Car Standards is bad for America.

Apr 2, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

Dear Administrator Pruitt,

I am writing today in strong opposition to the Trump Administration's decision to attack America's Clean Car Standards.

These pollution control standards are a win-win -- they're protecting us from climate change while saving Americans money at the pump. Unraveling these standards would unnecessarily waste Americans' hard-earned money.

To remain competitive in a global market increasingly dominated by China, America must invest in cleaner-running cars. China is the top market for electric vehicles with hundreds of thousands of such cars on the road, and reported a 70-percent increase in sales of EVs in 2016. Canada, France, and Sweden all saw remarkable increases as well. If we want to export American-made cars to China or France a few years from now, these standards need to remain in place.

Last year, the EPA concluded an exhaustive technical review of the industry's ability to meet the phase of the standards covering 2022-2025 model years, and found industry can meet those standards at lower costs than initially predicted.

Don't unravel this progress. Keep these crucial standards in place.

Sincerely,
Gary Jones

Ex. 6 - Personal Privacy

Sincerely,

Dr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: gary jones Ex. 6 - Personal Privacy @SBCGLOBAL.NET]
Sent: 4/4/2018 3:04:39 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: That's the WRONG WAY on clean cars

VIOLATION NOTICE

NAME: EPA Administrator Scott Pruitt

ADDRESS: U.S. Environmental Protection Agency Headquarters, Washington, D.C.

VIOLATION DATE: 04/01/2018

VIOLATIONS: Traveling the WRONG WAY on clean car standards.

EPA Administrator Scott Pruitt: We're citing you for going the wrong way on clean cars.

The CAFE standards are the most effective national policy we have on the books to reduce climate-changing carbon emissions. If left intact, they will slash U.S. climate-changing emissions by 6 billion metric tons by 2030.

Shifting into reverse on these standards is the equivalent of driving to endanger the planet and future generations.

We implore you to respect climate science, fulfill the mission of your agency, and act to protect the health and environment of Americans. Do not weaken our auto emission and fuel economy standards.

gary jones
Ex. 6 - Personal Privacy

Message

From: Gary Jones [Ex. 6 - Personal Privacy]@sbcglobal.net) Sent You a Personal Message [automail@knowwho.com]
Sent: 9/30/2017 4:18:29 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: [SPAM] You must resign

Dear EPA Administrator Scott Pruitt,

As you know, Secretary Price has resigned, due to increasing criticism over his superfluous and wasteful travel expenses.

But, recent media has reported that you have also spent hardworking Americans' taxpayer dollars on private chartered and military flights, when cheaper options were available. From Sec. Zinke's recent $12,000 charter flight on an oil executive's jet to Administrator Pruitt's $58,000 worth of private flights since February and more, this abuse of power and money is unacceptable.

These actions are a disgrace to your position and must be accounted for. Please resign immediately.

Sincerely,

Gary Jones

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Message

From: J. Hom & J. O'Toole [Ex. 6 - Personal Privacy]@yahoo.com]
Sent: 4/29/2018 7:44:51 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]; esp7, [esp7@epa.gov]; adm14pruitt@epa.gov; sooners7, adm [sooners7@epa.gov]
Subject: Your Congressional interview

Dear Mr. Pruitt,

I am wondering why you are the EPA Director when it appears that you do not understand and/or care about the EPA's mission "...to protect human health and the environment". I am also wondering what you are actually doing to protect our health and environment? As an American paying your salary and department's expenses, I am wondering why you are working for a federal department that you actually want to destroy.

As far as I can tell, all you have done so far is destroy environmental protections and abuse our taxpayers' funds. You are part of the "swamp" being created by the Trump administration, because of your many outrageous scandals:

- Flying on a military plane or private jet at a cost to taxpayers of $60,000. You should fly on commercial flights only, like all federal employees must do! Why would you ever need a military plane or a private jet?!

- Paying a wife of a lobbyist $50/month for a condo -- do you fail to see the conflict of interest here?

- $30,000 on security for a trip to Italy? Flying first class and spending enormous amounts on travel even in Oklahoma? The average American does not even know what you look like, so why do you need so much security when you travel (again, another huge abuse of taxpayers' funds)? If you think you face alleged threats in public due to a "toxic environment", you only have yourself to blame because you are destroying national parks and all that is dear to Americans.

- A $43,000 phone booth? REALLY? Are you more important than Trump that you need such security for your calls? I don't believe you are in the intelligence community or making national security calls. You may be hiding your calls to lobbyists, oil and mining magnates, and others out to destroy our environment, but you have at least three other email addresses to communicate with, right?

- You have hired and given huge raises (from inappropriate funds) to close cronies to help destroy the EPA from within -- even though you say you didn't know the details of these raises, you obviously approved the hiring of people antagonistic to the EPA like yourself, one of whom approved mortgages for you in OK.

- Do you think that you can hide all your anti-environmental decisions and phone calls by concealing from the American public transcriptions of meetings and decisions and call logs?

I would venture to say that you left your ethics in Oklahoma, except that I know you pulled the wool over residents of Oklahoma too. We in Oklahoma know how cozy you were with oil, gas and agriculture industries as AG. We remember Tar Creek and how you have appeared to cover up criminal wrongdoing! YOU NEED TO RESIGN NOW -- you destroyed lives in Oklahoma, and now you want to do the same to so many more Americans. You are a disgrace to Oklahoma and an immoral, unethical and greedy man in all ways. You deserve nothing better than to live in Tar Creek with Sen. Inhofe for the remainder of your worthless lives.

Jean O'Toole

Message

From: Gary Jones [Ex. 6 - Personal Privacy @yahoo.com) Sent You a Personal Message [automail@knowwho.com]
Sent: 10/8/2017 11:57:25 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: You must resign

Dear EPA Administrator Scott Pruitt,

As you know, Secretary Price has resigned, due to increasing criticism over his superfluous and wasteful travel expenses.

But, recent media has reported that you have also spent hardworking Americans' taxpayer dollars on private chartered and military flights, when cheaper options were available. From Sec. Zinke's recent $12,000 charter flight on an oil executive's jet to Administrator Pruitt's $58,000 worth of private flights since February and more, this abuse of power and money is unacceptable.

These actions are a disgrace to your position and must be accounted for. Please resign immediately.

Sincerely,

Gary Jones

Ex. 6 - Personal Privacy

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

Message

From: Gary Jones [Ex. 6 - Personal Privacy]
Sent: 4/30/2018 6:38:36 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Stop delaying chemical disaster prevention

Dear EPA Administrator Scott Pruitt,

Chemical disasters killed or injured people in the United States nearly every week, on average, according to data from the decade the Environmental Protection Agency evaluated and relied upon to develop its Chemical Disaster Rule. Toxic chemical fires, explosions and exposures have continued during the EPA's delay of this important rule, and it is unacceptable that the agency continues to stall these protections needed to save lives and prevent injuries and illnesses for workers and communities in harm's way. I support the EPA's January 2017 Chemical Disaster Rule, which strengthened the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act, and which will reduce both the frequency and magnitude of chemical releases and disasters and the harm from these incidents. These commonsense updates took years to develop with multiagency review, and included significant input from communities, first responders, industry and security experts, including other federal agencies. I oppose any delay in these much-needed protections and ask you to put these measures fully in force without weakening them. Please do not engage in a bait-and-switch that puts corporate polluters' profits ahead of public health and safety.

Chemical releases, fires and explosions, even though they are often preventable, continue to harm and threaten the lives and health of workers, first responders and nearby communities. The EPA originally tailored the new protections to strengthen coordination with local first responders, ensure accidents are thoroughly investigated and make sure that chemical facilities in the most dangerous industries evaluate available options to improve safety. These basic protections will save lives by reducing how often disasters occur and by limiting the damage they cause when they do occur.

The Chemical Disaster Rule developed by the EPA would save lives and prevent tragic chemical disasters, as the agency found and as is shown by a long list of Chemical Safety Board investigations of fires, explosions and other incidents at oil refineries and other chemical facilities in recent years. Please stand with Americans who do not want to face more fires and explosions and should not have to continue living under the constant threat of another chemical disaster.

We look to the EPA to protect our air, our water and our families' health and safety. The vast majority of Americans want stronger, not weaker, chemical facility safety and disaster prevention measures in place.

That's why we are asking that you listen to the communities, workers and first responders who have called for these protections for years, and that you not continue to delay these safeguards. Every day you delay is another day a community is in danger from yet another chemical incident that the EPA can and must help prevent. We need the Chemical Disaster Rule's protections to be in full force, before more people die, are injured, have to seek medical care or are forced to seek shelter from chemical exposure because of the EPA's failure to follow the law and meet its responsibility to protect health and safety.

Regards,
Gary Jones

[Ex. 6 - Personal Privacy]

Message

From: Gary Jones [Ex. 6 - Personal Privacy]
Sent: 4/28/2018 5:36:58 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Stop delaying chemical disaster prevention

Dear EPA Administrator Scott Pruitt,

Chemical disasters killed or injured people in the United States nearly every week, on average, according to data from the decade the Environmental Protection Agency evaluated and relied upon to develop its Chemical Disaster Rule. Toxic chemical fires, explosions and exposures have continued during the EPA's delay of this important rule, and it is unacceptable that the agency continues to stall these protections needed to save lives and prevent injuries and illnesses for workers and communities in harm's way. I support the EPA's January 2017 Chemical Disaster Rule, which strengthened the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act, and which will reduce both the frequency and magnitude of chemical releases and disasters and the harm from these incidents. These commonsense updates took years to develop with multiagency review, and included significant input from communities, first responders, industry and security experts, including other federal agencies. I oppose any delay in these much-needed protections and ask you to put these measures fully in force without weakening them. Please do not engage in a bait-and-switch that puts corporate polluters' profits ahead of public health and safety.

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Regards,
Gary Jones
[Ex. 6 - Personal Privacy]

Message

From: Gary Jones Ex. 6 - Personal Privacy
Sent: 4/28/2018 4:50:58 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Stop delaying chemical disaster prevention

Dear EPA Administrator Scott Pruitt,

Chemical disasters killed or injured people in the United States nearly every week, on average, according to data from the decade the Environmental Protection Agency evaluated and relied upon to develop its Chemical Disaster Rule. Toxic chemical fires, explosions and exposures have continued during the EPA's delay of this important rule, and it is unacceptable that the agency continues to stall these protections needed to save lives and prevent injuries and illnesses for workers and communities in harm's way. I support the EPA's January 2017 Chemical Disaster Rule, which strengthened the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act, and which will reduce both the frequency and magnitude of chemical releases and disasters and the harm from these incidents. These commonsense updates took years to develop with multiagency review, and included significant input from communities, first responders, industry and security experts, including other federal agencies. I oppose any delay in these much-needed protections and ask you to put these measures fully in force without weakening them. Please do not engage in a bait-and-switch that puts corporate polluters' profits ahead of public health and safety.

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Regards,
Gary Jones
Ex. 6 - Personal Privacy

Message

From: Gary Jones [Ex. 6 - Personal Privacy]
Sent: 4/28/2018 1:38:42 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Stop delaying chemical disaster prevention

Dear EPA Administrator Scott Pruitt,

Chemical disasters killed or injured people in the United States nearly every week, on average, according to data from the decade the Environmental Protection Agency evaluated and relied upon to develop its Chemical Disaster Rule. Toxic chemical fires, explosions and exposures have continued during the EPA's delay of this important rule, and it is unacceptable that the agency continues to stall these protections needed to save lives and prevent injuries and illnesses for workers and communities in harm's way. I support the EPA's January 2017 Chemical Disaster Rule, which strengthened the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act, and which will reduce both the frequency and magnitude of chemical releases and disasters and the harm from these incidents. These commonsense updates took years to develop with multiagency review, and included significant input from communities, first responders, industry and security experts, including other federal agencies. I oppose any delay in these much-needed protections and ask you to put these measures fully in force without weakening them. Please do not engage in a bait-and-switch that puts corporate polluters' profits ahead of public health and safety.

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Regards,
Gary Jones

Ex. 6 - Personal Privacy

Message

From: Gary Jones [Ex. 6 - Personal Privacy @SBCGLOBAL.NET]
Sent: 4/7/2018 9:59:12 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Stop delaying chemical disaster prevention

Dear EPA Administrator Scott Pruitt,

Chemical disasters killed or injured people in the United States nearly every week, on average, according to data from the decade the Environmental Protection Agency evaluated and relied upon to develop its Chemical Disaster Rule. Toxic chemical fires, explosions and exposures have continued during the EPA's delay of this important rule, and it is unacceptable that the agency continues to stall these protections needed to save lives and prevent injuries and illnesses for workers and communities in harm's way. I support the EPA's January 2017 Chemical Disaster Rule, which strengthened the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act, and which will reduce both the frequency and magnitude of chemical releases and disasters and the harm from these incidents. These commonsense updates took years to develop with multiagency review, and included significant input from communities, first responders, industry and security experts, including other federal agencies. I oppose any delay in these much-needed protections and ask you to put these measures fully in force without weakening them. Please do not engage in a bait-and-switch that puts corporate polluters' profits ahead of public health and safety.

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We look to the EPA to protect our air, our water and our families' health and safety. The vast majority of Americans want stronger, not weaker, chemical facility safety and disaster prevention measures in place.

That's why we are asking that you listen to the communities, workers and first responders who have called for these protections for years, and that you not continue to delay these safeguards. Every day you delay is another day a community is in danger from yet another chemical incident that the EPA can and must help prevent. We need the Chemical Disaster Rule's protections to be in full force, before more people die, are injured, have to seek medical care or are forced to seek shelter from chemical exposure because of the EPA's failure to follow the law and meet its responsibility to protect health and safety.

Regards,
Gary Jones

Ex. 6 - Personal Privacy

Message

From: Gary Jones [redacted]@comcast.net]
Sent: 4/5/2018 11:49:38 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Stop delaying chemical disaster prevention

Dear EPA Administrator Scott Pruitt,

Chemical disasters killed or injured people in the United States nearly every week, on average, according to data from the decade the Environmental Protection Agency evaluated and relied upon to develop its Chemical Disaster Rule. Toxic chemical fires, explosions and exposures have continued during the EPA's delay of this important rule, and it is unacceptable that the agency continues to stall these protections needed to save lives and prevent injuries and illnesses for workers and communities in harm's way. I support the EPA's January 2017 Chemical Disaster Rule, which strengthened the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act, and which will reduce both the frequency and magnitude of chemical releases and disasters and the harm from these incidents. These commonsense updates took years to develop with multiagency review, and included significant input from communities, first responders, industry and security experts, including other federal agencies. I oppose any delay in these much-needed protections and ask you to put these measures fully in force without weakening them. Please do not engage in a bait-and-switch that puts corporate polluters' profits ahead of public health and safety.

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The Chemical Disaster Rule developed by the EPA would save lives and prevent tragic chemical disasters, as the agency found and as is shown by a long list of Chemical Safety Board investigations of fires, explosions and other incidents at oil refineries and other chemical facilities in recent years. Please stand with Americans who do not want to face more fires and explosions and should not have to continue living under the constant threat of another chemical disaster.

We look to the EPA to protect our air, our water and our families' health and safety. The vast majority of Americans want stronger, not weaker, chemical facility safety and disaster prevention measures in place.

That's why we are asking that you listen to the communities, workers and first responders who have called for these protections for years, and that you not continue to delay these safeguards. Every day you delay is another day a community is in danger from yet another chemical incident that the EPA can and must help prevent. We need the Chemical Disaster Rule's protections to be in full force, before more people die, are injured, have to seek medical care or are forced to seek shelter from chemical exposure because of the EPA's failure to follow the law and meet its responsibility to protect health and safety.

Regards,
Gary Jones

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 9/30/2017 11:55:01 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: We need to talk about climate change now more than ever.

Sep 30, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I am writing today out of deep concern. Your comments on CNN that discussions connecting Hurricane Irma's impending destruction and the climate crisis are "insensitive" are, to me, deeply disturbing.

We should absolutely be focusing on helping Harvey and Irma's victims, ensuring they have access to clean water and protecting them from the dangers associated with superfund sites. However, while we take action, we also need to state firmly and clearly that climate change--and the warming ocean waters it creates--are fueling these storms and devastating Americans.

If we do not recognize the danger, call it by name, and begin making plans for action, more Americans will lose their loved ones, their homes, and even their lives to these deadly storms. Both today's victims of extreme weather, and victims for generations to come, deserve better.

Rather than ignoring the problem or putting the conversation off, please address the climate crisis head-on, and state clearly and without question that it is fueling these catastrophic weather events.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Gary Jones [Ex. 6 - Personal Privacy]@sbcglobal.net]
Sent: 5/23/2018 9:57:26 AM
To: Pruitt, Scott [pruitt.scott@epa.gov]
Subject: Close Dangerous Coal Ash Ponds

Dear EPA Administrator,

Coal ash ponds, used to store the toxic byproducts of coal production, are accidents waiting to happen. Often located near waterways, many of these ponds are vulnerable to flooding and have the real potential to leak hazardous toxics -- including arsenic and lead -- into our drinking water. I urge you to close these dangerous storage ponds, and protect our waterways and our communities.

Sincerely,

Gary Jones
Ex. 6 - Personal Privacy

Message

From: Gary Jones [Ex. 6 - Personal Privacy]@yahoo.com]
Sent: 5/21/2018 2:00:12 PM
To: Pruitt, Scott [pruitt.scott@epa.gov]
Subject: [DMARC Fail] Close Dangerous Coal Ash Ponds

Dear EPA Administrator,

Coal ash ponds, used to store the toxic byproducts of coal production, are accidents waiting to happen. Often located near waterways, many of these ponds are vulnerable to flooding and have the real potential to leak hazardous toxics -- including arsenic and lead -- into our drinking water. I urge you to close these dangerous storage ponds, and protect our waterways and our communities.

Sincerely,

Gary Jones

Ex. 6 - Personal Privacy

Message

From: Gary Jones [redacted]@comcast.net]
Sent: 5/18/2018 8:09:56 PM
To: Pruitt, Scott [pruitt.scott@epa.gov]
Subject: Close Dangerous Coal Ash Ponds

Dear EPA Administrator,

Coal ash ponds, used to store the toxic byproducts of coal production, are accidents waiting to happen. Often located near waterways, many of these ponds are vulnerable to flooding and have the real potential to leak hazardous toxics -- including arsenic and lead -- into our drinking water. I urge you to close these dangerous storage ponds, and protect our waterways and our communities.

Sincerely,

Gary Jones
Ex. 6 - Personal Privacy

Message

From: Care2 [Ex. 6 - Personal Privacy @care2team.com]
on behalf of gary jones [info@care2.com]
Sent: 1/24/2018 3:56:58 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: The EPA Should Protect Our Communities NOT Polluters

Jan 23, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I oppose your reckless proposal to repeal the Clean Power Plan. We need the Environmental Protection Agency (EPA) to use strong, independent science to assess the actual risks and costs that climate change and power plant pollution pose to the public.

pollution fuels climate change and increases temperatures, which can worsen air quality, exacerbate asthma attacks, and contribute to more intense and costly extreme weather events.

I support the Clean Power Plan because it sets common sense limits on carbon pollution from power plants and positions the United States to be a leader in the global clean energy economy. Renewable energy is already delivering safe, reliable, and affordable power to consumers--diversifying our electricity mix, strengthening state and local economies, and reducing harmful air pollution.

By moving to repeal the Clean Power Plan, the EPA is undermining vital health protections that reduce air pollution and help address climate change. We need the EPA to strengthen safeguards that help address climate change, not tear them down.

I am calling on you to put the health and safety of our communities ahead of politics and stop the repeal of this critical step towards a more breathable and safer future.

Sincerely,

Ms. gary jones

Ex. 6 - Personal Privacy

Message

From: World Wildlife Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 11/15/2017 10:21:59 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Support the Clean Power Plan

Nov 15, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt Administrator Pruitt,

When it was released in 2015, the Clean Power Plan (CPP) marked the first national standards to limit carbon pollution from power plants and was the most significant action to address climate change ever taken by the US. It also satisfied the legal requirement under the Clean Air Act that EPA regulate carbon dioxide as a pollutant that endangers human health and welfare--a requirement that has been upheld by the U.S. Supreme Court.

Your proposed repeal of the Clean Power Plan would be a substantial step backwards for the global effort to confront climate change and will put the health and welfare of Americans at greater risk.

With wildfires, hurricanes, and extreme weather-related disasters posing increasing threats to American communities, we must continue to decrease carbon emissions and move in the direction of a renewable energy future.

The CPP plays an integral role in responding to these threats and helping to get global emissions under control. Your proposed repeal sets back the clock, but it also ignores the ambitious actions being taken by companies, states, cities, and communities across America that are taking significant strides towards creating a future powered by renewable energy. It also ignores the clear will of the American people: a majority of adults in every congressional district supports limiting carbon dioxide emissions from existing coal-fired power plants.

I strongly support the Clean Power Plan, and believe that the recent repeal proposed by the EPA will do irreparable harm to Americans. I call on you to enforce the Clean Power Plan in its present form and fulfill your legal obligation under the Clean Air Act to regulate carbon dioxide emissions.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: World Wildlife Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 11/14/2017 2:52:13 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Support the Clean Power Plan

Nov 14, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt Administrator Pruitt,

When it was released in 2015, the Clean Power Plan (CPP) marked the first national standards to limit carbon pollution from power plants and was the most significant action to address climate change ever taken by the US. It also satisfied the legal requirement under the Clean Air Act that EPA regulate carbon dioxide as a pollutant that endangers human health and welfare--a requirement that has been upheld by the U.S. Supreme Court.

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Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of GARY JONES Ex. 6 - Personal Privacy
Sent: 10/29/2017 7:00:46 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Revoking the Clean Power Plan moves America in the wrong direction

Oct 29, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today to strongly oppose any attempts to revoke or weaken the Clean Power Plan, America's first-ever nationwide limits on carbon pollution from existing power plants.

Rolling back the Clean Power Plan would cost American lives and threaten the health of our communities. Large majorities of Americans in red and blue states alike support the Clean Power Plan and they want swift action to implement and strengthen this vital safeguard, not tear it down.

It would also ignore settled law that greenhouse gases are pollutants under the Clean Air Act, and that EPA has a responsibility to protect the public from this harmful pollution. In 2011, the U.S. Supreme Court found that the Clean Air Act provision that underlies the Clean Power Plan "speaks directly" to climate pollution from existing power plants.

And it undermines the powerful economic engine that is America's clean energy economy. U.S. wind facilities supply rural landowners with $222 million in revenue every year, and the solar industry employed 200,000 people in 2016, with 31,000 new jobs added just last year.

Please keep America moving forward and do not propose to revoke these crucial protections.

Sincerely,

Mr. GARY JONES

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of GARY JONES Ex. 6 - Personal Privacy
Sent: 8/12/2017 11:35:52 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Revoking the Clean Power Plan moves America in the wrong direction

Aug 12, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today to strongly oppose any attempts to revoke or weaken the Clean Power Plan, America's first-ever nationwide limits on carbon pollution from existing power plants.

Rolling back the Clean Power Plan would cost American lives and threaten the health of our communities. Large majorities of Americans in red and blue states alike support the Clean Power Plan and they want swift action to implement and strengthen this vital safeguard, not tear it down.

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Sincerely,

Mr. GARY JONES

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund [Ex. 6 - Personal Privacy]
on behalf of Gary Jones [Ex. 6 - Personal Privacy]
Sent: 4/27/2018 3:21:58 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Revoking the Clean Power Plan moves America in the wrong direction

Apr 27, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today to strongly oppose any attempts to revoke or weaken the Clean Power Plan, America's first-ever nationwide limits on carbon pollution from existing power plants.

Rolling back the Clean Power Plan would cost American lives and threaten the health of our communities. Large majorities of Americans in red and blue states alike support the Clean Power Plan and they want swift action to implement and strengthen this vital safeguard, not tear it down.

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Please keep America moving forward and do not revoke these crucial protections.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 4/19/2018 9:34:18 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Revoking the Clean Power Plan moves America in the wrong direction

Apr 19, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today to strongly oppose any attempts to revoke or weaken the Clean Power Plan, America's first-ever nationwide limits on carbon pollution from existing power plants.

Rolling back the Clean Power Plan would cost American lives and threaten the health of our communities. Large majorities of Americans in red and blue states alike support the Clean Power Plan and they want swift action to implement and strengthen this vital safeguard, not tear it down.

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Please keep America moving forward and do not propose to revoke these crucial protections.

Sincerely,

Dr. Gary Jones

Ex. 6 - Personal Privacy

To: Pruitt, Scott[Pruitt.Scott@epa.gov]
From: Environmental Defense Fund
Sent: Sat 3/24/2018 5:19:21 AM
Subject: Revoking the Clean Power Plan moves America in the wrong direction

Mar 24, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today to strongly oppose any attempts to revoke or weaken the Clean Power Plan, America's first-ever nationwide limits on carbon pollution from existing power plants.

Rolling back the Clean Power Plan would cost American lives and threaten the health of our communities. Large majorities of Americans in red and blue states alike support the Clean Power Plan and they want swift action to implement and strengthen this vital safeguard, not tear it down.

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Please keep America moving forward and do not propose to revoke these crucial protections.

Sincerely,

Mr. GARY JONES

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of GARY JONES Ex. 6 - Personal Privacy
Sent: 3/21/2018 1:11:18 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Please walk back your dangerous proposal to roll back CTGs

Mar 20, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing seriously concerned over the EPA's decision to roll back Control Technique Guidelines that help state, local, and tribal air quality agencies set standards for reducing air pollution emissions from oil and gas industry sources that contribute to smog formation.

The oil and gas industry is the leading man-made source of Volatile Organic Compounds, which are a key component of ground-level ozone, or smog. This dangerous air pollutant puts Americans at risk and can lead to an early death from respiratory disease. Research has found that smog pollution from the oil and gas industry could lead to an additional 750,000 summertime childhood asthma attacks across the country every year.

Without CTGs providing a baseline, communities would have fewer protections from this harmful air pollution and 25 million people will be at increased risk for air pollution. They deserve the protections that the EPA is supposed to guarantee.

Sincerely,

Mr. GARY JONES

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund [Ex. 6 - Personal Privacy]
on behalf of Gary Jones [Ex. 6 - Personal Privacy]
Sent: 3/17/2018 11:22:19 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Please walk back your dangerous proposal to roll back CTGs

Mar 17, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing seriously concerned over the EPA's decision to roll back Control Technique Guidelines that help state, local, and tribal air quality agencies set standards for reducing air pollution emissions from oil and gas industry sources that contribute to smog formation.

The oil and gas industry is the leading man-made source of Volatile Organic Compounds, which are a key component of ground-level ozone, or smog. This dangerous air pollutant puts Americans at risk and can lead to an early death from respiratory disease. Research has found that smog pollution from the oil and gas industry could lead to an additional 750,000 summertime childhood asthma attacks across the country every year.

Without CTGs providing a baseline, communities would have fewer protections from this harmful air pollution and 25 million people will be at increased risk for air pollution. They deserve the protections that the EPA is supposed to guarantee.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 4/19/2018 9:34:17 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Please walk back your dangerous proposal to roll back CTGs

Apr 19, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing seriously concerned over the EPA's decision to roll back Control Technique Guidelines that help state, local, and tribal air quality agencies set standards for reducing air pollution emissions from oil and gas industry sources that contribute to smog formation.

The oil and gas industry is the leading man-made source of Volatile Organic Compounds, which are a key component of ground-level ozone, or smog. This dangerous air pollutant puts Americans at risk and can lead to an early death from respiratory disease. Research has found that smog pollution from the oil and gas industry could lead to an additional 750,000 summertime childhood asthma attacks across the country every year.

Without CTGs providing a baseline, communities would have fewer protections from this harmful air pollution and 25 million people will be at increased risk for air pollution. They deserve the protections that the EPA is supposed to guarantee.

Sincerely,

Dr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Gary Jones [Ex. 6 - Personal Privacy @att.net]
Sent: 9/26/2017 1:07:10 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Revoke registration of dicamba on soy

Scott Pruitt,

Thanks to a sharp increase in the use of dicamba — driven up by widespread planting of Monsanto's herbicide-resistant "Xtend" soy — farmers across 20 states have reported more than 2,200 incidents of drift damage an estimated 3.1 million acres of land. This is unacceptable.

Even when farmers use Monsanto's recently approved "Xtendimax" formulation of dicamba exactly as directed, the chemical is volatilizing and causing devastating drift damage in neighboring fields.

I urge you to halt this epidemic of crop damage and immediately revoke registration of all dicamba formulations for use on soy.

Thank you.

Gary Jones

Ex. 6 - Personal Privacy

Message

From: gary jones [Ex. 6 - Personal Privacy @msn.com]
Sent: 9/22/2017 1:52:29 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Revoke registration of dicamba on soy

Scott Pruitt,

Thanks to a sharp increase in the use of dicamba — driven up by widespread planting of Monsanto's herbicide-resistant "Xtend" soy — farmers across 20 states have reported more than 2,200 incidents of drift damage an estimated 3.1 million acres of land. This is unacceptable.

Even when farmers use Monsanto's recently approved "Xtendimax" formulation of dicamba exactly as directed, the chemical is volatilizing and causing devastating drift damage in neighboring fields.

I urge you to halt this epidemic of crop damage and immediately revoke registration of all dicamba formulations for use on soy.

Thank you.

gary jones

Ex. 6 - Personal Privacy

Message

From: Gary Jones [Ex. 6 - Personal Privacy @sbcglobal.net]
Sent: 9/22/2017 11:09:03 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Revoke registration of dicamba on soy

Scott Pruitt,

Thanks to a sharp increase in the use of dicamba — driven up by widespread planting of Monsanto's herbicide-resistant "Xtend" soy — farmers across 20 states have reported more than 2,200 incidents of drift damage an estimated 3.1 million acres of land. This is unacceptable.

Even when farmers use Monsanto's recently approved "Xtendimax" formulation of dicamba exactly as directed, the chemical is volatilizing and causing devastating drift damage in neighboring fields.

I urge you to halt this epidemic of crop damage and immediately revoke registration of all dicamba formulations for use on soy.

Thank you.

Gary Jones

Ex. 6 - Personal Privacy

Message

From: gary jones [Ex. 6 - Personal Privacy]@sbcglobal.net]
Sent: 2/9/2018 3:22:30 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Revoke registration of dicamba on soy

Scott Pruitt,

Thanks to a sharp increase in the use of dicamba — driven up by widespread planting of Monsanto's herbicide-resistant "Xtend" soy — farmers across 20 states have reported more than 2,200 incidents of drift damage an estimated 3.1 million acres of land. This is unacceptable.

Even when farmers use Monsanto's recently approved "Xtendimax" formulation of dicamba exactly as directed, the chemical is volatilizing and causing devastating drift damage in neighboring fields.

I urge you to halt this epidemic of crop damage and immediately revoke registration of all dicamba formulations for use on soy.

Thank you.

gary jones

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 8/20/2017 4:47:24 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Do not weaken or remove our Clean Cars Standards

Aug 20, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I am writing today in strong opposition to the EPA and DOT's reconsideration of greenhouse gas pollution standards for cars and passenger trucks for model years 2022 to 2025. Weakening or revoking these Clean Cars Standards will create uncertainty, slow innovation, and hurt U.S. economic leadership.

These standards strengthen U.S. energy security, save families money at the gas pump, and keep American car manufacturers and workers competitive. They ensure that people who buy a new car or truck in 2025 would, in total, save more than $1 trillion in fuel costs. They would reduce America's oil consumption by two million barrels per day by 2025--more than we import from any single country other than Canada. And it would eliminate more than a year's worth of U.S. carbon emissions over the life of the program.

Auto manufacturers and suppliers are already developing and deploying fuel efficient technologies at a much faster rate, and at a much lower cost, than was forecast in 2012. In fact, as a whole, the auto industry has exceeded the Clean Cars Standards in each of the last four years.

Americans deserve a healthier, safer, and cleaner future. These standards put us well on that path. Do not throw them into reverse.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: NRDC Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 7/7/2017 5:56:23 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Clean water is not just a right -- it's a necessity.

Jul 7, 2017

Administrator E. Scott Pruitt

Dear EPA Administrator Scott Pruitt: Administrator Pruitt,

I'm deeply concerned about your proposal to repeal the Clean Water Rule. This is a reckless attack on our waters and health.

The Clean Water Rule was adopted to help protect crucial waterways, including streams that feed the drinking water sources of more than 117 million Americans -- that's approximately one in three Americans.

Without Clean Water Rule protections, mining companies, factory farms and other industries could more easily pollute some our nation's most vital waterways.

It's the EPA's responsibility to do everything in its power to make sure that every American has access to clean drinking water. Clean water is not just a right -- it's a necessity.

I urge you to reverse course and stop this attack on the Clean Water Rule, to defend critical waterways and protect our nation's drinking water!

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 1/4/2018 8:33:48 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Don't reopen the "glider truck" loophole

Jan 4, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today with great concern over EPA's proposal to reopen the "glider truck" loophole. Doing so would give an unfair competitive advantage to these super-polluting trucks over trucks that achieve clean air standards.

Freight truck leaders invested in and now sell cleaner freight trucks and engines. Reopening this loophole could put their prudent investments--and their employees' jobs--at risk, which is why numerous trucking industry leaders have publicly opposed the unfair competition and pollution that would be allowed by a glider kit loophole.

But this policy wouldn't just unfairly pick winners and losers in the industry. It would put Americans' lives at risk. According to EPA estimates, if the glider truck loophole were left open until 2021, glider vehicles would result in as many as 6,400 premature deaths. These trucks emit as much as 40 times the pollution of modern engines, contributing to a host of respiratory problems that increase our national healthcare costs and put our lives at risk.

Reopening this loophole takes America in the wrong direction. Please reconsider this dangerous decision.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: National Parks Conservation Association Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 7/25/2017 2:44:44 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Don't Delay Methane Standards

Jul 24, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I oppose any delay in implementation of the New Source Performance Standards for the Oil and Gas Industry that address methane pollution from oil and gas wells. Americans depend on the Environmental Protection Agency to protect us from the harmful pollution that drives climate change and threatens people, national parks, and wildlife. We need the EPA to fulfill its mission to "protect human health and the environment."

It is EPA's obligation to protect all Americans from harmful methane pollution. Any attempt to slow or dismantle standards that cut pollution from the oil and a gas industry is a direct threat to our health, our environment and the future of national parks.

Please implement these methane standards as planned and on time.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: gary jones [Ex. 6 - Personal Privacy @SBCGLOBAL.NET]
Sent: 2/13/2018 2:09:21 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Ban Paraquat

I urge EPA to join other countries in banning the use of paraquat.

Recent research confirms paraquat's link to Parkinson's disease. Parkinson's disease, which affects an estimated 750,000 to one million Americans, is a chronic and progressive neurodegenerative brain disorder caused by a loss of neurons and dopamine, the neurotransmitter they produce. There is currently no cure or therapy to slow, stop, or reverse the progression of the disease.

Research linking Parkinson's disease with exposure to paraquat has been mounting for years. Last month, in the journal Cell Reports, Chinta et al. reported that exposure to paraquat induces senescence of cells (loss of the cells' power), which may account for paraquat's neurotoxicity. Other recent studies show:

- exposure to paraquat increases the likelihood of Parkinson's disease;
- the effect is dose dependent; and
- the risk increases when combined with other factors, such as genetic disposition and exposure to other pesticides.

The economic —and emotional— costs of living with Parkinson's are too high to allow the continued use of a chemical so strongly linked to the disease. The cost of providing care in the U.S. for a person with Parkinson's is conservatively $26,400 per year, resulting in an annual economic burden of $19.8 to $26.4 billion.

In addition, paraquat's acute toxicity has long been a concern. There is no antidote, and paraquat causes thousands of deaths annually, mostly by pulmonary fibrosis. By generating free radicals, it essentially burns its way through the body, targeting the lungs and other organs. Most acutely toxic exposures result in death, sometimes delayed as much as three weeks.

Please join with 32 other countries in banning the use of this dangerous pesticide.

Thank you.

Sincerely,

Mr. gary jones

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of GARY JONES Ex. 6 - Personal Privacy
Sent: 10/31/2017 2:02:58 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Docket ID EPA-HQ-OA-2017-0533

Oct 30, 2017

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing with serious concerns about the Draft Strategic Plan and the course it maps for our nation. It does not fulfill the EPA's core mission to protect public health and the environment.

I am particularly appalled by the Plan's failure to discuss climate change and EPA's legal obligation to protect the public from this urgent danger. This is the first EPA Strategic Plan in decades, spanning both Republican and Democratic Administrations, that does not mention climate change or greenhouse gas emissions. EPA is responsible for administrating our nation's clean air laws for the benefit of the American people, and the Supreme Court has now held on three separate occasions that these laws clearly apply to pollutants that are driving climate change.

Now, more than ever, as Americans recover from three Category 4 hurricanes and deadly, destructive wildfires, we know the importance of doing all we can to prevent manmade climate disasters. It is incontrovertible that climate change is seriously impacting Americans' health and welfare. We deserve an EPA that recognizes these disasters for what they are: a wake-up call that we must take urgent action.

Please update the Strategic Plan to reflect the urgency of the climate crisis.

Sincerely,

Mr. GARY JONES

Ex. 6 - Personal Privacy

Message

From: gary jones [Ex. 6 - Personal Privacy @SBCGLOBAL.NET]
Sent: 4/18/2018 1:50:03 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Don't gut the WPS

Dear Administrator Environmental Protection Agency (EPA).,

Tampering with the Agricultural Worker Protection Standard and its sister set of safety standards, the Certification of Pesticide Applicators Rule would put farm workers, pesticide handlers, their families and the entire public at risk.

Pesticides are applied on our food and in, on or around our homes, schools, hospitals and workplaces. If the people who handle pesticides aren't adequately trained or don't understand the dangers of the chemicals they're handling, the health and safety of workers, communities and all consumers can be at risk. Pesticide misuse has led to worker poisonings and serious harm for hundreds of homeowners and their families and resulted in the tragic deaths of children.

With the lives of children and families across the country at stake, I urge to oppose EPA's attack on the child and worker protection rules.

The EPA should do its job and preserve ALL the protections provided by the Agricultural Worker Protection Standard and the Certification of Pesticide Applicators rule.

Sincerely,

gary jones

Message

From: Environmental Defense Ex. 6 - Personal Privacy
on behalf of GARY JONES Ex. 6 - Personal Privacy
Sent: 6/1/2018 5:35:29 AM
To: Pruitt, Scott [pruitt.scott@epa.gov]
Subject: EPA: It's time to ban methylene chloride in paint stripping products.

Jun 1, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today to urge you to take swift action to remove methylene chloride-based paint strippers from our store shelves, our homes, and our workplaces.

As a mom, I was devastated to learn that yet another American family has come forward with a story of an avoidable loss. Drew Wynne was just 31 years old, and had just opened his own small business -- a coffee company. While using a common paint stripper product sold in hardware stores across the country to fix up his new workspace, he died. The coroner's report confirmed methylene chloride exposure caused his death.

This lethal chemical has caused multiple deaths across America for decades, in spite of the fact that safer alternatives exist.

Last year EPA proposed to ban methylene chloride-based paint and coating removal products. But you backed off the ban, opening to door to more avoidable deaths.

It's time to ban these products. You have a responsibility to prevent avoidable deaths. The 2016 Lautenberg Act includes a special allowance for EPA to move forward with a methylene chloride ban. Please exercise that authority and ban these products.

Sincerely,

Mr. GARY JONES

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 3/31/2018 2:39:22 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: It's time to ban methylene chloride in paint stripping products.

Mar 31, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today to urge you to take swift action to remove methylene chloride-based paint strippers from our store shelves, our homes, and our workplaces.

Yet another American family has come forward with a story of a devastating, avoidable loss. Drew Wynne was just 31 years old, and had just opened his own small business -- a coffee company. While using a common paint stripper product sold in hardware stores across the country to fix up his new workspace, he died. The Coroner's Report confirmed methylene chloride exposure caused his death. He thought he had taken needed precautions. But it wasn't enough.

This lethal chemical has caused multiple deaths across America for decades, in spite of the fact that safer alternatives exist.

Last year EPA proposed to ban methylene chloride-based paint and coating removal products. The proposal was based on years of study and public input in which the agency compiled overwhelming evidence of the dangers the chemical presents when used in such products. In 2016, Congress passed the Lautenberg Act to give EPA the authority to protect our health and safety, and get exactly this type of toxic chemical out of our communities. In fact, Congress made a special allowance for EPA to move the methylene chloride ban forward under the new law. Please exercise that authority and ban these products.

Sincerely,

Mr. Gary Jones

Ex. 6 - Personal Privacy

Message

From: Gary Jones [Ex. 6 - Personal Privacy]
Sent: 5/27/2018 7:15:58 AM
To: Pruitt, Scott [pruitt.scott@epa.gov]
Subject: Release the report!

President Trump and EPA Administrator Scott Pruitt

I am deeply disturbed that you decided to bury a report on PFAS chemicals that run the risk of significantly harming our families. This could be a public health emergency, and it is the duty of your administration thoroughly and swiftly inform the country. I demand that you release this report immediately.

Gary Jones

.

Message

From: Gary Jones [Ex. 6 - Personal Privacy]
Sent: 5/26/2018 3:58:12 PM
To: Pruitt, Scott [pruitt.scott@epa.gov]
Subject: Release the report!

President Trump and EPA Administrator Scott Pruitt

I am deeply disturbed that you decided to bury a report on PFAS chemicals that run the risk of significantly harming our families. This could be a public health emergency, and it is the duty of your administration thoroughly and swiftly inform the country. I demand that you release this report immediately.

Gary Jones

.

Message

From: Ex. 6 - Personal Privacy sbcglobal.net@mg.gospringboard.io Ex. 6 - Personal Privacy sbcglobal.net@mg.gospringboard.io]
on behalf of Gary Jones Ex. 6 - Personal Privacy @sbcglobal.net]
Sent: 6/12/2018 9:04:14 PM
To: Pruitt, Scott [pruitt.scott@epa.gov]
Subject: Release the PFOA and PFOS report!

Dear Mr. Pruitt,

You must immediately release the study from the Agency for Toxic Substances and Disease Registry about the health effects of PFOA and PFOS. The public has a fundamental right to know about these toxins that are contaminating the drinking water of Americans across the country. Existing studies have linked these chemicals to serious health effects, including cancer, liver and brain dysfunction, and development problems.

It is simply inexcusable to suppress information this critical to public health and wellbeing. Families across the country have been exposed to these chemicals and deserve to know more the potential long-term health effects.

Release the study to the public now.

Sincerely,

Gary Jones

Ex. 6 - Personal Privacy

Message

From: Gary Jones [Ex. 6 - Personal Privacy @sbcglobal.net]
Sent: 3/4/2018 3:09:44 PM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: America is counting on you: Stop the rollbacks and enforce the law

Dear Administrator Pruitt,

Americans count on the EPA to keep our water clean and our air breathable. Keeping protections like the Clean Power Plan and Clean Water Rule will save lives and make America a cleaner, healthier place. Strong enforcement of existing environmental protections will send a message to polluters that they can't cut corners at the expense of the American people and our health.

I urge you to stop rollbacks of environmental protections and direct the agency to step up its enforcement of the laws already on the books. Millions of Americans are counting on you.

Sincerely,

Gary Jones
Ex. 6 - Personal Privacy

Message

From: gary jones [Ex. 6 - Personal Privacy]@sbcglobal.net]
Sent: 6/7/2018 4:38:03 AM
To: Pruitt, Scott [pruitt.scott@epa.gov]
Subject: Don't allow sewage where we swim

EPA Administrator Scott Pruitt,

For the sake of our health, I strongly oppose allowing "sewage blending" by wastewater treatment plants. In the 21st century, we should not tolerate the dumping of pathogen-laden waste into our waterways, where we go swimming, fishing or boating. Instead of creating a loophole for sewage pollution, we should invest in repairing our aging water infrastructure and prevent overflows with green infrastructure.

Sincerely,

gary jones
Ex. 6 - Personal Privacy

Message

From: Care2 [Ex. 6 - Personal Privacy]@care2team.com]
on behalf of gary jones [Ex. 6 - Personal Privacy]@care2.com]
Sent: 6/14/2018 6:18:32 PM
To: Pruitt, Scott [pruitt.scott@epa.gov]
Subject: Walk back your latest dangerous attack on strong science

Jun 14, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today gravely concerned about your recent proposal to restrict EPA's ability to use life-saving science.

This proposal doesn't roll back red tape. Instead, it binds the process of legitimate scientific inquiry with it. It will obstruct EPA's ability to use highly reliable scientific information, including data used to determine whether chemicals and pollutants cause cancer, heart disease, and other health problems.

This proposal will undermine EPA's ability to safeguard the health and well-being of American families. Please abandon this attack on strong science. America's communities are counting on an EPA that uses the best and latest science to protect us.

__COMMENT 1__

Sincerely,

Ms. gary jones

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of GARY JONES Ex. 6 - Personal Privacy
Sent: 5/10/2018 3:18:57 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Walk back your latest dangerous attack on strong science

May 9, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today gravely concerned about your recent proposal to restrict EPA's ability to use life-saving science, and to ask that you extend the 30 day comment period and hold a public hearing so that Americans have a chance to weigh in on this disastrous proposal.

This proposal doesn't roll back red tape. Instead, it binds the process of legitimate scientific inquiry with it. It will obstruct EPA's ability to use highly reliable scientific information, including data used to determine whether chemicals and pollutants cause cancer, heart disease, and other health problems.

This proposal will undermine EPA's ability to safeguard the health and well-being of American families. Please abandon this attack on strong science. America's communities are counting on an EPA that uses the best and latest science to protect us.

Thank you,

Mr. GARY JONES

Ex. 6 - Personal Privacy

Message

From: Environmental Defense Fund Ex. 6 - Personal Privacy
on behalf of Gary Jones Ex. 6 - Personal Privacy
Sent: 5/10/2018 3:04:16 AM
To: Pruitt, Scott [Pruitt.Scott@epa.gov]
Subject: Walk back your latest dangerous attack on strong science

May 9, 2018

Administrator E. Scott Pruitt

Dear Administrator Pruitt,

I'm writing today gravely concerned about your recent proposal to restrict EPA's ability to use life-saving science, and to ask that you extend the 30 day comment period and hold a public hearing so that Americans have a chance to weigh in on this disastrous proposal.

This proposal doesn't roll back red tape. Instead, it binds the process of legitimate scientific inquiry with it. It will obstruct EPA's ability to use highly reliable scientific information, including data used to determine whether chemicals and pollutants cause cancer, heart disease, and other health problems.

This proposal will undermine EPA's ability to safeguard the health and well-being of American families. Please abandon this attack on strong science. America's communities are counting on an EPA that uses the best and latest science to protect us.

Thank you,

Mr. Gary Jones

Ex. 6 - Personal Privacy

To: bpcomsum@bp.com[bpcomsum@bp.com]
Cc: whapo@cand.uscourts.gov[whapo@cand.uscourts.gov]; whacrd@cand.uscourts.gov[whacrd@cand.uscourts.gov]; Pruitt, Scott[Pruitt.Scott@epa.gov]; Whistleblower (Judiciary-Rep)[whistleblower@judiciary-rep.senate.gov]; pete.king@mail.house.gov[pete.king@mail.house.gov]; Ex. 6 - Personal Privacy]
From: will rogers
Sent: Fri 3/23/2018 3:49:32 PM
Subject: Fw: William Rogers Credibility And Global Warming / Climate Change Hustle And / Or Extortion
ATT00001.txt
Toxic_Ash[1].pdf
Toxic_Ash_2[1].pdf
ATT00002.txt
Pastor Character Letter 001.jpg
Will Rogers Meeting 1142015 CDPR.m4a
EPA's Response Letter to William Rogers 12.15.15.pdf
Morris News Paper Articles 001.jpg
Morris News Paper Articles 002.jpg
Morris News Paper Articles 003.jpg
Morris News Paper Articles 004.jpg
ChicoER Newspaper Article Fine & Injunction.jpg
ChicoER Newspaper Article Fine & Injunction 001.jpg
Morris Water Board Reports 2004-2005 014.jpg
Morris Water Board Reports 2004-2005 015.jpg
BrownsDirtyHands.pdf

BP

This has some material that might interest you and has been ignored by Judge Alsup so far.

The Brown's Dirty Hands Report is very interesting and should be addressed in court especially since it links Gov Brown, his family and the California Democrat Party to corruption with PG&E and the Brown Family has made a fortune from big oil and gas.

Sincerely- Will Rogers

----- Forwarded Message -----
From: will rogers <Ex. 6 - Personal Privacy>
To: Ex. 6 - Personal Privacy <Ex. 6 - Personal Privacy>Nick Schulz Ex. 6 - Personal Privacy
Cc: whacrd@cand.uscourts.gov <whacrd@cand.uscourts.gov>; whapo@cand.uscourts.gov <whapo@cand.uscourts.gov>; tehcrd@cand.uscourts.gov <tehcrd@cand.uscourts.gov>; tehpo@cand.uscourts.gov <tehpo@cand.uscourts.gov>; Scott Pruitt <pruitt.scott@epa.gov>; Whistleblower (Judiciary-Rep) <whistleblower@judiciary-rep.senate.gov>; pete.king@mail.house.gov <pete.king@mail.house.gov>; Ryan Sabalow <Ex. 6 - Personal Privacy>; Dale Kasler <Ex. 6 - Personal Privacy>; Eric T. Schneiderman <Ex. 6 - Personal Privacy>; tips@nypost.com <tips@nypost.com>; Tips At The New York Times <tips@nytimes.com>; Cynthia Dizikes <Ex. 6 - Personal Privacy>; Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy; laura.nicholson@sen.ca.gov <laura.nicholson@sen.ca.gov>; Assemblymember Gallagher <assemblymember.gallagher@assembly.ca.gov>; Harold Kruger <Ex. 6 - Personal Privacy>; Steve Miller <Ex. 6 - Personal Privacy>; Lou Binninger Ex. 6 - Personal Privacy; Futerfaslaw Info <info@futerfaslaw.com>; Taryn Luna <Ex. 6 - Personal Privacy>; Ex. 6 - Personal Privacy; Christine Hall <Ex. 6 - Personal Privacy>; Ex. 6 - Personal Privacy; Kent Lassman Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy; Katie Dowd <Ex. 6 - Personal Privacy>;
business@sfchronicle.com <business@sfchronicle.com>; metro@sfchronicle.com <metro@sfchronicle.com>;
DL HNP US SF ITeam <iteam@sfchronicle.com>; Joe Garofoli <Ex. 6 - Personal Privacy>;

Ex. 6 - Personal Privacy

sectyrodriquez@calepa.ca.gov <sectyrodriquez@calepa.ca.gov>; secretary@resources.ca.gov <secretary@resources.ca.gov>
Sent: Friday, March 23, 2018, 10:02:08 AM GMT+5:30
Subject: William Rogers Credibility And Global Warming / Climate Change Hustle And / Or Extortion

Dear Honorable Judge Alsup and Gibson Dunn / Chevron Attorneys.

I attached some material that might interest you which is linked to so called Green Energy / Clean Energy and which supports my credibility.

Our neighbor was operating a illegal / unpermitted food processing waste / trucking operation adjacent to our property for years which supported a so called Green Energy / Clean Energy Project that was producing toxic ash that was being spread of farmland in at least 9 counties in the region partially because Sutter County and Regional / State Water Boards and the State of California failed to thoroughly investigate and enforce regulations and instead authored false / misleading reports to help him get around regulations, violate regulations and pollute / contaminate our property.

We suspect one of the reasons that they failed to thoroughly investigate and enforce regulations is because its was linked to so called Green / Clean Energy supported by the State and other special interest who basically have our politicians bought and paid for along as the special interest are making large campaign donations to them similar to PG&E and other donating to Gov Brown and the California Democrat Party who members are involved in the lawsuit against big oil and gas.

I suspect you may also follow the Chlorpyrifos Lawsuits so this something else kind of interested about the CDPR, State of California and Politicians who want to totally ban Chlorpyrifos and complain about its use.

In 2014 me and my 7 year old son were exposed to Chlorpyrifos while taking my kids to school but the investigation was botched because Sutter County CAC and CDPR did not use the CDPR Pesticide Investigation Manual as a guide and instead authored a false / misleading report.

During the attached recorded meeting Sutter County CAC and CDPR greatly support my credibility including by giving me credit for revealing issues / problems with their investigation procedures, regulations and enforcement activities but then they turn around and make excuses and false / misleading for botching the investigation and failed to hold the applicator accountable even though they admitted he appeared from the evidence that he failed to use buffer zones which would also mean he lied to the investigators about using buffer zones.

Their has been other pesticide incidents in California since our incident which has proven that I was right and CDPR and Sutter County were wrong but they have failed to apologize and take responsibility even though they have enhance and improved their regulations which also proves that I was right and they have filed lawsuits including against the EPA / Sec Pruitt basically claiming what I claimed to them but made excuses and false / misleading statements instead.

My Point: Basically most of our local and state politicians and agencies in California are corrupt, dishonest , incompetent and lack credibility and don't care what you do as long as your donating to their causes and politic campaigns which is pretty obvious from the Brown's Dirty Hands Report which I don't agree with the conclusion about Global Warming / Climate Change.

My Conclusion: Gov Brown, California Democrat Party and other Leftist Global Warming / Climate Change Alarmist don't really believe that CO_2 emissions is the cause and / or different cause / more than likely cause and etc of Global Warming / Climate Change or they wouldn't be acting / operating like what is reported in the Brown's Dirty Hands Report.

They wouldn't have legalized marijuana and / or support the marijuana industry which intentionally increases CO_2 levels with CO generators, requires at least 7 power plants to power and increasing with increased supply and demand because of legalization, and emits as much CO_2 emissions as 3 million cars and increasing as supply and demand increases.

How are all the growers getting their pesticides, fertilizers and other supplies to the grows and how are they getting their crops to market ?

How are the users getting their weed from the suppliers ?

My brother is a grower / user so I can tell you it is mostly by fossil fuel burning vehicles so California and its cities like Oakland, San Francisco and Santa Cruz with their Liberal and immoral marijuana policies are helping pollute our citizens air, lungs and health with toxic chemicals from marijuana use and increase CO_2 emissions.

I can also tell you this is not the great industry they are trying to make it out to be and is basically backed by a Leftist / Socialist / anti-American / anti-Capitalist / anti-Corporation Movement just like the lawsuit against big oil and gas.

I don't smoke weed because I know its immoral and bad for me so how many of the plaintiffs stopped driving vehicles, stopped using fossil fuel burning public transportation , stopped using most products that are linked to fossil fuels and etc ?

I have had 2 in-laws who were illegal immigrants from Mexico and I have lived and traveled overseas for approximately 30 years so I can confirm that legal and illegal immigrants differently burn much more fossil fuels, drive more fossil fuel burning vehicles , use more energy and consume more products and material including those linked to fossil fuels than they would in their native countries.

Both the illegal immigrant in-laws and several other illegal immigrants I have known were involved in criminal activity including my former in-law Rocendo Rosales killing Kimberly Powell in Oregon and Tony Martinez being accused of molesting my 3 year old niece.

Both after having several interactions with law enforcement but being released because of Liberal and immoral California policies which help, protect and support illegal immigrants including those who commit crimes.

California Sanctuary State and Cities Immigration Policies are putting our citizens health and safety at risk and helping increase CO_2 emissions / basically creating CO_2 Sanctuary Zones, increase waste and pollution but it doesn't appear to concern the plaintiffs who don't care about our Federal Immigration laws and Policies designed to protect us but scream and cry when Federal Environmental Laws and Policies are not thoroughly enforced, repealed and etc.

Again, I want to refer to the Brown's Dirty Hands Report because I believe it states a lot of what needs to be said and if the plaintiff are going to sue big oil and gas then they better sue Gov Brown, his family, California Democrat Party and every one who drove to work and the courthouse.

The lawsuit should be tossed out the tailpipe into the street and ran over or may be burned for fuel in a so called Green / Clean Energy Plant or may be the plaintiffs could use it to roll a joint because it appears they have been smoking some of the weed that is helping increase CO_2 emissions.

Sincerely- William Rogers

Ex. 6 - Personal Privacy

Ph Ex. 6 - Personal Privacy

BY LI A TUC ER

Consumer Watchdog

August 2016

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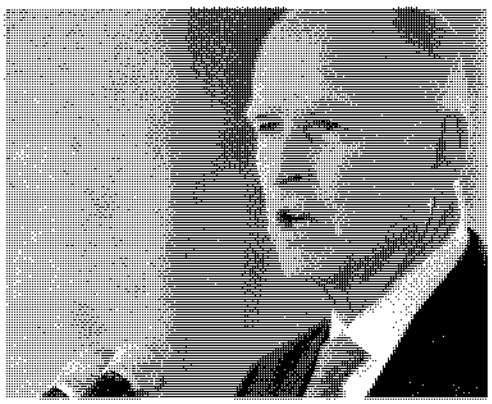

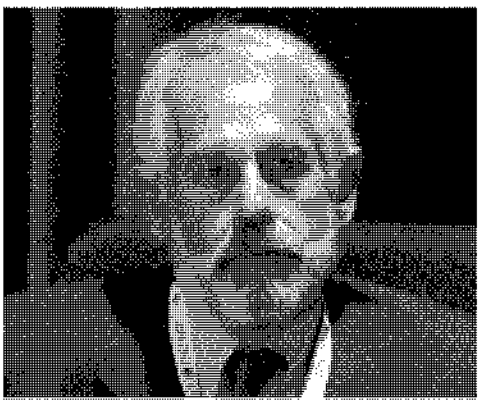

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EXECUTIVE SUMMARY

Governor Jerry Brown paints himself a foe of climate change. But an exhaustive review of company donations, publicly released emails and documents at PUCPapers.org, court filings, and media reports show that fossil fuel and fossil fuel-reliant companies have supported Brown in close proximity to actions that he and his Administration have taken on their behalf. Twenty-six energy companies with business before the state greased the skids via $9.85 million in political donations to Brown's gubernatorial campaigns, ballot initiatives, favorite causes such as the Oakland Military Institute and Oakland School for the Arts, and the California Democratic Party since Brown's run for office in 2010, according to campaign reports.

The three major investor-owned utilities, Edison International, parent of Southern California Edison (SCE), Pacific Gas & Electric (PG&E) and Sempra, parent of Southern California Gas (SoCalGas) and San Diego Gas & Electric (SDG&E), contributed nearly $6 million of the total. The three utilities and Chevron also made the biggest donations of any energy companies to the State Democratic Party. Donations were often made within days or weeks of winning government favors. The evidence points to Brown and his operatives using the Democratic Party as a political slush fund to receive contributions in amounts greater than permitted to his candidate committee, and masking money from unpopular energy entities.

The timing of donations suggests that the Brown Administration used the Democratic Party as a pass-through to Brown committees as reward for legislative or regulatory action on behalf of these companies. For example, at the end of December 2013, three months after weakened fracking legislation was chaptered, Chevron donated $350,000 to the Democratic Party. One week later, the party donated $300,000 to Brown for Governor 2014, while Chevron donated $54,400 to the campaign that day the maximum amount allowed. Weeks later, Brown came out against an oil severance tax, or well-head tax, that would have produced billions for the state's coffers. Chevron had long opposed the tax.

These 26 companies have found support in the Brown Administration by virtue of Brown's own staffers. Brown's executive secretary Nancy McFadden, and his former cabinet secretary Dana Williamson, both held high-level positions at Pacific Gas & Electric. The Democratic Party paid them both for consulting and fund-raising services, while they worked for Brown. McFadden and Williamson worked for the Party at various times between June 5, 2013 and March 25, 2016, Democratic Party spending records show. Between 2011 and 2014, the energy companies gave $4.4 million to the California Democratic Party, while the Democratic Party donated $4.7 million to Brown's relection.

This review helps explain how the Brown Administration, despite its public posture hostile to the oil industry, privately aided oil companies at key junctures while receiving major oil industry contributions. Brown quashed the oil severance tax as Democratic Party support built for it. He rejected a fracking moratorium. He refused a Senate compromise with Assembly moderates on the climate change bill, SB 350, to slash petroleum use in cars. Brown turned SB 350 instead into a Christmas tree for utilities by granting them billions in new business and entrée into a vast, largely unregulated regional grid. Utilities responded in kind with big contributions. In this pay-to-play environment, ratepayers also got the short end of the stick. Under Brown, the Public Utilities Commission (PUC) has granted the three biggest investor-owned utilities in the state more than a combined $130 billion in rate hikes approved from 2011 through 2015, according to PUC 748 annual reports. California tops the nation in excess electricity generating capacity. In the last few years, energy regulators have approved billing Southern California ratepayers alone at least $10 billion over the next two decades for four natural gas-fired power plants at Otay Mesa, Carlsbad, Huntington Beach, and Alamitos, locking the state into fossil-fuel natural gas instead of embracing renewable alternatives like rooftop solar and battery storage to avoid building new plants.

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Energy Companies Have Given Big Dollars and Received Big Favors

• Southern California Edison donated $130,000 to the California Democratic Party on the same day former PUC President Michael Peevey cut a secret deal with an SCE executive in a Warsaw, Poland hotel room to make ratepayers, not shareholders, cover 70 percent of the $4.7 billion cost to close the fatally flawed San Onofre nuclear plant. Peevey is now under criminal investigation for conspiring to obstruct justice by illegally engaging in and concealing *ex parte* communications, and inappropriately interfering with the San Onofre settlement process by pushing SCE to fund $25 million of greenhouse gas research at UCLA in exchange for the deal.[1] In the media's glare, the case has been reopened. But Brown backed the dirty deal, telling Edison's CEO personally, according to an email by the CEO uncovered by the Public Records Act, that the Governor was willing to tell the media that SCE was acting responsibly and had done all the right things in closing San Onofre. Brown praised Peevey subsequently in a taped interview with the *Mercury News* where he called Peevey "a very effective leader" who "gets things done."[2]

• Emails from PG&E's former top lobbyist Brian Cherry to his boss claim that Brown personally intervened with a PUC Commissioner to persuade him to approve a natural-gas fired power plant called Oakley for the utility. In a January 1, 2013 email, Cherry described a New Year's Eve dinner with Peevey where the pair shared "a dram or two of Johnnie Walker Blue Label." According to Cherry, Peevey reminded him "how he and Governor Brown used every ounce of persuasion to get [PUC Commissioner Mark] Ferron to change his mind and vote for Oakley...Jerry's direct plea was decisive."[3] PG&E donated $20,000 to the California Democratic Party the day after the PUC voted for the project. An appeals court would later strike the PUC decision down because the utility had not proved the plant's necessity.

• PG&E's vice president Nancy McFadden was named Brown's executive secretary. PG&E gave $25,000 to the Democratic Party days before Brown's election. While Cherry and Peevey fed names to McFadden to appoint the critical swing-vote commissioner in February 2011 to the PUC who could cast pro-utility votes, PG&E donated $75,000 to the Party. The same day that Brown appointed ex-banker Mark Ferron to the commission, PG&E donated another $41,500. The appointment bolstered PG&E's sagging stock price and also lifted the value of up to one million dollars in PG&E stock options held by Nancy McFadden.

• Lawmakers sent Brown a package of six PUC reform bills in 2015 which would have increased oversight, transparency and accountability at the PUC, and received unanimous, bipartisan support. Brown vetoed the reform bills on October 12, 2015. One week later, PG&E donated $50,000 to the Democratic Party. In December, PG&E donated another $175,000 to the Party.

• Brown's climate change bill, SB 350, gave utilities a monopoly on electric vehicle infrastructure and large-scale renewable energy projects to the disadvantage of rooftop solar, which was never added to the state's renewable portfolio standard. Three weeks after an eleventh hour amendment setting the stage for utilities to have access to a regional grid, PG&E donated $80,000 to the Democratic Party. The utility donated another $50,000 two weeks after the bill was chaptered. Stock prices of California's three investor-owned utilities increased by at least 14 percent within two months.

• Occidental Petroleum's attorney, former Governor Gray Davis, successfully pressured Brown to fire two oil and gas regulators who wanted oil companies to prove their wells wouldn't contaminate groundwater under federal law before getting waste injection permits, and had overhauled well safety to the disliking of oil companies. They had tried to enforce requirements for injection wells after a Chevron worker was killed when he fell into a sinkhole filled with oil waste. Two months later, Brown's new oil and gas supervisor granted Occidental a permit to frack in Kern County without an environmental review to protect aquifers, violating EPA standards. Four days after that, Occidental contributed $250,000 to Prop 30, Brown's effort to raise taxes. The same day of the contribution, Brown bragged about expedited permitting in Sacramento where he reaffirmed his support of all forms of energy development. "There are going to be screw-ups. There are going to be bankruptcies. There will be indictments and there will be deaths. But we're going to keep going," he said.[4] Occidental made a second $250,000 donation to Prop 30 seven months later.

EXECUTIVE SUMMARY

• Sempra donated $115,000 to the California Democratic Party a week before PUC President Michael Picker reversed a negative PUC decision and approved an SDG&E gas-fired power plant in Carlsbad. Chevron, which produces and sells natural gas in California, contributed $215,000 the day before the approval. The Carlsbad plant was approved without first considering renewable resources and energy storage. Former PUC President Peevey had long been working to pave the way for the plant, emails show. He had encouraged Sempra to lobby the city of Carlsbad aggressively. On January, 17, 2014, Peevey wrote Sempra's CEO about James Avery, SDG&E's chief development officer. "I just want you to know that Jim Avery did an outstanding job of managing the situation in Carlsbad, getting the city to support a new plant, etc. And he did it quickly. A tough assignment, very well done. My best."[5]

• Power plant developer NRG wasn't a Brown donor until the company cut a sweetheart deal with the PUC to settle its case against NRG for electricity price manipulation, touted as a win by the Governor's office.[6] The company agreed to spend $100 million out of a $120 million fine to install electric vehicle charging stations. The release quoted Peevey saying that the deal would "launch a virtuous circle" in which Californians would get comfortable driving EVs, while companies would invest in building the state's needed electric vehicle infrastructure.[7] "It will create jobs in California, help clean our air, and support attainment of our greenhouse gas reduction goals," the release said. Brown simultaneously issued an executive order to reach the state's goal of 1.5 million zero-emission vehicles on California roads by 2025. The punishment looked a lot like a no bid contract. Two months later, NRGbegan donations to Brown, his causes, and his party that would come to $105,000. A lawsuit against the PUC, filed by electric charging station competitor Ecotality, called the deal illegal because it awarded a monopoly to an out-of-state company. As of 2015, NRG had not reached benchmarks for the work that was supposed to constitute their fine, and the PUC has not taken action.

• Brown's sister has profited from his policies toward Sempra, parent of SoCalGas and SDG&E. Sempra invited Kathleen Brown onto Sempra's board of directors in June 2013, after the utilities had enjoyed two and a half years of favorable treatment under her brother's governorship. Sempra paid Kathleen Brown a total of $691,300 in stock and cash for her work from 2013 through 2015. Brown's Administration has taken extraordinary steps to keep open Sempra's biggest natural gas storage asset in the West, Aliso Canyon, following the biggest methane gas leak from a well blowout in US history. Months into the efforts to stop the leak, Brown issued an executive order keeping any investigation of the causes and whether it could or should be shut down secret.[8] During Brown's Administration, Sempra's stock has risen 116 percent, the most by far of the three investor-owned utilities.

• Brown's sister Kathleen holds $749,000 worth of stock in real estate and oil company Forestar Group which owns 700 acres next to Porter Ranch where it plans to build a luxury home community, and another 1,000 acres of oil and gas interests in California. She was on the board of directors, but stepped down one month after Brown issued his declaration of emergency at Aliso Canyon, which ensured secrecy around the investigation, and the true threat of the wells to the real estate value in the area.[9] She now sits on the board of Renew Financial, a funder of renewable energy projects that stands to gain from new utility business spurred by legislation (SB 350) that increases renewables to 50 percent of California's electricity generation by 2030.

• In 2012, 16 energy companies donated $1.2 million to Prop 30, Brown's initiative to raise taxes. A large chunk of that sum came from just two companies, Occidental and California oil and gas producer Aera Energy. The passage of Prop 30 in November 2012 cemented Brown's national reputation as a budget-balancing governor after the election, likely saving the Brown Administration from presiding over persistent state budget problems and economic turmoil. Fracking legislation was introduced barely a month later, and the Brown Administration helped to dramatically scale it back.

• On May 24, 2013, Chevron donated $135,000 to the California Democratic Party. That same day, lawmakers exempted an common method of well stimulation from the fracking legislation. After the bill passed with an amendment dropping a moratorium on permits, Occidental gave $100,000 to one of Brown's favorite causes, the Oakland Military Institute. Brown signed the weakened bill. On December 23, 2013, Chevron donated $350,000 to the Democratic Party. On December 30, the Democratic Party donated $300,000 to Brown for Governor 2014, while Chevron donated the maximum to Brown's campaign, $54,400, on the same day. In early 2014, Brown then came out publicly to oppose a proposed oil severance tax.

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EXECUTIVE SUMMARY

Brown has protected the oil and gas industry and its fossil fuel-reliant clients via a coterie of regulators and key staff. Many of them walked through the revolving door of government to business and back again. Some feathered their nests during California's energy crisis, and some continue to do favors for one another. Current PUC Commissioner Liane Randolph was previously appointed by Brown as general counsel at the Natural Resources Agency, where she delivered ultimatums to the two oil well regulators ultimately fired by Brown for refusing oil company demands for weakened well safety standards. Previously, Randolph was an attorney at Pillsbury, Winthrop, Shaw, Pittman, where her clients included Chevron and the Western States Petroleum Association. Former PUC President Michael Peevey, currently under criminal investigation for secret backroom dealing with the utilities and rigging of proceedings that cost ratepayers billions, was a trusted Brown Administration confidante. The PUC in particular has shielded companies from tough regulation and public investigations that assign blame and responsibility for disasters and near disasters, and that hold companies and their executives responsible.

These key regulators have allowed utilities to raise connection fees and lower payments to customers who generate their own solar power, and have endorsed building new fossil fuel power plants even without proven need, eschewing renewable alternatives. Regulators have been willing to overlook utility negligence in accidents that put profits ahead of safety. They have protected utilities from fines that could have been much bigger, permitted more natural gas plants than necessary, and have scuttled or suppressed public investigations into disasters and near disasters.

* * *

HIGHLIGHTS TIMELINE

ACTION	DONATION
Brown appoints ex-PG&E Vice President Nancy McFadden as Executive Secretary - **1/5/11**	**2/17/11** $75,000 → California Democratic Party
On the same day, PG&E lobbyist Brian Cherry succeeds in convincing McFadden and Brown to appoint pro-business ex-energy Trader Mark Ferron to the PUC - **3/22/11**	**3/22/11** $42,500 → California Democratic Party
Former Governor Gray Davis, now at Occidental Petroleum, pressures Brown into firing two oil and gas regulators who wouldn't grant injection well permits quickly enough. - **11/3/11**	**1/13/12** $250,000 → Prop 30 **1/25/12** $100,000 → Oakland Military Institute Occidental Petroleum
NRG & PUC negotiate penalty for electricity price manipulation. The company agrees to spend $100 million of the $120 million fine to build EV charging stations - **3/23/12**	**5/31/12** - NRG begins donations to Brown's interests, ultimately giving $105,000 in total to Brown & his projects.
On the same day, PUC President Peevey cuts a deal with SCE executives in Warsaw, Poland, to force ratepayers to cover 70% of th $4.7 billion cost of closing the San Onofre nuclear plant. - **3/26/13**	**3/26/13** $130,000 → **California Democratic Party** SoCal Edison
Oil Severance tax is shelved in suspense file - **5/20/13**	
Legislators exempted crucial fracking methods from SB 4, a bill meant to regulate fracking - **5/24/13**	**5/24/13** $135,000 → California Democratic Party
SoCal Edison announces closure of San Onofre - **6/7/13**	**6/4/13** $25,000 → **California Democratic Party** SoCal Edison
Fracking regulatory bill SB 4 drops portion about a moratorium on fracking - **6/18/13**	**7/2/13** $27,200 → **Brown for Governor**
SB 4 is signed by Brown - **9/20/13**	**10/9/13** $100,000 → **Oakland Military Institute** Occidental Petroleum
	12/23/13 $350,000 → California Democratic Party
	12/30/13 $300,000 → **Brown for Governor** California Democratic Party
	Same Day $54,400 → **Brown for Governor**
Brown Comes out against Oil Severance Tax - **1/9/14**	
Amendment is added to SB 350 giving utilities access to a 'regional grid', allowing for more projects & profits - **9/4/15**	**9/29/15** $80,000 → California Democratic Party
Brown vetoes six PUC reform bills - **10/12/15**	**10/19/15** $50,000 → California Democratic Party
Three utilities' stock increases by at least 14% within two months of the passage of SB 350 - **10/22/15**	**12/10/15** $175,000 → California Democratic Party

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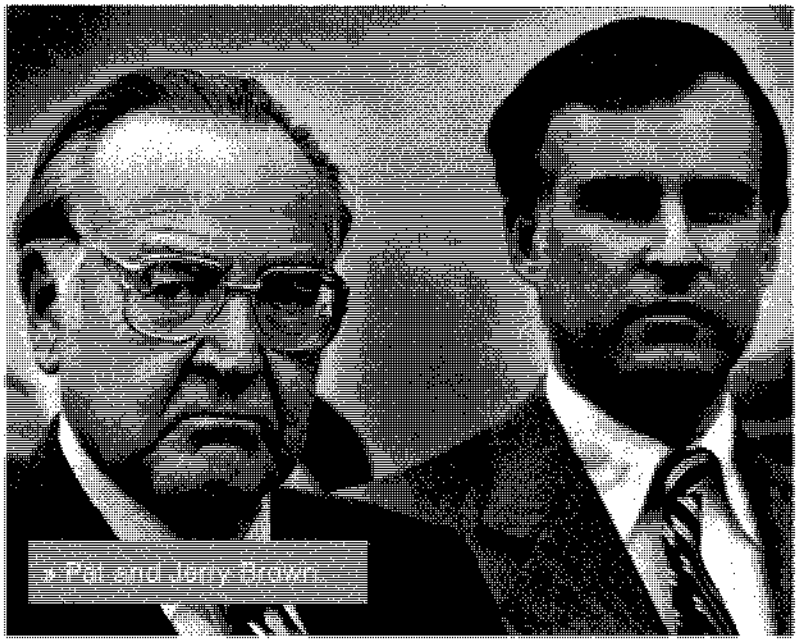
FULL REPORT



Pat and Jerry Brown

All in the Family

The Brown family has long been connected to fossil fuels and utilities. Some portion of the Brown family's wealth comes from Indonesian oil. It began with Jerry Brown's father, **Governor "Pat" Brown**, who after stepping down from office in 1967 helped Indonesian generals who had overthrown Sukarno, the dictator who had nationalized Royal Dutch Shell's oil holdings. Brown reportedly organized a consortium of banks to lend $12 billion to the military junta.[10]

The generals gave Brown control of a California oil trading company and half-ownership of a Hong Kong office. The offices earned a fee for each barrel traded, or as the Sacramento Bee's Dan Walters put it, got "a little taste, as they might say in the Mafia." When Chevron built an El Segundo refinery to bring in Alaskan crude during Jerry Brown's first administration, the state's Air Resources Board, run by Brown's former campaign manager, passed an air-quality standard for sulfur that Chevron couldn't quite meet with Alaskan crude, but that Indonesian oil could. That move helped secured the Brown family's oil wealth. The Brown family had ties with the utility industry too. Brown's late sister, Cynthia Kelly, wasmarried to Joe Kelly, a long-time top PG&E attorney![11]

While Jerry Brown served as Governor in the 1970s and 80s, his father "Pat" also worked for Sempra's predecessor, Pacific Gas & Electric and Pacific Lighting, to sell Californians on the alleged need for LNG from Indonesia, according to the *Ventura County Star*.[12]

Brown's fascination with fossil fuels is still evident. In 2014, he inappropriately directed his Division of Oil, Gas and Geothermal Resources to map any oil or gas that might underlie his own family ranch and quickly received a 51- page report plus personalized satellite-imaged oil and gas drilling map for the area. Brown's State Oil & Gas Supervisor, Steve Bohlen, had made the mistake of emailing the report to Brown, creating an official record. When Brown found out, he threatened to fire Steve Bohlen, according to a lawsuit against the state filed by the R. Rex Parris law firm on behalf of Kern County farmers over rushing through waste injection permits for oil companies. Bohlen wound up resigning.[13]

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While there are no oil or gas prospects under Brown's ranch, he does have one investment that could grow in value thanks to a fossil fuel. Brown's Statement of Economic Interests reveals a real estate investment in Edgewater Park Plaza, worth between $100,000 and $1 million, that Brown shares in East Oakland with Phil Tagami, a friend and one of Brown's longtime financial supporters. Tagami won significant business with the city of Oakland when Brown was mayor. Now, Tagami's real estate company, California Capital and Investment Group (CCIG), which owns Edgewater, stands to make significant profit from a plan to ship coal out of the former Oakland Army Base. CCIG is developing part of the former base and has plans to lease a new terminal to a company that wants to ship coal from Utah to Asian markets. Brown has refused to answer local lawmaker and environmentalists' calls that he oppose the deal that would release coal dust along the East Bay transportation route, polluting the air and threatening public health.

Little Sister

Perhaps the most problematic family connection to the utility and oil business today is Jerry Brown's sister **Kathleen Brown**. In 2013, she left Goldman Sachs' Chicago office, where she chaired regional investment banking, for a Los Angeles partnership in the lobbying and law firm of Manatt Phelps & Phillips. Manatt represents energy companies among others. When Brown joined Manatt, *The Wall Street Journal* reported that Kathleen Brown was especially interested in the energy sector because it was undergoing "transformational change."[15]

That year Sempra, parent of Southern California Gas and San Diego Gas & Electric, invited her onto its board. Sempra wanted Kathleen Brown for "her extensive experience in both the public and private financial sectors, as well as in-depth knowledge of California government processes," according to its 2015 proxy statement. Brown sits on Sempra's environmental, health, safety and technology committee, as well as its corporate governance committee, and LNG joint venture and financing committee. Sempra paid Brown a total of $691,000 in a combination of stock, cash, and other remuneration for her directorship between 2013 and 2015, according to SEC filings.[16]

The environmental committee on which Brown sits would be responsible for pinpointing the reasons for the well blowout at SoCalGas's Aliso Canyon storage facility. She has reason to want to defend SoCalGas, given her position and sizeable Sempra investment. Her brother issued a carefully worded declaration assuring the public that a PUC "investigation" was underway and that oil and gas regulators would perform a technical review of what went wrong. However, the review will release only the results to the public, effectively sealing evidence in the investigation from the public. No information about the review has yet been released.

It has become imperative for the Administration to justify keeping Aliso open, not for reasons of energy reliability but for commercial priorities. Aliso Canyon markets itself as a place for big companies that buy natural gas when the price is right to store it there for a fee.[17] But the Administration has played the "reliability" card. Southern California Edison and other companies maintained that "the loss of natural gas to those [power] stations could ultimately lead to supply shortages and possibly electricity blackouts."[18] Energy regulators produced a biased report, largely authored by Southern California Gas, stating that the state couldn't do without Aliso Canyon and could experience up to 14 days of blackouts this summer without it.

The study left out that California has excess natural gas storage capacity, according to the Energy Information Administration, while utilities themselves report that natural gas usage is

Kathleen Brown

in steady modest decline.[19] The report also left out other gas storage facilities that could substitute, and understated existing pipeline capacity to bring in gas on demand.[20]

At a California Senate hearing in May on Aliso Canyon, utility executives themselves began to back-pedal on the veracity of the report's threat of blackouts. A Southern California Edison executive said, "the natural gas pipeline network in the LA basin was sufficient to meet demand" as long as the right amounts of gas were ordered at the right time, the *Los Angeles Times* reported.[21]

At the same time, one subject regulators don't want to discuss is culpability for poor maintenance of wells at Aliso Canyon that led to the well blowout. Governor Brown ensured that Sempra's dirty laundry about its safety culture will never be aired. The only agency that can launch a formal public investigation is the PUC. Brown's declaration about the PUC investigation served to give regulators cover, with no timeline or obligation to inform the public whether any SoCalGas negligence played a role in the disaster. The PUC has declined to even accept a petition from Consumer Watchdog and the law offices of Aguirre & Severson to open a public investigation into the causes of the Aliso Canyon blowout, a violation of the California Constitution that guarantees the public the right to petition.[22] By law, the PUC must accept a public petition and rule either for or against a public investigation. They are doing neither.

Meantime, Sempra's stock has risen 116 percent under the Brown Administration, according to Bloomberg.

Kathleen Brown has one more investment that makes the situation even more fraught. As of mid-2015, Kathleen Brown held $749,000 worth of stock in a real estate and oil company called Forestar Group, according to Bloomberg. She became a company director in 2007, resigning in 2016. Forestar Group's 2014 annual report specifically targeted increased regulation as a threat to royalties earned from its oil-rich land due to the impact on "the timing and cost of extractive activities." Forestar, which owns 1,000 acres of oil and gas interests in California, also owns 700 acres of land next to Aliso Canyon and is planning a 285-acre luxury home community called "Hidden Creeks Estates" near Porter Ranch, the community most affected by the well blow out at Aliso Canyon. Forestar would have an interest in promoting the idea that the natural gas storage field, studded with wells as old as a century, is perfectly safe for natural gas injections, in order to preserve and maximize the value of its investment.

Kathleen Brown resigned from that company's board a month after Jerry Brown declared a state of emergency at Porter Ranch in January 2016. She now sits on the board of Renew Financial, a funder of renewable energy projects that stands to gain from new utility business spurred by Governor Brown's signature on legislation (SB 350) that increases renewables to 50 percent of California's electricity generation by 2030.

Stacking the PUC

When Brown took office in 2010, it wasn't clear what he would do with the PUC. But he inherited a PUC President, **Michael Peevey**, who had been serving since he was appointed by Governor Gray Davis. Brown kept Peevey on; he had known him for years. He admired Peevey, comparing him to **John Bryson**, Brown's PUC president during his first administration.[23] Bryson, who went on to become Chairman, CEO and President of Edison International, SCE's parent, was one of the principal architects of the electricity deregulation disaster two decades ago.[24]

> **"There are going to be screw-ups. There are going to be bankruptcies. There will be indictments and there will be deaths. But we're going to keep going."**
>
> *- Brown on fracking and waste injection permits*

Peevey too was a cheerleader. Peevey had become an electricity broker after leaving Edison, leading the charge for deregulation in 1995, and had made millions of dollars off of it. According to an investor research analysis that year by Bernstein Research, "Brown is a close friend of commission president Michael Peevey, who has endorsed Brown's candidacy for Governor."[25] In fact, right before starting his career at Edison, Peevey had worked from 1973 to 1983 as president of the California Coalition for Environment and Economic Balance, a non profit that Pat Brown had founded to make "environmental and economic balance a reality," according to its mission statement.[26]

Peevey's CCEEB leadership overlapped with Jerry Brown's first and second terms as California Governor. Under Peevey, in 1979, oil and gas companies and utilities, and later investment banks, funded an offshoot called the California Foundation for the Environment and Economy (CFEE). The foundation made a name for itself taking PUC officials like Peevey, state politicians, and utility executives on free domestic and foreign junkets where they could rub shoulders and cut deals about which ratepayers knew nothing and that were not necessarily in their interests.[27]

Wall Street analysts at Bernstein Research expected no change in the "current leadership and policies of the Commission" under Brown. Industry was clearly excited about Peevey's friendship with Brown. A 1977 photo of Brown with PG&E employees at The Geysers, the company's controversial geothermal field, showed just how far back that friendship went. It was forwarded to the PUC's executive director Paul Clanon in 2010. "This is a classic! Paul - please forward to Peevey. Thanks," read the email from PG&E's lobbyist Brian Cherry.[28]

With Peevey in place, Brown appointed two commissioners that were viewed as consumer-friendly. Wall Street was speculating wildly about who Brown would appoint and if they would be environmental advocates. In mid-January 2011, Brian Cherry was already forwarding Peevey PG&E's own investment analysis warning that Wall Street banks were fretting that Brown's picks might not maintain a "balance" between the need for regulatory oversight while still allowing utilities to earn a reasonable rate of return. Peevey's advice to Cherry in an

email was: "You should find a way to get this info to Brown as he makes his decisions on Commissioners ASAP. Probably best coming from a non- utility source, such as investment banker(s)." In response Cherry wrote Peevey: "Done."[29]

Nevertheless, on January 25, 2011, Brown appointed Michael Florio, a former senior attorney for The Utility Reform Network, and Catherine Sandoval, a law school professor. The day after the appointments, on January 26, 2011, PG&E's investment analyst reported continued UBS and Deutsche Bank speculation on California utilities, including whether Peevey would remain president and if the third commissioner Brown picked would make the PUC far too consumer-oriented to the detriment of investors.

On January 27, 2011 the senior investment analyst at PG&E reported JP Morgan had downgraded PG&E and Edison stock from a "buy" to "hold."

Nancy McFadden, whom Brown had hired as his Executive Secretary in charge of appointments, legislation, and policy from PG&E where she was executive vice president, had her own interest in the price of PG&E stock. She joined Brown's staff with a $1 million cash bonus from PG&E and up to $1 million in PG&E stock options. The utility, a big Democratic Party donor, had given $25,000 to the Democratic Party days before his election.

When PG&E's stock was downgraded following the Florio and Sandoval appointments, Peevey advised Cherry, "This information should go to the Governor's Office, probably best to Nancy McF. Jerry has to be made aware that actions have consequences and the economy is best off with a stable utility sector."[30]

Emails produced by the Public Utilities Commission through Public Records Act requests show Cherry and Peevey calling McFadden the utility's "back door route" on PUC appointments.[31] Evidence shows that McFadden intervened in the decision on whom to appoint to the CPUC, though public officials are prohibited from using their official positions for personal financial benefit. Cherry wrote Peevey, "Nancy asks if you have any names you would recommend. You can call her directly if you like."[32]

In March 2011 Jerry Brown appointed a long-time investment banker, **Mark Ferron**, formerly of Deutsche Bank, to the PUC. A pro-utility majority on the commission was assured. PG&E's sagging stock jumped, benefitting McFadden as much as it did PG&E.

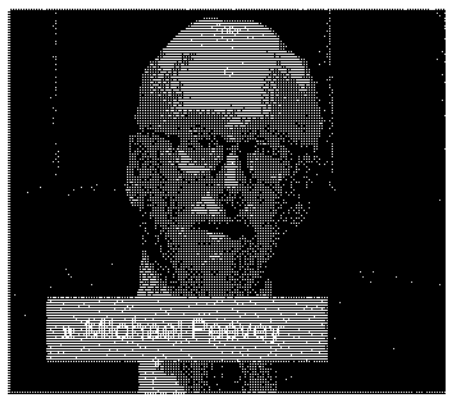
A conflict of interest complaint filed in early 2016 by Consumer Watchdog with the Fair Political Practices Commission about McFadden's improper involvement in the appointment fell outside the statute of limitations, although McFadden is being investigated for her failure to fully disclose her stock holdings in PG&E.

McFadden herself was a product of the revolving door, first working as a senior advisor to Governor Gray Davis, before taking a job at PG&E, and then working for Brown. She didn't land the Brown appointment as Executive Secretary by chance. In the Davis administration, McFadden worked under **Susan Kennedy**, a long-time political hand who had been executive director of the California Democratic Party. Kennedy was Davis's cabinet secretary and handled the worst of the California energy crisis by pushing legislators to arrange the sale of billions in bonds to buy power, and advocating to hike rates to save the utilities. McFadden was her protégé. After Davis appointed Kennedy to the PUC, McFadden left for PG&E. According to one insider, Kennedy had arranged for McFadden to get the job at PG&E in government relations.

In 2006, after three years as a PUC commissioner working alongside Michael Peevey, Kennedy became Governor Arnold Schwarzenegger's chief of staff, then a consultant to McKinsey, Alston & Bird and other well-heeled outlets, and started her own consulting firms, Caliber Strategies, and SPK Consulting. PG&E would be a client. Brown's next picks for the PUC would also be influenced by Kennedy, via McFadden, to ensure that a majority of commissioners would continue to vote in the interests of industry.

As Peevey fomented scandal, Brown would appoint **Michael Picker**, a former aide and another product of the revolving door to the PUC, to replace Ferron in 2014. Picker's association with Jerry Brown and friendship with Susan Kennedy went way back; Kennedy told Jeff McDonald of the *San Diego Union Tribune* that Picker had been her "very first boss in politics" when she came to California a quarter of a century ago.[34] Picker served as deputy assistant for toxic substance control under Brown in 1981.

Nancy McFadden



Michael Peevey

He would go on to be chief of staff for Sacramento Mayor Joe Serna Jr., and found Lincoln Crow Strategic Communications, a policy, media and campaign strategy group, in 2000. When Kennedy became Schwarzenegger's chief of staff, she hired Picker as an advisor on renewable energy, and passed him on as an advisor to the incoming Brown Administration.

Brown would make Picker PUC President once Peevey stepped down under a cloud of corruption at the end of 2014. Picker would continue to run the PUC in Peevey's image. Peevey, and then Picker, would push a building spree of fossil fuel-fired gas power plants. In 2013, Robert Weisenmiller, elevated by Brown to Chair of the California Energy Commission, maintained that natural gas was "the operational glue" of the California grid.[35]

The Ferron Factor

The appointment of ex-Deutsche Banker Mark Ferron to the PUC served as a vaccination against tough enforcement. Emails and other documents at PUCPapers.org reveal that Ferron was far more interested in delivering guaranteed, gold-plated rates of return to Wall Street and shareholders than he was in regulatory oversight.

Ferron and other commissioners and high-level staffers met with Wall Street analysts regularly and discussed pending business before the commission. In one such exchange, between a Morgan Stanley banker and Ferron on September 26, 2012, the banker confirmed a broad and detailed list of questions to pass along to all the commissioners who would meet with him for three hours.

Prior to that meeting, Ferron wrote Morgan Stanley that he had one "stipulation"—that he be put on the distribution list for research on California utilities.[36] The *quid pro quo* was the free provision of exclusive reports so Ferron could track Wall Street's view of the financial health of utilities in exchange for information on how the PUC was approaching specific rate and enforcement cases and other business.

Among the questions, Morgan Stanley wanted to know what the "hold up" was for a Southern California Edison rate hike, where the "various" investigations into PG&E's deadly San Bruno explosion stood, and if regulators were planning to come to settlement.[37]

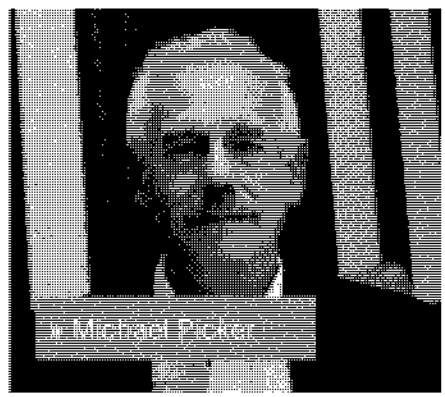
In a memorandum to other commissioners on October 3, 2012, Ferron made the case that holding SCE and PG&E responsible for these disasters would affect investor perception of California as an "unfriendly place."[39] He claimed that this would lead to a higher "risk premium" on borrowed money for utilities, which would "cost ratepayers multiple billions in added expense."

Morgan Stanley's analysis of the California visit, emailed to a select group on October 4, 2012, said, "The key takeaway from our meeting with all the Commissioner offices at the CPUC is that regulation will remain balanced." Ferron and others had evidently signaled that PG&E would not face excessive fines for its lethal San Bruno pipeline explosion. "A settlement relating to the San Bruno explosion is progressing" Morgan Stanley wrote. "We believe our $500mn fine estimate remains appropriate."

On the San Onofre scandal, the PUC appears to have told Wall Street not to fret. "Conversely, a San Onofre investigation is likely, but the CPUC appears to be reserving judgment on the cause/recovery. As a result we do not expect a near-term EPS [earnings per share] hit to EIX/SRE [Edison International/SCE]" the analysis continued.[38] A PUC administrative law judge would go on to cancel the last phase of the public investigation into who was responsible for the radioactive steam leak that permanently shuttered the facility.

Ferron reinforced the tradition Peevey had begun in appeasing Wall Street. In a 2010 email, Brian Cherry praised Peevey's performance in a videoconference and Q&A with a Morgan Stanley analyst. Peevey had told bankers that he had no plans to "shrink" generous rates of return, and that low fuel prices meant utilities had extra money to engage in "asset development initiatives." No ratepayer refunds were in the offing. Cherry wrote in an email to Peevey, "Looks like your interview got rave reviews."[40]

Peevey initiated Michael Picker into the ways of Wall Street as well, asking bankers to arrange a trip to New York for him. In June 2014, Picker went on a personal Wall Street road show, complete with a banker-supplied sedan, for a "full day of 1x1 meetings + intimate group meeting."[41] On the list were ten investment companies, including Goldman Sachs and Prudential. Picker continued to meet with bankers like UBS in Sacramento. In August 2014, Picker wrote an email expressing "my deep gratitude" to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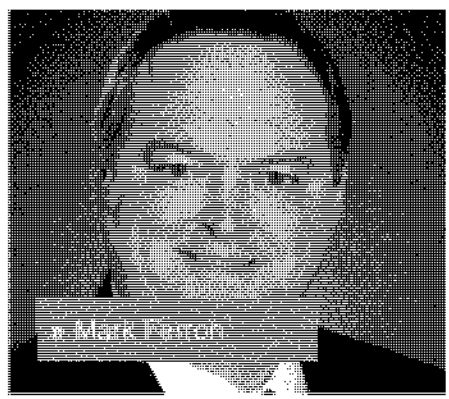

» Mark Ferron

UBS honcho Julien Dumoulin-Smith, "whose many research products already reach my inbox in great profusion daily."

Dumoulin-Smith would later write, "It's been described that you are cut from a different cloth from other CPUC folks. I tend to agree." He thanked Picker for his "insight," calling it a "refreshing change from a lot of folks we meet with." Experts, including the National Consumer Law Center's Charlie Harak in an interview given to the *San Diego Union Tribune*, say there is no reason for regulators to meet with investors or rating agency analysts, unless it's to extract inside information.

A cache of Public Records Act emails and other documents available at PUCPapers.org show that Picker met with Bank of America, Merrill Lynch, UBS, and Credit Suisse representatives at West Coast spots like San Francisco's acclaimed Vietnamese restaurant, the Slanted Door. While Picker championed California utilities, PG&E, Sempra, and SCE donated heavily to the California Democratic Party. Sempra donated $65,000 to the party in May 2014, and Southern California Edison donated $130,000 in May and June, as Peevey made arrangements for Picker's visit to Wall Street. PG&E made a $25,000 donation to the Oakland School for the Arts on July 3, a week after Picker's visit, and donations to the party totaling $435,000 between July and October.

Brown's "Hands"

Publicly released emails confirm that Brown remains loyal to old aides and associates, and tolerates their corruption. Michael Peevey, under criminal investigation for his deal to require 70 percent of the cost of closing San Onofre to be paid by ratepayers, in exchange for a generous SCE grant to UCLA, was well known for *quid pro quos*. A favorite tactic was trading PUC support in regulatory matters for utility contributions to 'non-profit' organizations set up by Peevey and the utilities to fund extra-curricular PUC activities. According to Senator Jerry Hill, Peevey had approved the spending of a total of $160 million in ratepayer money to create seven 'non-profits,' including the California Clean Energy Fund on whose board Peevey sat with PG&E appointees.[43] Peevey had demanded that the utility contribute $30 million to the Fund as a condition of his support for PG&E's bankruptcy reorganization plan.

When Peevey decided to create a "PUC Foundation" that would raise money ostensibly for educational purposes, he demanded money from utilities to attend the fundraiser. PG&E, SCE, and SDG&E each bought a $20,000 table for the night of January 27, 2011. Brown had planned to attend. But as soon as *San Francisco Chronicle* columnists Phillip Matier and Andrew Ross panned the fundraiser as a way to create a slush fund to "pay for activities not covered by agency coffers," Brown was out.[44]

"Brown is not coming," Peevey emailed that afternoon to his friend, PG&E lobbyist Brian Cherry. "Too much stuff in the Chron Matier and Ross, editorial. Ugh."[45]

While he wouldn't be seen with Peevey in public that January night in 2011, Brown praised him to the *San Jose Mercury News* editorial board in a taped video interview in August 2014. "I would say he's a very effective leader, he gets things done."

PUC Director of Policy and Planning, Marzia Zafar, recommended that PG&E's senior director of regulatory relations read the article and watch the video, according to an email from the PUCPapers.org. "The article in this weekend's *San Jose Mercury News* features Gov. Brown talking about how great Pres. Peevey is but you have to watch the video to get a sense of Gov. Brown's confidence in Pres. Peevey," she said. "The video is the best. He says that he has to go back all the way to his first term in the late 70s to find an equally effective leader for the PUC."[46]

Brown's hands would show up at a goodbye dinner for Peevey in February 2015. Susan Kennedy, Peevey's former fellow commissioner who had told him that she had been so "proud to be your wingman,"[47] handled invitations and rsvps. Michael Picker, Peevey's successor at the PUC, was the official sponsor, who would report that various organizations paid at least $55,000 in sponsorships for the dinner.[48]

The invitation read, "You're invited to join us in honoring Mike Peevey. A lifetime of service to the people of California."[49] By then his own staff, outraged by his facilitation of PG&E judge shopping in a rate case and lax regulation of PG&E prior to the San Bruno disaster, described Peevey as "something like an untouchable mob boss."[50] Brown would defend him to the last.

Brown's sister Kathleen, Robert Weisenmiller, chair of the California Energy Commission, Michael Picker who had assumed Peevey's position as PUC President, and about 200 other friends and energy industry contacts did attend the 250-dollar-a-plate dinner. Peevey was disgraced in public, but privately he was still very much in with the circle of Brown insiders who controlled the PUC.

Deregulation

A few of Brown's hands in attendance had profited from the energy crisis. In fact, Peevey himself was one of the chief architects of California's deregulation disaster. After leaving Edison, he founded New Energy Ventures in 1995. The electricity broker got paid by clients for a portion of what was saved on their energy bills. Unisource Energy, parent of Tuscon Electric Power, invested $40 million in the venture, and guaranteed another $26 million in debt.[51]

Shortly after Governor Pete Wilson signed deregulation legislation in 1996, Peevey complained that "the flood gates have not opened as much as I had hoped" when it came to commercial customers

peeling away from utilities to buy power from him.[52]

By 1997, he was touting cheap coal and nuclear power, as well as hydropower, to customers. He boasted about selling power from Quebec to a Rhode Island utility. "This historic sale and purchase signals the end of regulated monopolies in the electricity marketplace and the beginning of customer choice, competition and lower energy prices," he said.[53]

In 1999, he and his partners sold the firm for about $100 million to AES, the global power company that would feature in federal investigations of collusion to drive up power prices during the California electricity crisis. Peevey and his wife, Carol Liu, then just elected to the state Assembly, had investments in AES, Enron and Unisource. They would sell more than $200,000 in PG&E and Edison International stock in 2000—just in time to avoid the worst of the crisis.[54]

In 2001, Governor Gray Davis turned to Peevey to help craft a way out of the crisis. Traders selling on the spot market had spiked electricity prices so much that the legislature passed a law putting the state in charge of buying power for SCE and PG&E, which were teetering on the edge of bankruptcy. Davis would assign Peevey to sort through and choose the bidders vying to sell power to the state, ultimately signing long-term power contracts for $43 billion.[55]

Utilities were allowed to bill customers $20 billion for "stranded assets," meaning assets like nuclear plants they were unable to sell off prior to the energy crisis. Meanwhile, energy marauders gouged consumers in 2000 and 2001 for at least an extra $40 billion beyond the marginal cost of generating power, according to a 2003 report by the Public Policy Institute of California.[56]

Then, in 2002, Davis made Peevey president of the PUC—to reconsolidate utility control over power generation. One of his first acts would be to saddle ratepayers with an additional $8.2 billion to bring PG&E out of bankruptcy.

Robert Weisenmiller, Former California Energy Commission advisor during Brown's first administration, founded MRW & Associates in 1986 to provide energy consulting to businesses, including utilities. Peevey consulted Weisenmiller on exemptions to get his clients out of paying a so-called "competitive transition charge" to pay for utilities' unmarketable assets, even if customers switched to different providers. "It's become kind of a parlor game to guess who the … exemptions are meant for and who else might try to use them for their own advantage," Weisenmiller quipped to the *Public Utilities Fortnightly* newsletter in 1996.[57]

Mark Ferron, too, made money off the energy crisis. He worked for Deutsche Bank's London office from 1996-2009, the last several years as Chief Operating Officer overseeing all operations, including energy investments. Deutsche Bank had been snagged in California's electricity crisis, from its lobbyists expressing interest in 2001 in buying California's grid to its Deutsche Bank Energy Trading division paying a $1.6 million fine in 2009 to settle allegations of California market manipulation. After leaving Deutsche Bank he had settled in Mill Valley, California. Ferron founded the Silicon Valley Social Venture Fund that calls itself a "donor network" contributing its financial, intellectual, and human capital to "make a difference" in Silicon Valley and beyond.[58] Ferron had also donated $25,900 to Jerry Brown's 2010 campaign, according to state records.

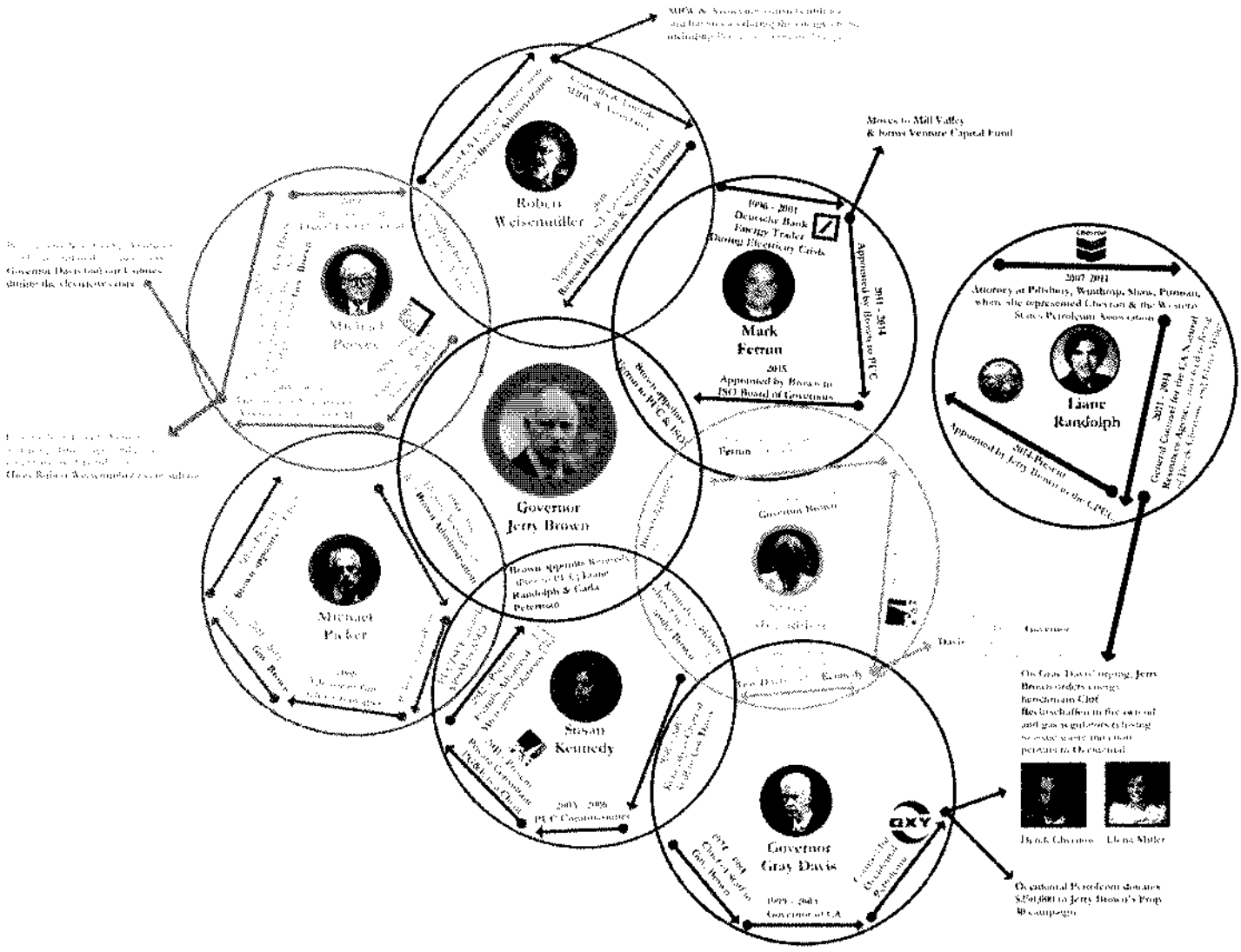
Insiders would go on to award contracts to favorites, and bilk ratepayers. In 2012, the state settled a case over price manipulation during the energy crisis with power plant developer NRG that looked a lot more like a sweetheart contract than a punishment[8]. The company agreed to spend $100 million out of a $120 million fine to install electric vehicle charging stations. The release from the Governor's Office quoted Peevey saying that the deal would "launch a virtuous circle" in which Californians would get comfortable driving EVs, while companies would invest in building the state's needed electric vehicle infrastructure. "It will create jobs in California, help clean our air, and support attainment of our greenhouse gas reduction goals," the release said.

NRG had never donated a dime to Brown, his causes, or the Democratic Party. That changed within two months of the settlement. The company would go on to donate a total of $105,000. Electric charging competitor Ecotality was so incensed that it filed a lawsuit against the PUC, calling the deal illegal because it awarded a monopoly to an out- of-state company. As of 2015, NRG still hasn't delivered on the work it promised. And under PUC President Michael Picker, the company has not been held accountable.

Picker has continued in Peevey's footsteps. Under Picker, the PUC approved a spate of natural gas power plants for SCE when a boom in solar energy and other renewables and an oversupply of natural gas has raised serious questions about the state's need for them, especially when power plant capacity is currently underutilized.[59] At the same time as SCE got its wish for new power plants, Kennedy was awarded a $100 million contract to install storage batteries for the utility. She had chatted up Picker in emails about the technology she was developing. Companies like hers, she wrote, "are the pioneers who will bring these technologies to market by offering them to conservative utilities as a grid service."[60]

Her company, Advanced Microgrid Solutions, had star power, but little else. The company was cofounded with Jackalyne Pfannenstiel, a previous chair of the CEC who had worked for PG&E for two decades. The company had no track record or projects in the works, according to SCE testimony given before a PUC law judge in 2015 on procurement plans. "We looked at the personnel as to whether or not they had the expertise to do what they said they would do," said SCE's Colin Cushnie, vice president of

BROWN'S HANDS: AN INSIDER NETWORK



"I would say he's a very effective leader, he gets things done..."

- Jerry Brown praises Michael Peevey, under criminal investigation for improper dealings with the utilities

energy procurement and management at SCE. "And in total, they were deemed to be sufficient to be able to make contracts."[61]

Lubricating Big Oil For Big Bucks

At the beginning of his administration, Brown appointed oil and gas regulators who were admired by environmentalists for their diligence. That soon changed under pressure from the industry. Gray Davis had served as Jerry Brown's chief of staff in the 1970s and 80s. As Occidental's counsel in 2011, Davis pressured Brown to give the oil industry a break. According to depositions and declarations in the RICO lawsuit against oil companies, Brown, and the state, California oil and gas regulators were prevented by Brown's operatives from stopping oil waste injections into unprotected aquifers. The regulators repeatedly warned that Brown's orders to skip provisions of the federal Safe Drinking Water Act and to dole out oil and gas injection permits to oil companies without sufficient review would violate both state and federal laws protecting groundwater.

In a declaration signed by Derek Chernow, former acting director and chief deputy director of the California Department of Conservation, Chernow described how he lost his job trying to protect that groundwater.[62] "I understood that one of my job duties was to ensure and improve California's compliance with the Safe Drinking Water Act. This is a Federal law that requires protection of groundwater from underground injections of waste water from oil production processes. This water...is so dirty, it cannot be used for hydraulic fracturing and must be disposed of in a manner that prevents it from migrating into fresh water."

The need to protect groundwater became more urgent in 2011 when oil companies upped their requests for injection well permits. The US Environmental Protection Agency had advised Chernow and his state oil and gas supervisor, Elena Miller, that the Division of Oil, Gas, and Geothermal Resources (DOGGR) had no authority under state law to issue gas waste injection permits under the Safe Drinking Water Act. The California Independent Petroleum Association then sponsored a bill introduced by Senator Michael Rubio—later hired as Chevron's director of California governmental affairs—to give DOGGR that authority. Chernow and Miller required wells to be remediated prior to injections, and the US EPA, which had audited California to ensure full compliance with federal rules on protecting water, agreed. Oil companies didn't want to hear that. They started pressuring Miller for permits up front, with no testing, surveying or required environmental documentation.

In early October 2011, Chernow described a weekly meeting with Secretary John Laird of the California Natural Resources Agency. "During the meeting, Laird took a call from Governor Brown," he wrote. "Laird finished the call and, when he hung up, he told me the Governor just received a call from Gray Davis who served as counsel for Occidental. Occidental wanted Governor Brown to fire me and the State Oil & Gas supervisor because of the alleged delays in permitting."

Later that month, Brown's office requested documentation about Occidental's waste gas disposal wells, operations, and permitting process, which Chernow supplied, stating in an email that he would be "willing to follow any direction as required..." On October 19, media reports appeared in which Occidental complained of being hurt by a hold up in permits. Chernow reported that Governor Brown's office and his energy advisor, **Cli f Rechtscha f f**, en heduled a meeting with him around October 28, 2011.

Future PUC Commissioner **Liane Randolph**, then deputy secretary and general counsel at the California Natural Resources Agency, attended the meeting where Rechtschaffen told the group that the Governor "wanted to do things a different way."[63] He turned the meeting over to Randolph. "Randolph slid a piece of paper over to Miller and Chernow," the RICO complaint said. The document, called the "Temporary Assistance Program," looked a lot like what the petroleum industry wanted. It proposed that regulators approve injection well permits without complete engineering studies or well casing diagrams. That meant oil companies would be allowed to inject contaminated wastewater underground before any remediation of damaged well casings. "During the meeting Rechtschaffen stated that DOGGR must immediately fast track permit approval," Chernow stated in his declaration.

Chernow sent a memo to the Brown Administration about the proposal. He explained that the proposal violated both state and federal rules requiring complete review before injections started. Environmentalists, he said, "will argue, correctly, that the laws...are intended to prevent damage before it occurs."

In a meeting on November 2 attended by Miller, Chernow, Liane Randolph and natural resources undersecretary Janelle Beland, and which Rechtschaffen joined by phone, "Rechtschaffen started yelling he was angry about the memorandum...He further yelled at them that they had their orders," the lawsuit said. Miller told Rechtschaffen that the proposal violated the Safe Water Drinking Act, and that the EPA had agreed that the proposal, passed on to them by Chernow, was modeled on the Western States Petroleum Association proposal that DOGGR had already rejected.

"Rechtschaffen told Miller and Chernow this was an order from Governor Brown. He also notified Miller that she must make a public statement about the policy change," the lawsuit said. After Rechtschaffen hung up, "Randolph tried to reassure them and said it was their job to assume the Governor has a higher purpose. Randolph also told them that they were to do what the Governor sees fit even if they don't know the reason."

The next day, November 3, Chernow was fired. Ultimately, the oil industry was allowed to drill more than 2,400 injection wells for the disposal of its toxic waste into the state's protected aquifers. They included aquifers with water clean enough to drink or use for crop irrigation, according to the *Sacramento Bee*.[64] An *Associated Press* analysis found that 46 percent of those injection wells either got permits or began injections under Governor Jerry Brown.[65]

After Chernow was fired, Brown assigned Rechtschaffen to temporarily take over Chernow's job.

Two months later in January 2012, Brown's new oil and gas supervisor granted Occidental a permit to frack in Kern County without an environmental review that should have protected aquifers. Four days after that, Occidental contributed $250,000 to Prop 30, Brown's ballot initiative to raise taxes. It made a second $250,000 donation to Prop 30 seven months later. Thousands of aquifers were ultimately polluted. The Administration has submitted an application to the US EPA for an exemption for fracking and waste disposal into aquifers in San Luis Obispo's Arroyo Grande oilfield and is preparing another for the Round Mountain oil field in Kern.[66]

Fracked Up

Oil money also shaped California's efforts to enact legislation to regulate fracking in the state and shut down plans to enact an oil extraction tax.

Hopes had run high that Governor Brown would accept an outright ban on fracking in California. Not only did Brown oppose such a ban, disappointing environmentalists, but his office reportedly significantly weakened legislation regulating fracking. The involvement of Brown's executive secretary Nancy McFadden, who held stock in Linn Energy, a company that would benefit from less oversight, is the subject of a pending Fair Political Practices Commission complaint filed by Consumer Watchdog.

Introduced at the end of 2012 by Sen. Fran Pavley, SB 4 would have regulated fracking through permitting, monitoring of environmental effects, and public disclosure of fracking chemicals. March 2013 amendments included language to place a moratorium on fracking until the practice could be studied and deemed safe for the environment. The Western States Petroleum Association, Occidental, Chevron and other oil companies swung into action.

Brian Cherry

"Jerry's plea was decisive...."

-former PG&E lobbyist Brian Cherry, now under criminal investigation, on Brown's lobbying of a PUC Commissioner to approve a billion-dollar natural gas-fired power plant that a judge would later determine was unnecessary.

Oil companies did not want the legislation to expand to include lucrative and long-standing cyclic steam and steam flooding extraction techniques. Sources in the Capitol report that Brown Administration officials, including McFadden, sought amendments to weaken the bill.

By May 24, 2013, Senate amendments specifically exempted steam injection from the bill. Chevron donated $135,000 to the California Democratic Party that same day. On June 8, the moratorium on fracking permits was dropped. Occidental gave the Governor $27,200 on June 29. After the bill was signed by the governor on September 20 Occidental gave another $100,000 to the Oakland Military Institute on October 9. Between the bill's introduction and its chaptering, energy companies had donated more than $700,000 to Brown's campaign.

McFadden reported holdings valued up to $100,000 in Linn Energy when she began working for Brown, a company that would acquire Berry Petroleum and its 3,000 California fracking wells.

Severance Down

Save California, every other major oil producing state has a well-head, or oil severance, tax. SB 241 would have imposed an oil severance tax in California. The bill passed a Senate committee in May 2013 but was placed on the Senate Appropriations "suspense file" on May 20. If the measure had been enacted, it would have generated revenue gains of $814 billion in 2013-14 and $1.5 billion in 2014-15. SB 241 was shelved just four days before Chevron's $135,000 donation to the Democratic Party.

In December 2013, three months after weakened fracking legislation was chaptered, Chevron donated $350,000 to the Democratic Party. One week later, the Party donated another $300,000 to Brown for Governor 2014, while Chevron donated $54,400 to the campaign that day—the maximum amount allowed. Brown then came out against the oil severance tax in January 2014, just as Democratic support was building for a revived legislative and potential ballot measure campaign to enact a version of SB 241. "I don't think this is the year for new taxes," he said after he released his proposed 2014-2015 budget.[67] "When I went up and down the state campaigning for Proposition 30, I said it was temporary and it is going to be temporary. I just think we need everything we can to live within our means before going back again to try and get more taxes."

A Change in Climate: SB 350

SB 350 was introduced in February 2015. It doubled energy efficiency in buildings, and increased the state's renewable energy requirement to half of the state's electricity by 2030. It also proposed to slash in half the amount of petroleum to be used in cars.

There was a lot for utilities to like. It gave them billions in new business updating the grid for electric vehicles and providing charging stations, and carte blanche for new renewable projects and transmission lines. It also allowed rooftop solar to be excluded from the new renewable energy standard. And an amendment in the last days of session opened the door to a regional Western grid where utilities could import and export electricity with little regulation.

SCE donated $130,000 to the California Democratic Party two weeks after SB 350 was introduced in February 2015. Within weeks of the September 2015 amendment to the bill authorizing California's integration into a larger Western grid, PG&E donated $80,000 to the California Democratic Party.

The oil industry spent millions lobbying to prevent a reduction in the use of petroleum in cars, but Senate pro Tempore Kevin de Leon fashioned a compromise with moderates in the Assembly that included checks and balances on the Air Resources Board.[68] It was Brown's eleventh hour decision to reject De Leon's compromise. Brown summed it

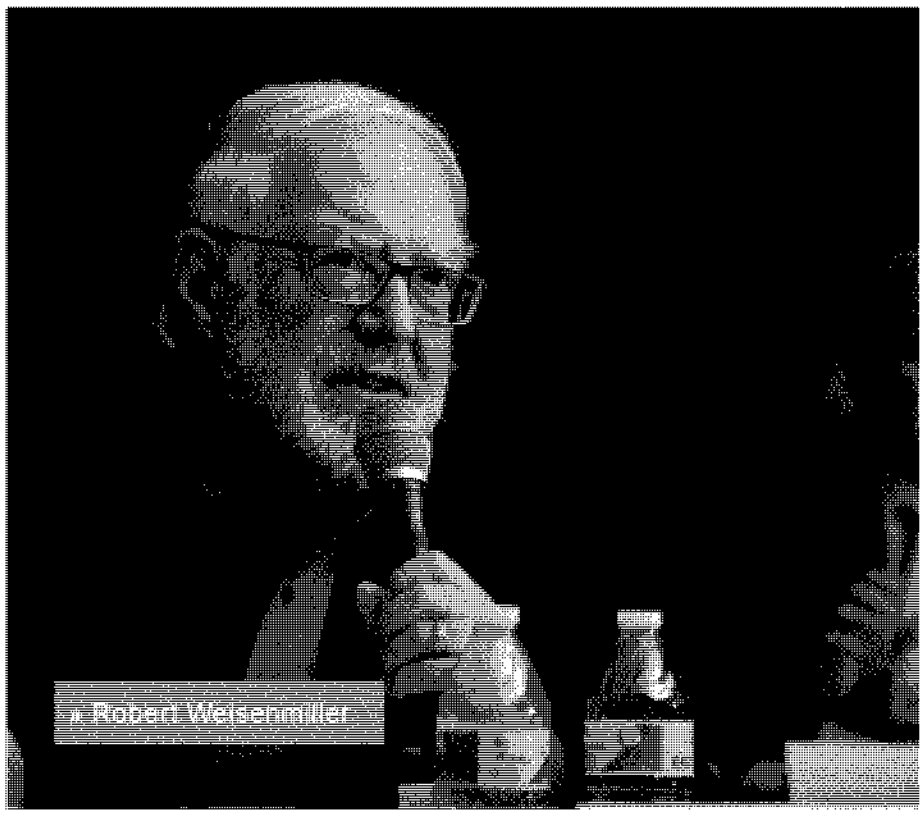
» Susan Kennedy

up like this: "No company wants to see its business cut 50% just because some governor of California says, 'Hey, that's what we're going to do.'"[69] That left lobbyists and staffers close to the deal disappointed, calling the decision inexplicable and wrong-headed. At the signing of the scaled-back bill, Brown said he planned to use his executive power through the Air Resources Board to keep rolling the ball forward, but a subsequent court decision raised questions about his ability to do so. Addressing lawmakers on why he did not want to add any limits on ARB, he said, "I love the Legislature but I don't want to entrust you with too much power."[70]

But the bill Brown signed was a Christmas tree for the utilities. A regional Western grid has been a long-held goal of the utilities, dating back to electricity deregulation. In 1996, PG&E vice president Jim Macias talked of "tremendous advantages of having interconnection of states."

The idea of a Western grid was a casualty of the failure of deregulation, but Brown revived it in last-minute amendments to SB 350 that created a study and road ahead for the concept. A California Independent System Operator (CAISO) study supporting the concept was released in July 2016. Governor Brown was pushing legislation to establish the Western grid in the last month of the legislative session in August 2016, but was forced to pull back in the face of legislative opposition.

The Western grid is a dream for utilities. Utilities would be able to continue to justify their traditional business model of building large power plants and other infrastructure paid for by ratepayers, while discouraging wide installation of rooftop solar and the adoption of smaller-scale battery storage technology that could avoid the need for new gas- fired power plants. The shift to a Western grid also opens California up to the import of cheap but dirty coal-fired power, the pricing of which would be largely opaque to ratepayers. Berkshire Hathaway's PacifiCorp, a giant power producer running plants in six western states, is entering the market. A half a dozen other utilities are also lining up. According to its own factsheet, 62 percent of the power PacifiCorp generates comes from coal.[72]


Robert Weisenmiller

One of the regulators who is backing this regionalization is Mark Ferron. After he stepped down from the PUC for health reasons in 2014, Brown reappointed him to the CAISO that manages California's electricity grid. It has sponsored about 190 transmission development projects since 2006 worth about $7.5 billion virtually all of them to the financial benefit of investor-owned utilities that typically realize their highest guaranteed profit on transmission lines. According to a presentation that Ferron gave in March 2016, "west-wide coordination enables increased reduction in carbon emissions" and "consumers across the region will save millions of dollars per year."[73]

Utility Favors

One of the biggest problems facing the Brown Administration in 2011 was what to do about PG&E in the wake of the lethal San Bruno explosion that had killed eight and levelled a neighborhood the year before. Brown himself apparently wanted to mitigate the damage. Emails released in 2015 by the City of San Bruno showed that Governor Brown's office choreographed statements by Peevey and Commissioner Mike Florio about the public investigation into San Bruno.

The Governor's staff knew in advance about a pending statement from Florio, seen as more pro-ratepayer than others, and Peevey about the commission's consideration of a fine against the utility in January 2012, according to Jeff McDonald of the *San Diego Union Tribune*. "...Peevey and Florio are expected to issue a joint press release today stating their intent to work jointly to resolve the pending San Bruno and other investigations," wrote then PG&E vice president Thomas Bottorff to PG&E's chairman Anthony Earley. "Peevey will not be ceding control of the [investigation] to

"Occidental wanted Governor Brown to fire me and the State Oil & Gas Supervisor..."

- Former Department of Conservation official Derek Chernow

Florio," the email said. "The Governor's Office is aware of and approved the joint statement."[74]

Susan Kennedy too was working to help PG&E. PG&E was a client of Kennedy's Caliber Strategies. A March 2012 email from Kennedy to PG&E lobbyist Brian Cherry indicated she had spoken with Peevey about the San Bruno explosion. "Peevey liked the idea of an independent forensic analysis," her email said. "New CPSD [Consumer Protection and Safety Division] director might present an opportunity to dump Overland," she wrote. Overland was an independent consultant who had audited the utility after the explosion. It discovered that ratepayer money was used to pad executive bonuses and pay shareholders instead of for safety.[75] Kennedy did not succeed in dumping Overland, but it was clear that Kennedy was working to shield PG&E from scandal.[76] Under the Brown Administration, PG&E was let off the hook for the diversion of ratepayer money.[77]

In May 2013, PUC staff recommended that PG&E pay $2.25 billion for failing to maintain its gas main in San Bruno. Behind the scenes, that fine was knocked down to $1.6 billion in 2015. PG&E was allowed to use most of the "fine" to pay for the very upgrades that customers had ostensibly financed through their rates for decades, but that the PUC and PG&E had never tracked.[78]

The PUC's Office of Ratepayer Advocates, customers' only representation within the PUC, had said customers shouldn't pay a dime "given PG&E's mismanagement of its pipeline system and that customers have already paid for the costs of such pipeline maintenance and upgrades." Michael Picker defended the fine. "The purpose of a fine is to deter behavior," he told the *Los Angeles Times's* Ivan Penn in response to a question about the fine's size. "It's not revenge. We didn't want to fine them just to punish them."[79]

Brown also appears to have played an instrumental role in helping Peevey muscle PUC votes for fossil fuel projects that weren't necessarily needed. PG&E wanted to build the Oakley gas-fired plant, but Mark Ferron didn't think it was needed. According to a January 1, 2013 email from former PG&E lobbyist Brian Cherry to his boss, Cherry and Peevey spent New Year's Eve sipping Johnny Walker Blue Label. Cherry wrote, "he reminded me how he and Governor Brown used every ounce of persuasion to get [commissioner Mark] Ferron to change his mind and vote for Oakley...Jerry's direct plea ...was decisive. Peevey suggested that Tony [Earley, PG&E CEO] call the Governor personally and thank him."[80] A day after the PUC voted yes, PG&E sent a $20,000 check to the California Democratic Party.

In February 2014, an appeals court judge threw out the PUC decision on Oakley. The judge said that PG&E had not proven that a plant in Contra Costa County was needed. CAISO claimed that the plant would be needed by 2020 to back up wind and solar plants, but supplied no evidence to the judge. On top of that, no one from CAISO would testify in court.[81]

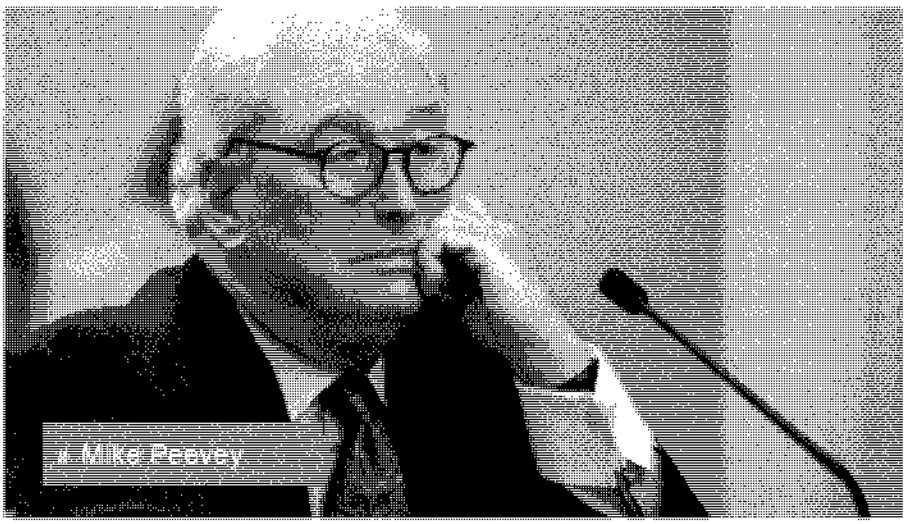
Brown also pushed for power plant operator AES to renovate two natural gas-fired power plants in Huntington Beach for SCE, approved by the PUC, over the objections of J.P. Morgan, which controlled the rights to the plant's output. "Any attempt by JPMorgan Venture to stand in the way of this important contract should be soundly rejected," Brown wrote to the FERC on November 28, 2012.[82] SCE had donated $50,000 to the Democratic Party on November 6, 2012.

The evidence of Brown's intervention in the approval of unnecessary, polluting natural gas power plants and the continued flow of utility money into the coffers of the California Democratic Party and his own causes, raises troubling questions about whether Brown has intervened elsewhere. On March 7, 2015, an administrative law judge at the PUC ruled against an updated $2 billion natural gas power plant at Carlsbad for SDG&E. Instead the judge said SDG&E could buy more power from wind and solar sources.[83] On May 21, the PUC reversed that decision, which is now in litigation.[84] Sempra made large donations totaling $115,000 to the California Democratic Party a week before the PUC reversal. Could Governor Brown have intervened there too?

Reliability for Decades To Come

In March 2013, Michael Peevey struck a secret deal in a Warsaw hotel room to put $3.3 billion worth of the $4.7 billion cost to close down defective nuclear generators at San Onofre onto ratepayers. He pressured SCE to give UCLA a $25 million grant to study global warming as part of the deal. The PUC gave SCE a wrist slap -- later fining Edison $16.7 million for failing to report the private talks.

On June 6, 2013 Edison International CEO Ted Craver turned to Jerry Brown to defend the settlement and Peevey's


Mike Peevey

actions. Senator Barbara Boxer had evidence that Edison may have lied to federal regulators about what it knew of the faulty equipment before it was turned on, and she was demanding a criminal investigation.[85] Craver reached Brown by phone as the Governor was meeting with President Obama at Rancho Mirage. Afterwards, Craver emailed his board that Brown had "indicated a willingness" to tell the media that he thought the company was acting responsibly and focused on the right things, Craver wrote. "He said what we were doing seemed right under the circumstances, good to reduce uncertainty..." Craver described Brown taking a "swipe" at the Nuclear Regulatory Commission for "bungling the process which was going to cause harm to California." Craverwrote that Brown "fished for whether we were going to blast NRC or Boxer; I said, 'No,' I didn't see any mileage in that."[86]

In a statement released the next day, Brown directed energy regulators to come up with a long-term plan ensuring electricity "reliability for decades to come" in the wake of San Onofre's closure.[87] In October 2013, Robert Weisenmiller told Marc Lifsher of the *Los Angeles Times* "that Brown cornered him in August and bluntly warned him to 'make sure the lights don't go out down there' in Southern California."[88]

An industry publication, *California Current* got a hold of a draft copy of the long-term plan and published it in

September 2013. The plan indicated that SDG&E's proposal for the Pio Pico natural gas power plant in Otay Mesa and the Carlsbad plant was as good as approved. A reporter spilling the beans like that bothered regulators. *California Current* "makes it sound like Pio Pico and Carlsbad are done deals...," wrote CEC advisor Kevin Barker to top regulators at the PUC, and the CAISO.[89] "It'll be good to reiterate that these are options during the [energy policy] presentation and that it says timely decision for Pio Pico, not approval."

In March of 2013 the PUC had rejected approval of the Pio Pico plant on grounds that it would not be needed until at least 2018, and that would leave room for enough renewable energy to come on line. Peevey went to work to reverse that decision. In February, 2014 the PUC approved Pio Pico after Peevey pushed it through with help from Weisenmiller, who wrote a letter supporting the project at Peevey's request.[90]

The CEC is responsible for environmental permitting of large thermal plants, forecasting state energy demand, promoting energy efficiency standards, renewable energy, and renewable transportation technologies. It is not responsible for determining the need for power plants. Weisenmiller's letter was inappropriate. But all the regulatory agencies were working in tandem to satisfy Brown's apparent appetite for natural gas power plants to fill the void left by the shuttering of San Onofre, despite the fact that the state is required to up its energy from renewable sources to 50 percent by 2030.

By November 2013, the PUC would approve four new natural gas power plants for SCE, and another for SCE in Oxnard in May 2016. Each of those projects cost roughly $1.5 to $2 billion a piece and ratepayers will pay for them. The fundamental question remains whether these investments are really needed, or whether the state could have relied more heavily on solar power, including rooftop generation. In just the last three years, California's share of solar power production has jumped from under one percent to 6.7 percent in 2015, according to California's Independent System Operator. That doesn't count rooftop solar and smaller commercial installations. Battery storage is a technology ripe for utilizing to store renewable energy, and leaps in energy efficiency, and new time-of-use rates, can also shave demand.[91]

Instead, under the Brown Administration, the amount of power that California generates from natural gas rose from 45 percent to 60 percent between 2011 and 2015, largely justified by the decision to close San Onofre. Ironically, the CAISO estimates that a crash in natural gas prices means that the amount of money utilities can make off of selling electricity from natural gas power plants is substantially below their fixed costs.[92]

New gas-fired capacity "does not appear to be needed at this time," the CAISO wrote in a May report. The bad news is that Southern Californians will be paying at least $10 billion for the next 20 years for new natural gas plants whether they are needed or not.

Worse, ratepayers are also picking up the tab for duds. In the wake of the energy crisis, the California legislature and regulators suspended a requirement that utilities must justify what they build as "useful and in use" before ratepayers pay to jumpstart new power plants. Under Peevey, and then Picker, building new natural gas-fired power plants without having to prove demand became a convenient way to pad the pockets of utility shareholders.

The *Los Angeles Times* has reported that Californians are paying billions of dollars for the now-shuttered San Onofre plant, tens of millions for an Edison coal plant in Nevada that was found to be in violation of the Clean Air Act and closed, and more for never-completed PG&E transmission lines after partners pulled out or permits were denied. An upgrade at Aliso Canyon will cost SoCalGas customers another $200 million, whether the natural gas storage facility is shuttered as area residents want, or not.[93]

Brown's Secrets

Even as Brown has broadened the use of fossil fuels, he has tried to keep details of crooked deals under wraps. PUC President Michael Picker declined to reopen the San Onofre settlement despite the fact that a public investigation into the causes of the San Onofre leak was abruptly cancelled by a PUC administrative law judge, and despite the absence of a PUC determination on whether SCE acted reasonably in deploying defective steam generators in the first place. "I can't say I find a basis in the record to do that," Picker told the *Los Angeles Times'* Ivan Penn at the end of 2015. "I don't think it's the greatest settlement, but on balance it's a fair and reasonable settlement."[94] Under legal pressure and intense media scrutiny, the PUC was forced to reverse itself and reopen the case.

But the PUC still refuses to release dozens of emails on the subject between Picker and the Governor's office, according to attorney Mike Aguirre who has sued to get them. Brown has so far authorized the PUC to spend $12.3 million on outside counsel to prevent the emails release.[95] It is unclear whether Brown even has the power to approve such spending. According to the California Department of General Services, the PUC signed contracts with private law firms that they were not permitted to execute, among a host of other problems. The audit by DGS found that the PUC didn't maintain required paperwork and paid vendors even when the work was not performed to specifications, according to the *Los Angeles Times*. The report "referenced more serious issues that were not made publicly available," the *Times* wrote.[96]

On October 12, 2015, Brown vetoed six bills meant to reform the PUC by making it easier to sue the commission, appointing an inspector general within the State Auditor's Office to oversee the PUC, and by requiring legislative review if the agency hired outside counsel for criminal investigations. He called many of the reforms "unworkable." They were no doubt unworkable for utilities. A week after the veto, PG&E donated $50,000 to the California Democratic Party. Two months later, it donated another $175,000 to the Party.[97]

Now, Brown is working with legislators on a proposal to revamp the agency that critics say is more cosmetic than substantive. The plan targets low-hanging fruit, strengthening *ex parte* rules and subjecting Public Records Act denials to judicial review. But more substantive reforms from the 2015 legislation, including Superior Court review of PUC decisions, are not included. Nothing in the proposed reforms would flip the PUC's priorities so ratepayers no longer take a backseat to investors.[98]

BROWN'S DIRTY HANDS

CONCLUSION

While Governor Brown has taken oil and gas companies to task over climate change, his Administration has helped oil companies that have contributed to his campaigns at key junctures: compromising well safety that led to the methane leak at Aliso by the firing of tough well regulators, stopping momentum for a well-head tax, permitting fracking to continue in the state, and deciding to abandon legislative reforms that could have reduced petroleum usage in the state. The oil and gas companies have funneled major contributions to Brown, often through the Democratic Party, in return for the favoritism his Administration has shown them.

With regards to utilities, the corruption so well documented under former PUC President Michael Peevey, who is now under criminal investigation for his coziness with utilities, has continued through the Brown Administration, just in more surreptitious ways. Brown, his appointees and aides have protected the old guard at the PUC, the proliferation of fossil fuel powered natural gas plants, and utility investors. Utilities have responded in kind with large, well-timed donations.

Twenty six energy companies that have contributed to Brown and his causes have shaped a legacy that is one of a governor who has time and again chosen the interests of dirty energy companies and their investors over the environment and the consumer.

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APPENDIX A - ENERGY COMPANY CONTRIBUTIONS - TOTAL

2009 - 2016

	Prop 30	Props 1&2	Brown 2010	Brown 2014	California Democratic Party	Oakland Military Institute	Oakland School for the Arts	Governor's 2011 Inaugural Committee	California State Protocol Foundation	TOTALS
Aera Energy	$300,000.00	$250,000.00								$550,000.00
AES						$15,000.00				$15,000.00
Anschutz Entertainment Group						$10,000.00				$10,000.00
Berkshire Hathaway Energy				$5000.00						$5,000.00
Berry Petroleum	$50,000.00									$50,000.00
Breitburn Operating	$29,750.00									$29,750.00
CA Independent Petroleum Association	59,918.00	$100,000.00			55,917.77	$5,000.00				$120,835.77
Calpine Corporation					$50,000.00	$8,000.00				$58,000.00
Chevron				$54,400.00	$1,337,500.00	$65,000.00	$25,000.00	$5,000.00		$1,486,900.00
Clean Energy			$25,900.00		$32,400.00	$100,000.00	$60,000.00			$218,300.00
ConocoPhillips	$50,000.00				$100,000.00					$150,000.00
ExxonMobil				$20,000.00						$20,000.00
Freeport-McMoran Oil & Gas	$100,000.00									$100,000.00
Macpherson Oil	$50,000.00									$50,000.00
Manatt, Phelps & Phillips							$5,000.00			$5,000.00
Naftex Operating Co	$10,000.00									$10,000.00
NRG				$30,000.00	$25,000.00	$10,000.00	$20,000.00		$25,000.00	$110,000.00
Oberon Fuels	$1,000.00									$1,000.00
Occidental (Subsidiaries and Associates)	$500,000.00		$94,950.00	$27,200.00	$217,400.00	$235,000.00				$1,074,550.00
Pacific Coast Energy	$5,250.00									$5,250.00
PG&E (Subsidiaries and Associates)	$25,000.00		$112,145.00	$54,200.00	$2,574,924.00	$75,000.00	$125,000.00			$2,966,269.00
Sempra			$32,400.00	$53,200	$1,294,000.00					$1,379,600.00
Signal Hill Petroleum	$20,000.00									$20,000.00
SoCalEdison/Edison (Subsidiaries and Associates)			$58,500.00	$54,400.00	$1,500,195.00					$1,613,095.00
Sun Edison	$10,000.00									$10,000.00
Tesoro				$25,000.00						$25,000.00
Vaquero Energy	$35,000.00									$35,000.00
VENOCO	$25,000.00									$25,000.00
World Oil								$5,000.00		$5,000.00

APPENDIX B -

TIMELINE OF ENERGY INDUSTRY CONTRIBUTIONS & FAVORS

Date of contribution	Amount	Recipient	Donated By
4/3/09	$45,000.00	California Democratic Party	Sempra
4/29/09	$50,000.00	California Democratic Party	Chevron
5/2/09	$25,000.00	California Democratic Party	ConocoPhillips
5/2/09	$30,000.00	California Democratic Party	SoCalEdison
5/12/09-5/13/09	$43,000.00	California Democratic Party	Sempra
6/9/09	$30,000.00	California Democratic Party	SoCalEdison
8/31/09	$2,500.00	California Democratic Party	Chevron
11/20/09	$8,000.00	Brown for Governor 2010	Multiple Occidental Employees
11/20/09	$9,000.00	Brown for Governor 2010	Occidental
12/14/09	$1,000.00	Brown for Governor 2010	PG&E Senior Vice President - Thomas E Bottorff
12/29/09	$10,000.00	Brown for Governor 2010	PG&E
12/31/09	$25,000.00	California Democratic Party	Sempra
1/5/10	$40,000.00	California Democratic Party	Sempra
2/19/10 - 2/24/10	$3,500.00	Brown For Governor 2010	Multiple PG&E Executives and Vice Presidents
3/1/10	$1,500.00	Brown for Governor 2010	PG&E Senior Vice President - Rand L Rosenberg
3/10/10	$5,000.00	Brown for Governor 2010	Edison International Civic Action Committee
3/10/10	$4,000.00	Brown for Governor 2010	Edison International Southern California Edison - Chairman and CEO - John E. Bryson
3/10/10	$8,000.00	Brown for Governor 2010	Multiple Occidental Employees
3/10/10	$22,160.00	Brown for Governor 2010	Multiple PG&E Executives, Vice Presidents , and Employees
3/10/10	$6,000.00	Brown for Governor 2010	Occidental
3/10/10	$2,000.00	California Democratic Party	PG&E
3/10/10	$12,000.00	Brown for Governor 2010	PG&E CEO and Chairman - Peter A Darbee
3/10/10	$250.00	Brown for Governor 2010	PG&E Political Affairs Manager - Dana Williamson
3/10/10	$6,500.00	Brown for Governor 2010	Sempra
3/15/10	$10,000.00	California Democratic Party	SoCalEdison
3/16/10	$1,000.00	Brown for Governor 2010	PG&E Vice President - Brian Cherry
3/29/10	$2,500.00	Brown for Governor 2010	Edison International Southern California Edison - Chairman and CEO - John E. Bryson
3/30/10	$75,000.00	California Democratic Party	PG&E
4/7/10	$50,000.00	California Democratic Party	Chevron Policy Govt. & Public Affairs
4/7/10	$35,000.00	California Democratic Party	SoCalEdison
4/9/10	$60,000.00	California Democratic Party	Sempra
4/12/10	$5,000.00	Brown for Governor 2010	Edison International Business Executive - Robert Adler
4/13/10	$40,000.00	California Democratic Party	Sempra
4/22/10	$1,500.00	Brown for Governor 2010	SoCalEdison Employees
4/29/10	$10,679.87	Brown for Governor 2010	PG&E
4/29/10	$4,320.13	Brown for Governor 2010	PG&E
5/19/10	$1,000.00	Brown for Governor 2010	Occidental Chairman & Chief Executive - Ray R. Irani
5/21/10	$50,000.00	California Democratic Party	Chevron Policy Govt. & Public Affairs
5/21/10	$3,000.00	California Democratic Party	Sempra
5/21/10	$5,000.00	California Democratic Party	SoCalEdison
5/21/10	$45,000.00	California Democratic Party	SoCalEdison

APPENDIX B -

TIMELINE OF ENERGY INDUSTRY CONTRIBUTIONS & FAVORS

Date of contribution	Amount	Recipient	Donated By
5/28/10	$4,100.00	Brown for Governor 2010	Occidental
5/28/10	$10,900.00	Brown for Governor 2010	Occidental
6/7/10	$25,000.00	Brown for Governor 2010	SoCalEdison
7/15/10 - 7/23/10	$3,500.00	Brown for Governor 2010	SoCalEdison Employees
7/23/10	$2,000.00	Brown for Governor 2010	Edison International Employees
7/26/10	$2,500.00	Brown for Governor 2010	SoCalEdison CEO
7/29/10	$1,000.00	Brown for Governor 2010	Edison International Southern California Edison - Chairman and CEO - John E. Bryson
7/29/10 - 8/6/10	$4,500.00	Brown for Governor 2010	SoCalEdison Employees
8/18/10	$25,000.00	Brown for Governor 2010	Occidental
8/28/10	$75,000.00	California Democratic Party	PG&E
9/1/10	$21,800.00	Brown for Governor 2010	Occidental
9/1/10	$5,000.00	Brown for Governor 2010	PG&E- Director, Workforce Development - Van Ton-Quinlivan
9/2/10 - 9/3/10	$1,150.00	Brown for Governor 2010	Multiple Occidental Employees
9/3/10	$5,000.00	California Democratic Party	ConocoPhillips
9/8/10	$125,000.00	California Democratic Party	PG&E
9/8/10	$100,000.00	California Democratic Party	PG&E
9/25/10	$2,500.00	Brown for Governor 2010	PG&E- SVP Public Affairs - Nancy E. Mcfadden
9/26/10	$10,000.00	Brown for Governor 2010	PG&E- Director, Workforce Development - Van Ton-Quinlivan
9/27/10	$25,000.00	California Democratic Party	Occidental
10/11/10	$10,000.00	Brown for Governor 2010	PG&E Former Executive - Daniel D Richard
10/13/10	$2,000.00	Brown for Governor 2010	Edison International Southern California Edison - Chairman and CEO - John E. Bryson
10/16/10	$50,000.00	California Democratic Party	PG&E
10/16/10	$22,000.00	California Democratic Party	Sempra
10/20/10 - 10/25/10	$3,015.00	Brown for Governor 2010	PG&E Employees
10/21/10	$15,220.13	Brown for Governor 2010	PG&E
10/26/10	$25,900	Brown for Governor 2010	Clean Energy
10/28/10	$25,900.00	Brown for Governor 2010	Sempra
10/28/2010 - 10/29/10	$32,400.00	California Democratic Party	Clean Energy
10/29/10	$7,400.00	California Democratic Party	Occidental
10/30/10	$25,000.00	California Democratic Party	PG&E
11/2/10	$50,000.00	California Democratic Party	SoCalEdison
1/5/11		**BROWN APPOINTS PG&E's MCFADDEN AS EXEC SECY**	
1/6/11	$5,000.00	Governor's 2011 Inaugural Committee	World Oil
1/18/11		**Cherry Fingers McF as "Back Door Route" to PUC Appts.**	
1/27/11		**Cherry Advises Peevey to Call McF with Names**	
1/28/11	$25,000.00	Oakland Military Institute	Clean Energy
2/17/11	$75,000.00	California Democratic Party	PG&E
3/9/11	$10,000.00	Oakland Military Institute	Chevron
3/16/11	$50,000.00	California Democratic Party	SoCalEdison
3/21/11	$25,000.00	Oakland Military Institute	Occidental
3/22/11	$6,500.00	California Democratic Party	PG&E
3/22/11	$35,000.00	California Democratic Party	PG&E
3/22/11		**BROWN APPOINTS EX-BANKER FERRON TO PUC**	

APPENDIX B -

TIMELINE OF ENERGY INDUSTRY CONTRIBUTIONS & FAVORS

Date of contribution	Amount	Recipient	Donated By
3/25/11	$5,000.00	Governor's 2011 Inaugural Committee	Chevron
4/11/11	$25,000.00	Oakland Military Institute	PG&E
4/12/11	$40,000.00	California Democratic Party	Sempra
4/12/11	$45,000.00	California Democratic Party	Sempra
4/25/11	$5,000.00	Oakland School for the Arts	Chevron
4/25/11	$25,000.00	Oakland School for the Arts	PG&E
5/6/11	$50,000.00	California Democratic Party	Chevron Policy Govt. & Public Affairs
5/6/11	$50,000.00	California Democratic Party	Chevron Policy Govt. & Public Affairs
5/10/11	$25,000.00	California Democratic Party	PG&E
5/13/11	$25,000.00	Oakland School for the Arts	Clean Energy
5/20/11	$50,000.00	California Democratic Party	SoCalEdison
5/27/11	$1,000.00	California Democratic Party	Sempra
6/1/11	$10,000.00	California Democratic Party	SoCalEdison
6/13/11	$15,000.00	California Democratic Party	SoCalEdison
7/26/11	$10,000.00	California Democratic Party	PG&E
9/10/11	$383.00	California Democratic Party	PG&E
9/10/11	$678.50	California Democratic Party	PG&E
9/15/11	$25,000.00	California Democratic Party	ConocoPhillips
9/15/11	$10,000.00	California Democratic Party	PG&E
9/30/11	$25,000.00	California Democratic Party	SoCalEdison
11/3/11		**OIL REGULATORS FIRED**	
12/12/11	$35,000.00	California Democratic Party	Sempra
12/16/11	$5,000.00	California Democratic Party	Sempra
1/13/12	$250,000.00	Prop 30	Occidental
1/13/12	$25,000.00	California Democratic Party	SoCalEdison
1/19/12	$25,000.00	California Democratic Party	Sempra
1/25/12	$100,000.00	Oakland Military Institute	Occidental
1/27/12	$75,000.00	Prop 30	Freeport-McMoran Oil & Gas
1/30/12	$25,000.00	California Democratic Party	PG&E
2/3/12	$10,000.00	Oakland Military Institute	Clean Energy
2/6/12	$80,000.00	California Democratic Party	PG&E
2/6/12	$60,000.00	California Democratic Party	PG&E
2/10/12	$25,000.00	Prop 30	PG&E
2/10/12	$195.00	California Democratic Party	SoCalEdison
2/20/12	$10,000.00	Oakland Military Institute	Chevron
2/27/12	$6,000.00	California Democratic Party	PG&E
3/9/12	$25,000.00	Prop 30	ConocoPhillips
3/9/12	$25,000.00	California Democratic Party	Occidental
3/12/12	$30,000.00	California Democratic Party	ConocoPhillips
3/12/12	$25,000.00	California Democratic Party	Occidental
3/15/12	$25,000.00	Oakland Military Institute	PG&E
3/16/12	$60,000.00	California Democratic Party	SoCalEdison
3/17/12	$25,000.00	Prop 30	CONOCO Phillips
3/17/12	$65,000.00	California Democratic Party	SoCalEdison
3/17/12	$5,000.00	Prop 30	Sun Edison

APPENDIX B -

TIMELINE OF ENERGY INDUSTRY CONTRIBUTIONS & FAVORS

Date of contribution	Amount	Recipient	Donated By
3/17/12	$25,000.00	Prop 30	Vaquero Energy
3/23/12		**NRG GETS SWEETHEART EV ELECTRIFICATION DEAL**	
3/23/12		**NRG SETTLES CA PRICE MANIPULATION SUIT**	
3/26/12	$5,000.00	Oakland School for the Arts	Chevron
3/27/12	$125,000.00	Prop 30	Aera Energy
3/28/12	$100,000.00	California Democratic Party	Sempra
3/29/12	$5,469.00	Prop 30	CA Independent Petroleum Association
4/11/12	$25,000.00	Prop 30	VENOCO
4/17/12	$45,000.00	California Democratic Party	Sempra
4/19/12	$21,250.00	Prop 30	Breitburn Operating
4/19/12	$3,750.00	Prop 30	Paci f ic Coast Energy
5/2/12	$65,000.00	California Democratic Party	Sempra
5/11/12	$25,000.00	Oakland School for the Arts	PG&E
5/16/12	$100,000.00	California Democratic Party	Chevron
5/16/12	$15,000.00	California Democratic Party	ConocoPhillips
5/19/12	$35,000.00	Prop 30	Berry Petroleum
5/31/12	$5,000.00	Oakland School for the Arts	NRG
6/5/12	$10,000.00	Oakland School for the Arts	Clean Energy
6/20/12	$75,000.00	California Democratic Party	SoCalEdison
6/26/12	$112.00	California Democratic Party	PG&E
6/26/12	$150,000.00	California Democratic Party	PG&E
6/30/12	$10,000.00	California Democratic Party	Sempra
7/17/12	$5,000.00	California Democratic Party	PG&E
7/26/12	$225,000.00	California Democratic Party	PG&E
7/26/12	$15,000.00	California Democratic Party	Sempra
7/26/12	$5,000.00	California Democratic Party	SoCalEdison
8/16/12	$250,000.00	Prop 30	Occidental
8/17/12	$20,000.00	California Democratic Party	PG&E
8/21/12	$5,000.00	California Democratic Party	Calpine Corporation
8/24/12	$10,000.00	Prop 30	Signal Hill Petroleum
8/30/12	$125,000.00	Prop 30	Aera Energy
9/24/12	$25,000.00	Brown for Governor 2014	Sempra
9/27/12	$25,000.00	Brown for Governor 2014	Tesoro
10/2/12	$1,000.00	Prop 30	Oberon Fuels
10/8/12	$100,000.00	Brown: Yes on Props 1 & 2	CA Independent Petroleum Association
10/10/12	$25,000.00	California Democratic Party	NRG
10/10/12	$10,000.00	California Democratic Party	PG&E
10/19/12	$25,000.00	California Democratic Party	Sempra
10/22/12	$25,000.00	Prop 30	Macpherson Oil
10/26/12	$1,000.00	Brown for Governor 2014	Sempra
10/29/12	$4,449.00	Prop 30	CA Independent Petroleum Association
10/29/12	$50,000.00	California Democratic Party	SoCalEdison
10/29/12	$30,000.00	California Democratic Party	SoCalEdison
10/30/12	$8,500.00	Prop 30	Breitburn Operating
10/30/12	$25,000.00	Prop 30	Freeport-McMoran Oil & Gas

APPENDIX B -

TIMELINE OF ENERGY INDUSTRY CONTRIBUTIONS & FAVORS

Date of contribution	Amount	Recipient	Donated By
10/30/12	$25,000.00	Prop 30	Macpherson Oil
10/30/12	$10,000.00	Prop 30	Naftex Operating Co
10/30/12	$1,500.00	Prop 30	Pacific Coast Energy
10/30/12	$10,000.00	Prop 30	Vaquero Energy
11/2/12	$10,000.00	Prop 30	Signal Hill Petroleum
11/5/12	$15,000.00	Prop 30	Berry Petroleum
11/5/12	$15,000.00	California Democratic Party	Sempra
11/6/12	$50,000.00	California Democratic Party	SoCalEdison
11/20/12	$40,000.00	California Democratic Party	Sempra
12/3/12		**SB 4 FRACKING BILL INTRODUCED**	
12/19/12	$5,000.00	Oakland Military Institute	Occidental
12/20/12		**PUC APPROVES OAKLEY GAS PLANT FOR PGE**	
12/21/12	$20,000.00	California Democratic Party	PG&E
12/27/12	$5,000.00	Oakland Military Institute	NRG
1/4/13	$25,000.00	California Democratic Party	Calpine Corporation
1/18/13	$25,000.00	Oakland Military Institute	Clean Energy
2/19/13	$7,000.00	California Democratic Party	PG&E
3/12/13	$25,000.00	California Democratic Party	Occidental
3/20/13	$25,000.00	California Democratic Party	PG&E
3/22/13		**PUC REJECTS SDG&E PIO PICO PLANT AT OTAY MESA**	
3/26/13	$65,000.00	California Democratic Party	SoCalEdison
3/26/13	$65,000.00	California Democratic Party	SoCalEdison
3/26/13		**PEEVEY/SCE SECRET DEAL ON SAN ONOFRE**	
4/5/13	$25,000.00	Oakland Military Institute	Chevron
4/15/13	$5,000.00	Oakland School for the Arts	Chevron
4/24/13	$25,000.00	Oakland School for the Arts	Clean Energy
5/20/13		**SB 241 OIL TAX GOES INTO SUSPENSE FILE**	
5/8/13	$25,000.00	Oakland Military Institute	PG&E
5/24/13	$135,000.00	California Democratic Party	Chevron
5/24/13		**SB 4 EXEMPTS CYCLIC STEAM FROM REGS**	
6/4/13	$25,000.00	California Democratic Party	SoCalEdison
6/6/13		**BROWN TELLS SCE HE WILL SUPPORT CROOKED DEAL**	
6/7/13	$5,000.00	Oakland School for the Arts	NRG
6/7/13	$65,000.00	California Democratic Party	PG&E
6/7/13	$25,000.00	Oakland School for the Arts	PG&E
6/7/13		**BROWN DIRECTS REGULATORS TO ENSURE ELECTRIC POWER "RELIABILITY FOR DECADES TO COME"**	
6/7/13		**SCE ANNOUNCES CLOSURE OF SAN ONOFRE**	
6/18/13		**SB4 DROPS MORATORIUM ON PERMITS**	
6/25/13	$10,000.00	California Democratic Party	SoCalEdison
6/27/13	$50,000.00	California Democratic Party	Sempra
6/27/13	$10,000.00	California Democratic Party	Sempra
6/29/13	$5,000.00	Brown for Governor 2014	NRG
6/29/13	$27,200.00	Brown for Governor 2014	Occidental
7/2/13	$65,000.00	California Democratic Party	Sempra
7/29/13	$125,000.00	California Democratic Party	PG&E

APPENDIX B -

TIMELINE OF ENERGY INDUSTRY CONTRIBUTIONS & FAVORS

Date of contribution	Amount	Recipient	Donated By
8/9/13	$25,000.00	Brown for Governor 2014	PG&E
9/19/13	$25,000.00	Brown for Governor 2014	SoCalEdison
9/20/13		**SB 4 CHAPTERED**	
10/9/13	$100,000.00	Oakland Military Institute	Occidental
11/1/13	$65,000.00	California Democratic Party	PG&E
11/6/13	$10,000.00	California Democratic Party	Sempra
11/11/13	$10,000.00	Brown for Governor 2014	ExxonMobil
11/14/13	$80,500.00	California Democratic Party	PG&E
11/21/13	$2,000.00	Brown for Governor 2014	PG&E
12/11/13	$5,000.00	Oakland Military Institute	Occidental
12/23/13	$350,000.00	California Democratic Party	Chevron
12/30/13	$27,200.00	Brown for Governor 2014	Chevron
12/30/13	$27,200.00	Brown for Governor 2014	Chevron
12/30/13	$27,200.00	Brown for Governor 2014	SoCalEdison
12/30/13	$2,200.00	Brown for Governor 2014	SoCalEdison
1/9/14	$10,000.00	California Democratic Party	Sempra
1/21/14	$5,000.00	Oakland Military Institute	AES
1/21/14	$5,000.00	Oakland Military Institute	Clean Energy
1/29/14	$10,000.00	California Democratic Party	PG&E
2/5/14		**PUC APPROVES SDGE/CALPINE PLANT AT OTAY MESA**	
2/6/14		**APPEALS COURT OVERTURNS PUC OAKLEY DECISION**	
3/13/14	$10,000.00	California Democratic Party	PG&E
3/13/14	$10,000.00	California Democratic Party	PG&E
3/13/14		**PUC TELLS SCE/SDGE REPLACE SAN ONOFRE POWER**	
3/17/14	$60,000.00	California Democratic Party	Occidental
3/17/14	$50,000.00	California Democratic Party	Occidental
3/26/14	$105,000.00	California Democratic Party	Chevron
4/8/14	$50,000.00	California Democratic Party	Sempra
4/9/14	$10,000.00	California Democratic Party	SoCalEdison
4/15/14	$15,000.00	California Democratic Party	PG&E
4/25/14	$5,000.00	Oakland School for the Arts	NRG
4/28/14	$5,000.00	Oakland Military Institute	Calpine Corporation
5/6/14		**PUC PREZ PEEVEY SETS UP WALL ST VISIT FOR PICKER**	
5/7/14	$27,200.00	Brown for Governor 2014	PG&E
5/8/14	$65,000.00	California Democratic Party	Sempra
5/13/14	$65,000.00	California Democratic Party	SoCalEdison
5/20/14	$5,917.77	California Democratic Party	CA Independent Petroleum Association
6/11/14	$10,000.00	Oakland Military Institute	Clean Energy
6/20/14	$65,000.00	California Democratic Party	SoCalEdison
6/23/14		**PICKER TALKS UP UTILITIES TO WALL ST INVESTORS**	
7/3/14	$25,000.00	Oakland School for the Arts	PG&E
7/21/14	$30,000.00	California Democratic Party	Chevron Policy Govt. & Public Affairs
7/28/14	$70,000.00	California Democratic Party	PG&E
7/28/14	$125,000.00	California Democratic Party	PG&E
8/13/14	$10,000.00	California Democratic Party	PG&E

APPENDIX B -

TIMELINE OF ENERGY INDUSTRY CONTRIBUTIONS & FAVORS

Date of contribution	Amount	Recipient	Donated By
9/2/14	$5,000.00	California Democratic Party	PG&E
9/10/14	$150,000.00	California Democratic Party	PG&E
9/25/14	$5,000.00	Brown for Governor 2014	Berkshire Hathaway Energy
9/28/14	$25,000.00	Brown for Governor 2014	NRG
10/8/14	$10,000.00	Brown for Governor 2014	ExxonMobil
10/10/14	$250,000.00	Props 1 & 2	Aera Energy
10/15/14	$75,000.00	California Democratic Party	PG&E
10/21/14	$27,200.00	Brown for Governor 2014	Sempra
10/22/14	$5,000.00	California Democratic Party	Sempra
10/22/14	$100,000.00	California Democratic Party	SoCalEdison
10/24/14	$40,000.00	California Democratic Party	Sempra
1/15/15	$5,000.00	Oakland Military Institute	NRG
1/26/15	$1,000.00	Oakland Military Institute	Calpine Corporation
2/2/15	$25,000.00	Oakland Military Institute	Clean Energy
2/4/15	$5,000.00	Oakland Military Institute	CA Independent Petroleum Association
2/4/15	$10,000.00	Oakland Military Institute	Chevron
2/11/15	$5,000.00	Oakland Military Institute	AES
2/24/15		**SB 350 CLIMATE CHANGE BILL INTRODUCED**	
3/2/15	$5,000.00	Oakland School for the Arts	Chevron
3/6/15	$65,000.00	California Democratic Party	SoCalEdison
3/6/15	$65,000.00	California Democratic Party	SoCalEdison
3/6/15		**PUC PROPOSES DENYING SDGE CARLSBAD PLANT**	
3/30/15	$50,000.00	California Democratic Party	Sempra
4/2/15	$65,000.00	California Democratic Party	Sempra
4/7/15	$215,000.00	California Democratic Party	Chevron
4/8/15		**PICKER ISSUES CONDITIONAL APPROVAL ON CARLSBAD**	
5/7/15	$25,000.00	California Democratic Party	PG&E
5/12/15	$5,000.00	Oakland School for the Arts	NRG
5/21/15		**PUC APPROVES CARLSBAD PLANT FOR SDGE/NRG**	
5/27/15	$25,000.00	Oakland School for the Arts	PG&E
6/5/15	$35,000.00	California Democratic Party	PG&E
6/17/15	$10,000.00	California Democratic Party	SoCalEdison
6/17/15	$50,000.00	California Democratic Party	SoCalEdison
8/6/15	$20,000.00	California Democratic Party	Calpine Corporation
9/4/15		**REGIONAL ISO WRITTEN INTO SB 350**	
9/11/15		**LEGISLATORS STRIKE SB 350 SLASHING OIL IN HALF**	
9/29/15	$5,000.00	California Democratic Party	PG&E
9/29/15	$75,000.00	California Democratic Party	PG&E
10/7/15		**SB 350 CHAPTERED**	
10/12/15		**BROWN VETOES SIX BILLS TO REFORM PUC**	
10/19/15	$50,000.00	California Democratic Party	PG&E
10/23/15		**SOCALGAS ALISO CANYON BLOWOUT DISCOVERED**	
11/19/15		**PUC APPROVES NEW NATGAS PLANTS FOR SCE**	
		AT ALAMITOS, HUNGTINGTON BEACH, STANTON	
12/10/15	$175,000.00	California Democratic Party	PG&E

APPENDIX B - ENERGY COMPANY CONTRIBUTIONS - INDIVIDUAL

Date of contribution	Amount	Recipient	Donated By
12/23/15	$75,000.00	California Democratic Party	SoCalEdison
12/29/15	$65,000.00	California Democratic Party	SoCalEdison
1/6/16		**BROWN DECLARES ALISO CANYON STATE OF EMERGENCY**	
1/17/16	$25,000.00	California State Protocol Foundation	NRG
2/1/16	$10,000.00	Oakland Military Institute	Chevron
2/15/16	$5,000.00	Oakland Military Institute	AES
3/2/16	$5,000.00	Oakland School for the Arts	Chevron
3/11/16	$25,000.00	California Democratic Party	PG&E
3/25/16	$21,750.00	California Democratic Party	PG&E
3/25/16	$100,000.00	California Democratic Party	PG&E
4/21/16	$65,000.00	California Democratic Party	Sempra
4/21/16	$65,000.00	California Democratic Party	Sempra
4/25/16	$150,000.00	California Democratic Party	Chevron
5/20/16	$50,000.00	California Democratic Party	SoCalEdison
5/26/16		**PUC APPROVES SCE/NRG OXNARD PLANT**	
	$10,076,549.40		

BROWN'S DIRTY HANDS

ENDNOTES

1 McDonald, Jeff,& Young,Ricky. "State investigator lays out developing criminal case against former PUC president." Los Angeles Times, December 29, 2015. Retrieved from http://www.latimes.com/business/la-fi-watchdog-peevey-20151230-story.html

2 Richman, Josh, & Calefati, Jessica. "Gov. Jerry Brown defends CPUC president, Delta tunnel plan." Mercury News, September 15, 2014. Retrieved from http://www.mercurynews.com/california/ci_26347380/gov-jerry-brown-defends-cpuc-president-delta-tunnel

3 McDonald, Jeff. "Brown is no stranger to CPUC involvement." San Diego Union-Tribune, December 7, 2015. Retrieved from http://www.sandiegouniontribune.com/news/2015/dec/07/brown-cpuc-san-bruno-emails/

4 Draft Second Amended Complaint. Committee to Protect Our Agricultural Water v. Gas Com- panies. United States District Court Eastern District of California. Retrieved from http://www.consumerwatchdog.org/resources/ricolawsuit2ndamendedcomplaint.pdf and Mishak, Michael J. "Brown ordered firing of regulator who took hard line on oil firms." Los Angeles Times, January 29, 2012. Retrieved from http://articles.latimes.com/2012/jan/29/local/la-me-oil-20120129/2

5 Emails retrieved from www.PUCpapers.org a searchable online database of emails and other documents produced primarily under the Public Records Act and in litigation concerning state officials, energy regulators and the companies they regulate. https://pucpapers.org/wp-content/uploads/2016/04/PRA-1325-Production-01.08.16-OCRd-2_Peevey-to-SDGE-on-Carlsbad-promo_great-job.pdf

6 SNL Power Daily with Market Report, March 26, 2012, "NRG Energy settles Calif. Power crisis lawsuit with electric vehicle funding plan," and Lynch, Loretta M. "Time for California to claim energy crisis refunds." San Francisco Chroni- cle, June 12, 2015. Retrieved from http://www.sfchronicle.com/opinion/article/Time-for-California-to-claim-energy-crisis-refunds-6322632.php

7 Press Release. "Governor Brown Announces $120 Million Settlement To Fund Electric Car Charging Stations Across California." Office of Governor Edmund G. Brown Jr., March 23, 2012. Retrieved from https://www.gov.ca.gov/news.php?id=17463

8 Press Release. "Governor Brown Issues Order on Aliso Canyon Gas Leak." Office of Governor Edmund G. Brown Jr., January 6. 2016. Retrieved from https://www.gov.ca.gov/news.php?id=19264

9 Armstrong, Jim, et al. "Jerry Brown's Ties to the Oil and Gas Industry." Public Accountability Initiative, December 17, 2015. Retrieved from http://public-accountability.org/2015/12/jerry-browns-ties-to-the-oil-and-gas-industry/

10 The Washington Times, April 20, 2010, "Jerry Brown, oil baron; Little-known foreign oil holdings might taint decisions," and Pearce, Laer. "Crazifornia Exclusive! Jerry Brown, Oil Baron." Crazifornia, April 16, 2010. Retrieved from http://crazifornia.com/2010/04/16/crazifornia-exclusive-jerry-brown-oil-barron/

11 Megerian, Chris. "Cynthia Kelly dies at 81; older sister of Gov. Jerry Brown." Los Angeles Times, March 30, 2015. Retrieved from http://www.latimes.com/local/political/la-me-pc-jerry-brown-sister-dies-20150330-story.html

12 Ventura County Star, January 19, 2007, "Links to LNG Proposal of 27 Years Ago Surface."

13 Pollak, Joel B. "Official In Jerry Brown Oil Scandal Resigns." Breitbart, December 1, 2015. Retrieved from www.breitbart.com/big-government/2015/12/01/jerry-brown-oil-scandal-resigns-official/

14 Gammon, Robert. "Governor Jerry Brown Has Financial Link to Oakland Coal." Oakland Magazine, May 12, 2016. Retrieved from www.oaklandmagazine.com/Governor-Jerry-Brown-Has-Financial-Link-to-Oakland-Coal/

ED_001863D_00021685-00033

15 Smith, Jennifer. "Comings & Goings: Kathleen Brown Returns to Law." The Wall Street Journal, September 8, 2013. Retrieved from www.wsj.com/articles/SB10001424127887323846045790630303809128 94

16 Street, Chriss W. "Jerry Brown: Another Energy Conflict of Interest." Brietbart, December 21, 2015. Retrieved from http://www.breitbart.com/california/2015/12/21/jerry-brown-another-energy-conflict-interest/

17 Retrieved from SoCalGas website August 4, 2016. https://www.socalgas.com/for-your-business/energy-market-services/natural-gas-storage

18 Factsheet. "The Importance of the Aliso Storage Facility." Retrieved from SoCalGas website August 4, 2016. https://www.socalgas.com/documents/news-room/aliso-canyon-value-of-facility-fact-sheet.pdf

19 Tucker, Liza. "Living Without Aliso Canyon's Natural Gas." Capitol Watchdog, February 23, 2016. Retrieved from http://capitolwatchdog.org/article/living-without-aliso-canyons-natural-gas

20 Nemec, Richard. "SoCal Activists Pressure Officials to Shut Aliso Canyon NatGas Storage." Natural Gas Intel, July 5, 2016. Retrieved from http://www.naturalgasintel.com/articles/106960-socal-activists-pressure-officials-to-shut-aliso-canyon-natgas-storage

21 Penn, Ivan. "Senators question energy agencies about Aliso Canyon report." LA Times, May 10, 2016. Retrieved from http://www.latimes.com/business/la-fi-aliso-canyon-hearing-20160510-snap-story.html

22 Press Release. "Watchdogs Petition PUC For Open Investigation On Porter Ranch Leak; Decry Secrecy & Question Lack of Transparency." Consumer Watchdog, February 1, 2016. Re- trieved from http://www.consumerwatchdog.org/newsrelease/watchdogs-petition-puc-open-investigation-porter-ranch-leak-decry-secrecy-question-lack-

23 Richman, Josh, & Calefati, Jessica. "Gov. Jerry Brown defends CPUC president, Delta tunnel plan." Mercury News, September 15, 2014. Retrieved from http://www.mercurynews.com/california/ci_26347380/gov-jerry-brown-defends-cpuc-president-delta-tunnel

24 Wasserman, Harvey. "Our Fake Energy Crisis What Really Happened in California." 2001. Retrieved from https://ratical.org/ratville/deregFakeEnergyCrisis.html

25 Article retrieved from https://puc-papers.org/wp-content/uploads/2016/04/SB_GTS_0456527.pdf

26 "Corrupt CPUC Chair Peevy and Utility Controlled Commission Delays Full Probe of NUKE Plant." Indybay, August 3, 2012. Retrieved from https://www.indybay.org/newsitems/2012/08/03/18718782.php

27 Document retrieved from https://pucpapers.org/wp-content/uploads/2016/04/SB_GTS_0010112.pdf

28 Emails retrieved from https://puc-papers.org/wp-content/uploads/2016/04/SB_GTS_0447883.pdf

29 Documents including emails retrieved from https://pucpapers.org/wp-content/uploads/2016/05/R14-11-001-HDCOMMENTSTOSCE3-16-16DeclofMariaSeverson-Split_Part1OCR.pdf

30 Documents including emails retrieved from https://pucpapers.org/wp-content/uploads/2016/05/R14-11-001-HDCOMMENTSTOSCE3-16-16DeclofMariaSeverson-Split_Part1OCR.pdf

31 Email retrieved from https://puc-papers.org/wp-content/uploads/2016/07/Back-door-route-for-appointment.pdf

32 Fair Political Practices Commission Complaint. March 11, 2016. Retrieved from http://www.consumerwatchdog.org/resources/mcfaddenfppccomplaintcpuc.pdf

33 "California Public Utilities Commission Terms of Governors and Commissioners since 1911." CPUC, 2015. Retrieved from http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Commissioners/Commissioners.pdf

34 McDonald, Jeff. "CPUC boss and energy innovator were friendly." San Diego Union-Tribune, February 12, 2016. Retrieved from http://www.sandiegouniontribune.com/news/2016/feb/12/cpuc-sullivan-kennedy-emails/

35 "Workshop on Southern California Electricity Infrastructure and Reliability Issues." California Energy Commission. Retrieved from http://www.energy.ca.gov/2013_energypolicy/documents/2013-09-09_workshop/2013-09-09_transcript.pdf

36 Email retrieved from https://puc-papers.org/wp-content/uploads/2016/07/CPUC06786_-_CPUC07249OCR-dragged-8OCR.pdf

37 Email retrieved from https://puc-papers.org/wp-content/uploads/2016/07/CPUC06786_-_CPUC07249OCR-dragged-11OCR.pdf

38 Email retrieved from https://pucpapers.org/wp-content/uploads/2016/07/SCAN07182016140524-OCR.pdf

39 Report retrieved from https://pucpapers.org/wp-content/uploads/2016/07/Commissioner-Ferrons-Report-on-Meetings-with-Utility-Investors-October-3-2013-OCR.pdf

40 Emails retrieved from https://pucpapers.org/wp-content/uploads/2016/04/SB_GTS_0004053.pdf

41 Presentation retrieved from https://pucpapers.org/wp-content/uploads/2016/07/CPUC-PICKER-FLORIO-and-PEEVEY-DISCLOSE-INSIDE-INFORMATIONS.pptx

42 McDonald, Jeff. "CPUC meets with Wall Street types, too." San Diego Union-Tribune, May 2, 2016. Retrieved from http://www.sandiegouniontribune.com/news/2016/may/02/cpuc-wall-street/

43 SNL Power Daily with Market Report, January 28, 2014, "Calif. Senate passes bill to keep PUC commissioners out of institutions they create"

44 Matier, Phil, & Ross, Andy. "CPUC Foundation to raise money from utilities." San Francisco Chronicle. January 26, 2011. Retrieved from http://www.sfgate.com/bayarea/matier-ross/article/CPUC-Foundation-to-raise-money-from-utilities-2478264.php

45 Documents including emails retrieved from https://pucpapers.org/wp-content/uploads/2016/05/R14-11-001-HDCOMMENTSTOSCE3-16-16DeclofMariaSeverson-Split_Part1OCR.pdf

46 Email retrieved from https://pucpapers.org/wp-content/uploads/2016/04/SB_GTS_0340761.pdf

47 Lifsher, Marc. "To cheers and jeers, Michael Peevey presides over final PUC meeting." Los Angeles Times, December 18, 2014. Retrieved from http://www.latimes.com/business/la-fi-peevey-departure-20141219-story.html

48 Van Derbeken, Jaxon. "How banquet for ex-PUC head Peevey went sour for UC Berkeley." SF Gate, April 1, 2015. Retrieved from www.sfgate.com/bayarea/article/How-dinner-for-ex-PUC-head-Peevey-hit-nerve-at-UC-6166762.php and Van Derbeken, Jaxon. "UC Berkeley public policy school spurns cash from Peevey dinner" SF Gate, March 17, 2015. Retrieved from http://www.sfgate.com/bayarea/article/UC-Berkeley-public-policy-school-spurns-cash-from-6140546.php

49 Avalos, George. "Disgraced PUC boss Michael Peevey to be honored by cronies." Silicon Beat, February 10, 2015. Retrieved from http://www.siliconbeat.com/2015/02/10/disgraced-puc-boss-peevey-to-be-honored-by-cronies/

50 Van Derbeken, Jaxon. "PG&E's Judge Shopping Outrages State PUC Employees." Consumer Cal, September 20, 2014. Retrieved from https://consumercal.org/pges-judge-shopping-outrages-state-puc-employees/

51 Forbes, February 22, 1999, "We'll Make It Up On Volume."

52 San Jose Mercury News, May 21, 1996, "Big Electricity Users Will Save."

53 Inside Energy, The Energy Report, August 4, 1997, "First competitive retail power in U.S. delivered to a factory in Rhode Island."

54 Los Angeles Times, January 26, 2001, "The California Energy Crisis," and January 8, 2001, "California and the West; Lawmakers Contending with Power Crisis Have Holdings in Electric Firms."

55 North County Times, February 2, 2001, "California Governor Signs Measure to Buy Emergency Power."

56 McSwain, Dan. "California energy dreaming costs consumers billions." San Diego Union- Tribune, September 19, 2015. Retrieved from http://www.sandiegouniontribune.com/news/2015/sep/19/state-renewable-energy-overhaul-consumers-cost/

57 Exceptions to the Rule: Bypassing the California Transition Charge, Public Utilities Fort- nightly, November 15, 1996

58 Mark J. Ferron LinkedIn Profile page. Retrieved from https://www.linkedin.com/in/markjferron

59 Groom, Nichola. "Unlikely casualty in California's renewable energy boom: natural gas." Reuters, June 9, 2016. Retrieved from http://www.reuters.com/article/us-california-energy-analy-sis-idUSKCN0YV0BX

60 Young, Ricky. "Insider pushed her firm's grid service." San Diego Union-Tribune, June 29, 2015. Retrieved from http://www.sandiegouniontribune.com/news/2015/jun/29/ams-susan-kennedy-picker-email-ex-parte/

61 Application of Southern California Edison Company (U338E) for Approval of the Results of Its 2013 Local Capacity Requirements Request for Offers for the Western Los Angeles Basin. 2015. Retrieved from http://www.consumerwatchdog.org/resources/sceeushmictestimony.pdf

62 Draft Second Amended Complaint. Committee to Protect Our Agricultural Water v. Gas Companies. United States District Court Eastern Division of California. Retrieved from http://www.consumerwatchdog.org/resources/ricolawsuit2udamendedcomplaint.pdf and Declaration of Derek Chernow. Retrieved from www.consumerwatchdog.org/resources/ricolawsuit2udamendedcomplaint.pdf and Draft Second Amended Complaint. Retrieved from http://www.consumerwatchdog.org/resources/sacpages36-37.pdf

63 Draft Second Amended Complaint. Retrieved from www.consumerwatchdog.org/resources/ricolawsuit2udamendedcomplaint.pdf

64 Kretzmann, Hollin. "Oil industry's toxic wastewater threatens California water supplies." Sacramento Bee, February 21, 2015. Retrieved from http://www.sacbee.com/opinion/op-ed/soapbox/article10718264.html

65 "AP: Oil Drilling Waste Dumped Into Calif. Aquifers Used For Irrigation, Drinking Water." CBS Los Angeles, February 5, 2015. Retrieved from http://losangeles.cbslocal.com/2015/02/05/ap-oil-drilling-waste-dumped-into-calif-aquifers-used-for-irrigation-drinking-water/

66 Department of Conservation. Retrieved from California Department of Conservation website August 4, 2016 http://www.conservation.ca.gov/dog/Pages/Aquifer_Exemptions.aspx

67 Howard, John. "Brown: Thumbs down on oil severance tax." Capitol Weekly, January 9, 2014. Retrieved from http://capitolweekly.net/brown-thumbs-oil-severance

68 Megerian, Chris, & Mason, Melanie. "Governor, top lawmakers ready to modify climate change measure as negotiations continue." Los Angeles Times, September 8, 2015. Retrieved from http://www.latimes.com/local/political/la-me-pc-climate-change-amendments-california-20150908-story.html

69 Skelton, George. "The time is ripe for a tax on oil extraction to pay for California road repairs." Los Angeles Times, September 16, 2015 Retrieved from http://www.latimes.com/local/california/la-me-cap-20150917-column.html

70 Megerian, Chris, & Panzar, Javier. "Gov. Brown signs climate change bill to spur renewable energy, efficiency standards." Los Angeles Times, October 7, 2015. Retrieved from http://www.latimes.com/politics/la-pol-sac-jerry-brown-climate-change-renewable-energy-20151007-story.html

71 Crawford, Jonathan. "California Power Cases Nearing End 16 Years After Crisis." Bloom- berg, May 13, 2016. Retrieved from http://www.bloomberg.com/news/articles/2016-05-13/california-power-cases-coming-to-an-end-16-years-after-crisis

72 Factsheet Retrieved from PacifiCorp website August 4, 2016. http://www.pacificorp.com/content/dam/pacificorp/doc/About_Us/Company_Overview/PC-FactSheet-Final_Web.pdf

73 Presentation. Ferron, Mark. "Now Comes the Hard Part: Making California's Clean Energy Future a Reality." March 4, 2016. Retrieved from http://climateprotection.org/wp-content/uploads/2016/03/Mark-Ferron-Our-Future-Electricity-System-.pdf

74 McDonald, Jeff. "Brown is no stranger to CPUC involvement." San Diego Union-Tribune, December 7, 2015. Retrieved from http://www.sandiegouniontribune.com/news/2015/dec/07/brown-cpuc-san-bruno-emails/ and Documents including emails retrieved from https://pucpapers.org/wp-content/uploads/2016/07/1-30_OCR.pdf

75 Mercer, Brandon. "$10 Million To Upgrade San Bruno Pipeline Diverted While PG&E Execs Got Bonuses Before Deadly Explosion Says PUC Chief." CBS SF Bay Area, March 27, 2015. Retrieved from http://sanfrancisco.cbslocal.com/2015/03/27/10-million-to-upgrade-san-bruno-pipeline-diverted-while-pge-execs-got-bonuses-before-deadly-explosion-says-puc-chief/

76 "UTILITIES: PG&E discloses more improper communications with Calif. Officials." Green- wire, December 23, 2014

77 CBS SF Bay Area, March 27, 2015. Retrieved from http://sanfrancisco.cbslocal.com/2015/03/27/10-million-to-upgrade-san-bruno-pipeline-diverted-while-pge-execs-got-bonuses-before-deadly-explosion-says-puc-chief/

78 Pickoff-White, Lisa. "Bill Blocking PG&E From Deducting $115 Million of San Bruno Fine Fails." KQED, September 4, 2015. Retrieved from http://ww2.kqed.org/news/2015/07/14/bill-would-block-pge-from-deducting-115-million-of-san-bruno-fine/

79 Penn, Ivan. "Q&A PUC's Michael Picker on San Onofre, San Bruno and California's energy outlook." Los Angeles Times, December 30, 2015. Retrieved from http://www.latimes.com/business/la-fi-picker-q-a-20151231-story.html

ED_001863D_00021685-00036

80 McDonald, Jeff. "Brown is no stranger to CPUC involvement." San Diego Union-Tribune, December 7, 2015. Retrieved from http://www.sandiegouniontribune.com/news/2015/dec/07/brown-cpuc-san-bruno-emails/

81 Egelko, Bob. "Court rejects PUC's approval of Oakley PG&E plant." San Francisco Chroni- cle, February 6, 2014. Retrieved from http://www.sfgate.com/bayarea/article/Court-rejects-PUC-s-approval-of-Oakley-PG-amp-E-5212289.php

82 Goldberg, Keith. "JPMorgan Emails Sought by FERC Are Privileged, Judge Says." Law 360. November 30, 2012. Retrieved from http://www.law360.com/articles/397765/jpmorgan-emails-sought-by-ferc-are-privileged-judge-says

83 Lifsher, Marc. "PUC judge rejects Carlsbad power contract." Los Angeles Times, March 7, 2015. Retrieved from http://www.latimes.com/business/la-fi-puc-rejects-power-contract-20150306-story.html

84 Hsu, Tiffany. "PUC approves plan to replace San Diego County natural gas power plant." Los Angeles Times, May 21, 2015. Retrieved from www.latimes.com/business/la-fi-puc-san-diego-power-20150522-story.html

85 McDonald, Jeff. "It's not just the steam generators that failed." San Diego Union-Tribune, January 30, 2016. Retrieved from http://www.sandiegouniontribune.com/news/2016/jan/30/san-onofre-anniversary/

86 Email retrieved from https://kpbs.media.clients.ellingtoncms.com/news/documents/2015/11/23/email.pdf

87 Press Release. "Governor Brown Issues Statement on Permanent Closure of San Onofre Nuclear Power Plant." Office of Governor Edmund G. Brown Jr., May 7, 2013. Retrieved from https://www.gov.ca.gov/news.php?id=18084

88 Lifsher, Marc. "Replacing the power from San Onofre will be a challenge." Los Angeles Times, October 13, 2013. Retrieved from http://www.latimes.com/business/la-fi-capitol-business-beat-20131014-story.html

89 Emails retrieved from https://puc-papers.org/wp-content/uploads/2016/07/SCAN07182016140619-OCR-1.pdf

90 Lee, Morgan. "Peevey rallied Pio Pico approval." San Diego Union-Tribune, February 28, 2015. Retrieved from www.sandiegouniontribune.com/news/2015/feb/28/peevey-rallied-pio-pico-approval/

91 Danko, Pete. "Solar Surges Past Wind, Hydro as California's No. 1 Renewable Energy Source." KQED News, January 11, 2016. Retrieved from http://ww2.kqed.org/news/2016/01/11/solar-power-california-top-source-of-renewable-energy

92 Groom, Nichola. "Unlikely casualty in California's renewable energy boom: natural gas." Reuters, June 9, 2016. Retrieved from http://www.reuters.com/article/us-california-energy-analysis-idUSKCN0YV0BX

93 Penn, Ivan. "From useful to wasteful: How utility ratepayers have borne the brunt of failed projects." Los Angeles Times, June 5, 2016. Retrieved from www.latimes.com/business/la-fi-aliso-canyon-20160605-snap-story.html

94 Penn, Ivan. "Q&A PUC's Michael Picker on San Onofre, San Bruno and California's energy outlook." Los Angeles Times, December 30, 2015. Retrieved from http://www.latimes.com/business/la-fi-picker-q-a-20151231-story.html

95 McDonald, Jeff. "CPUC now wants $12.3 million for legal fees." San Diego Union-Tribune, April 5, 2016 Retrieved by http://www.sandiegouniontribune.com/news/2016/apr/05/cpuc-legal-fees-increase/

96 McDonald, Jeff. "First audit in 20 years finds a lot wrong with the agency that regulates your utilities." Los Angeles Times, June 29, 2016. Retrieved from http://www.latimes.com/business/la-fi-puc-audit-20160629-snap-story.html

97 Shallenberger, Krysti. "CA Gov. Brown vetoes 6 CPUC reform bills." Utility Dive, October

12, 2015. Retrieved from http://www.utilitydive.com/news/ca-gov-brown-vetoes-6-cpuc-reform-bills/407163/ and http://www.sacbee.com/news/politics-government/capitol-alert/article38487060.html

98 Megerian, Chris, & Mason, Melanie. "A grand bargain? Gov. Jerry Brown in talks with oil companies about climate change programs." Los Angeles Times, July 7, 2016. Retrieved from http://www.utilitydive.com/news/ca-gov-brown-vetoes-6-cpuc-reform-bills/407163/

BROWN'S DIRTY HANDS

Consumer Watchdog

August 2016

Message

From: Rodrick, Christian [rodrick.christian@epa.gov]
Sent: 4/25/2018 5:39:44 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Mullin possibly questioning in Enviro Sub

Ex. 5 - Deliberative Process

Christian Rodrick
Special Assistant
Congressional Affairs U.S. EPA
O: (202) 564-4828

From: Ringel, Aaron
Sent: Wednesday, April 25, 2018 1:32 PM
To: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Mullin possibly questioning in Enviro Sub

Ex. 5 - Deliberative Process

-Aaron

From: Ringel, Aaron
Sent: Monday, April 23, 2018 3:41 PM
To: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Fwd: Mullin possibly questioning in Enviro Sub

Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

> **From:** "Brownlee, Matthew" <Matthew.Brownlee@mail.house.gov>
> **Date:** April 23, 2018 at 3:36:29 PM EDT
> **To:** "ringel.aaron@epa.gov" <ringel.aaron@epa.gov>
> **Subject: Mullin possibly questioning in Enviro Sub**
>
> Hey Aaron,
>
> Congressman Mullin was invited to question at the end of the Environment Subcommittee hearing on Thursday with Administrator Pruitt. With Congressman Mullin's schedule, I'm not sure if he will have time but I am putting together questions anyway.
> I was hoping to steer the questioning to highlight some of the good stuff EPA is doing in Oklahoma like with Tar Creek and the Illinois River. Is there anything Oklahoma related that the EPA would like to talk about?
>
> Thanks,

Matthew Brownlee, *Legislative Aide*
CONGRESSMAN MARKWAYNE MULLIN
1113 Longworth | Washington, D.C. 20515
p 202-225-2701

Message

From: Rodrick, Christian [rodrick.christian@epa.gov]
Sent: 4/23/2018 8:08:32 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Mullin possibly questioning in Enviro Sub

Ex. 5 - Deliberative Process

Christian Rodrick
Special Assistant
Congressional Affairs U.S. EPA
O: (202) 564-4828

From: Ringel, Aaron
Sent: Monday, April 23, 2018 3:41 PM
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Thanks,

Matthew Brownlee, *Legislative Aide*
CONGRESSMAN MARKWAYNE MULLIN
1113 Longworth | Washington, D.C. 20515
p 202-225-2701

Message

From: Brownlee, Matthew [Matthew.Brownlee@mail.house.gov]
Sent: 4/23/2018 7:36:29 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]
Subject: Mullin possibly questioning in Enviro Sub

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Thanks,

Matthew Brownlee, *Legislative Aide*
CONGRESSMAN MARKWAYNE MULLIN
1113 Longworth | Washington, D.C. 20515
p 202-225-2701

Message

From: Moody, Christina [Moody.Christina@epa.gov]
Sent: 4/4/2018 7:49:10 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]
Subject: Fact Sheet Spreadsheet
Attachments: Copy of Fact sheet BFS upload list.xlsx

Flag: Follow up

Aaron,

The attached excel spreadsheet has fact sheets that are currently uploaded in the database and provides a snapshot of what information is there. There are still some outstanding fact sheets from the Regions that we are awaiting, but otherwise this list is pretty comprehensive of what we are working with. OB is still in the process of reviewing for accuracy and duplicity – for QA & QC.

Take a look at the titles to let me which ones are needed immediately as you begin constructing your cheat sheet and we will prioritize review accordingly. Please do not share within OCIR outside of Troy and Christian. Again, the process is already convoluted and the less hands in the fire the less confusion on all parts☺

Drop me a line if you have any questions or concerns.

Thanks,

Christina J. Moody
US Environmental Protection Agency
Office of Congressional Affairs & Intergovernmental Relations
Moody.Christina@epa.gov

Message

From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 1/17/2018 10:20:52 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]
Subject: Rep Ruiz: sites with tribal interests

FYSA

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Siaca, Siobhan [mailto:Siobhan.Siaca@mail.house.gov]
Sent: Wednesday, January 17, 2018 5:17 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: Re: sites with tribal interests

Hi Carolyn,

Thank you very much for sending me this info! I really appreciate all of your help. Good luck tonight w/the rest of your work and I look forward to meeting you tomorrow.

Talk soon,
Siobhan

Siobhan Siaca, Esq.
Legislative Assistant
Office of Congressman Raul Ruiz, M.D. (CA-36)
1319 Longworth House Office Building
Washington, DC 20515
(202) 225 – 5330

From: "Levine, Carolyn" <Levine.Carolyn@epa.gov>
Date: Wednesday, January 17, 2018 at 5:14 PM
To: "Siaca, Siobhan" <Siobhan.Siaca@mail.house.gov>
Subject: sites with tribal interests

Hi Sioban,

It was nice speaking with you. Following up on our conversation, below is information from our tracking system. Let me know if you have additional questions.

For the "Top 21" Emphasis List:

EPA has the capability to track sites that are identified by the regions as having "Native American interest" or being "on or near tribal land", though it should be noted that the definition of "tribal land" is complex and not clearly defined. Our

Superfund office is also in the processing of updating site GIS boundaries based on operable units (OUs) and once complete, these boundaries may then be compared to the tribal land boundaries maintained by BIA.

Emphasis list sites with "Native American interest" (note that none are identified as being "on or near tribal lands):

- Centredale Manor Restoration Project
- Allied Paper Inc./Portage Creek/Kalamazoo
- Tar Creek
- Anaconda Co. Smelter
- Bonita Peak Mining District
- Silver Bow Creek/Butte Area
- Anaconda Copper Mine
- Portland Harbor

==========

For the Redevelopment List (see press release below):

Redevelopment list sites on or near tribal lands or with "Native American interest":

- ALLIED PAPER, INC./PORTAGE CREEK/KALAMAZOO RIVER
- ARROWHEAD REFINERY CO.*
- **BUNKER HILL MINING & METALLURGICAL COMPLEX**
- MCCORMICK & BAXTER CREOSOTING CO. (PORTLAND PLANT)
- MGM BRAKES*
- NEW BEDFORD
- QUENDALL TERMINAL*
- ST. LOUIS RIVER SITE*

Only Bunker Hill (bolded above) is identified as being on tribal land but four of the others (starred above) are 3-10 miles from tribal land.

EPA Releases Superfund Redevelopment Focus List

WASHINGTON (January 17, 2018) - Today, the U.S. Environmental Protection Agency (EPA) released its initial list of Superfund National Priorities List (NPL) sites with the greatest expected redevelopment and commercial potential.

“EPA is more than a collaborative partner to remediate the nation’s most contaminated sites, we’re also working to successfully integrate Superfund sites back into communities across the country,” **said EPA Administrator Scott Pruitt**. “Today’s redevelopment list incorporates Superfund sites ready to become catalysts for economic growth and revitalization.”

Superfund redevelopment has helped countless communities reclaim and reuse thousands of acres of formerly contaminated land. Superfund sites on the list have significant redevelopment potential based on previous outside interest, access to transportation corridors, land values, and other critical development drivers.

The list easily directs interested developers and potential owners to Superfund sites with redevelopment potential, but does not necessarily include all possible sites with similar potential. The sites on this list are in alphabetical order and not ranked in any particular way. As of January 11, 2018, the Superfund Redevelopment List is:

- Aerojet General Corp., Rancho Cordova, CA
- Aircraft Components, Benton Harbor, MI
- Allied Paper, Inc./Portage Creek/Kalamazoo River, Kalamazoo, MI
- Armour Road, North Kansas City, MO
- Arrowhead Refinery Co., Hermantown, MN
- BoRit Asbestos, Ambler, PA
- Bunker Hill Mining & Metallurgical Complex, Smelterville, ID
- Crater Resources Inc./Keystone Coke Co./Alan Wood Steel Co., Upper Merion Township, PA
- Eagle Mine, Minturn, CO
- Florida Steel Corp., Indiantown, FL
- Frontier Hard Chrome, Inc., Vancouver, WA
- Kerr-McGee Chemical Corp - Columbus, Columbus, MS
- Kerr-McGee Chemical Corp - Jacksonville, Jacksonville, FL
- Koppers Co., Inc., Charleston, SC
- Libby Groundwater Sites, Libby, MT
- Many Diversified Interests, Inc., Houston, TX
- McCormick & Baxter Creosoting Co., Portland, OR
- Metal Bank, Philadelphia, PA
- MGM Brakes, Cloverdale, CA
- New Bedford, New Bedford, MA
- Operating Industries Inc. Landfill, Monterey Park, CA
- Peoples Natural Gas, Dubuque, IA
- Pepper Steel & Alloys, Inc., Medley, FL
- Quendall Terminal, Renton, WA
- Raymark Industries, Inc., Stratford, CT
- Roebling Steel Co., Burlington County, NJ
- Sanford Dry Cleaners, Sanford, FL
- Sharon Steel Corp., Midvale, UT
- St. Louis River Site, Duluth, MN

- U.S. Finishing/Cone Mills, Greenville, SC
- U.S. Smelter and Lead Refinery, Inc., East Chicago, IN

In July 2017, the Superfund Task Force released its recommendations to streamline and improve the Superfund program including a focus on redevelopment training, tools and resources towards sites on the NPL. EPA will work diligently with developers interested in reusing these and other Superfund sites; will identify potentially interested businesses and industries to keep them apprised of redevelopment opportunities; and will continue to engage with community groups in cleanup and redevelopment activities to ensure the successful redevelopment and revitalization of their communities.

Administrator Pruitt has set the expectation that there will be a renewed focus on accelerating work and progress at all Superfund sites across the country. The Superfund program remains dedicated to addressing risk and accelerating progress at all of its sites, not just those on the list. The list is intended to be dynamic. Sites will move on and off the list as appropriate.

For more information please visit: https://www.epa.gov/superfund-redevelopment-initiative/superfund-redevelopment-focus-list

---

Visit The EPA's Newsroom

Carolyn Levine
Office of Congressional and Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

Message

From: Greaves, Holly [greaves.holly@epa.gov]
Sent: 11/27/2017 9:37:02 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]
CC: Walsh, Ed [Walsh.Ed@epa.gov]
Subject: TOC - Hearings - BLUE BOOK - UPDATED.docx
Attachments: TOC - Hearings - BLUE BOOK - UPDATED.docx

Aaron,

Ed said you were looking for the table of contents from the budget hearing briefing book. Please see attached.

Holly

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 4/25/2018 5:31:41 PM
To: Rodrick, Christian [rodrick.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Mullin possibly questioning in Enviro Sub

Did you come up with anything on this?

-Aaron

From: Ringel, Aaron
Sent: Monday, April 23, 2018 3:41 PM
To: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Fwd: Mullin possibly questioning in Enviro Sub

Can you guys look into anything we can send?

Sent from my iPhone

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> **From:** "Brownlee, Matthew" <Matthew.Brownlee@mail.house.gov>
> **Date:** April 23, 2018 at 3:36:29 PM EDT
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> **CONGRESSMAN MARKWAYNE MULLIN**
> 1113 Longworth | Washington, D.C. 20515
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Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 4/23/2018 7:40:48 PM
To: Rodrick, Christian [rodrick.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Fwd: Mullin possibly questioning in Enviro Sub

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> p 202-225-2701

Message

From: Rodrick, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6515DBE46DAE466DA53C8A3AA3BE8CC2-RODRICK, CH]
Sent: 9/11/2017 4:47:55 PM
To: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: RE: OGD Weekly Grant Reports
Attachments: Congressional Notification Daily Report Previous Day 091117.xlsx

Here ya go

Christian Rodrick
Special Assistant
Congressional and Intergovernmental Affairs
U.S. Environmental Protection Agency
O: (202) 564-4828

From: Shimmin, Kaitlyn
Sent: Monday, September 11, 2017 11:21 AM
To: Rodrick, Christian <rodrick.christian@epa.gov>
Subject: FW: OGD Weekly Grant Reports

Can you please get districts for the congressional notifications? Thanks!

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
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O: (202) 564-4108
C: (202) 760-0546
Shimmin.Kaitlyn@epa.gov

From: OGD_Grant_Reports
Sent: Monday, September 11, 2017 10:35 AM
To: OGD_Grant_Reports <OGD_Grant_Reports@epa.gov>
Cc: Vizian, Donna <Vizian.Donna@epa.gov>; Showman, John <Showman.John@epa.gov>; Cooper, Marian <Cooper.Marian@epa.gov>; Bell, Matthew <Bell.Matthew@epa.gov>; Milazzo, Julie <Milazzo.Julie@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Etheredge, William <Etheredge.William@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Polk, Denise <Polk.Denise@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Durand, Jessica <Durand.Jessica@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Fenton, Kathleen <Fenton.Kathleen@epa.gov>; Sanders, LaTonya <Sanders.Latonya@epa.gov>
Subject: OGD Weekly Grant Reports

EPA Colleagues,

You are receiving this email because the Chief of Staff has requested that you be included on this distribution list. Attached are: 1) the Pending New and Supplemental Grant Actions Report, which includes monetary new and supplemental actions, regardless of dollar threshold; and 2 the daily Congressional Notification report

Below is a table with a description and point of contact (POC) for each report. Please don't hesitate to reach out with any questions related to this submission.

Report Type	Report Description	POC	Report Submission Frequency
New & Supplemental Pending Grant Actions	The purpose of this report is to provide a listing of the Agency-wide Funding Packages (includes a Commitment Notice and either a Funding Recommendation or a Change Request form) that have been "Finalized" by the Program Office, have had draft award documents initiated by the Grants Office staff (signified by entry of a "Funding Package Date" in the Draft Award document) and are pending award issuance by the Regional/HQ Award Official. Furthermore, the report lists only individual New and Supplemental Amendment grant monetary actions. The source of the information contained in the report is the Grants Data Mart, which reflects information input into IGMS by Grants Management staff across the agency.	William Etheredge, however all inquiries should be submitted to the OGD email address titled: OGD_Grant_Reports@epa.gov	Weekly every Monday
Congressional Notification	The purpose of this report is to show monetary grant awards that were signed by EPA Award Officials the previous business day. When the award is signed, a Congressional Notification is automatically triggered within the Integrated Grants Management System (IGMS) database. The source of the information contained in the CN report is Grants Data Mart, which reflects information input into IGMS by Grants Management staff across the agency.	Amanda Schulz, however all inquiries should be submitted to the OGD email address titled: OGD_Grant_Reports@epa.gov	Daily

Amanda Schulz
National Policy, Training, and Compliance Division
Office of Grants and Debarment
U.S. Environmental Protection Agency
Phone: 202-564-7412

Congressional Notification Daily Report for Awa

9/8/17

Grant No	Program Code	Awarding Region Code	EPA Amount This Action: This Action	Award Date	Applicant Name
96340701-1	X9	EPA R3	$23,003		VILLAU - Villanova University
98315718-0	G	EPA R3	$40,800		DNREC - State of Delaware DNREC
96335801-3	CB	EPA R3	$52,417		WVDEP25143 - WV Dept of Environmental Protection
00351822-0	K1	EPA R3	$100,000		EOGOD - Executive Office of the Governor of Delaware
00317818-0	G	EPA R3	$111,350		WVDEP25143 - WV Dept of Environmental Protection

rds Signed

Project Title	Project Description	
Villanova University	This project will assess energy efficiency of large-scale dining services using a thermodynamic tool that will identify processes that can be optimized to reduce energy demand and source pollution. The use of waste heat will be captured as the energy source in a refrigeration network.	PA07
Underground Injection Control Program	The Safe Drinking Water Act established the Underground Injection Control (UIC) program to ensure that waste water injected underground does not endanger existing and future underground sources of drinking water (USDW). The DE UIC program provides a mechanism for regulating activities which adversely impacts ground water quality and defines the limits of and risks to USDWs. Federal funds in the amount of $7,200 are contingent upon availability.	DE
WVDEP Monitoring 117(e)	This cooperative agreement provides funding for enhanced monitoring to improve the assessment of sediment and nutrient load reductions in the Chesapeake Bay as well as bay-wide and basin-wide water quality and living resource monitoring data analysis and interpretation.	WV
Division of Public Health Radon Program	The goal of this program is to provide radon risk reduction through activities that will result in increased radon testing, mitigation and radon resistant new construction. The recipient will implement a state program of radon related projects, in homes, schools, or other buildings, including 1) Public Information, outreach, educations; 2) Programs to control radon in existing and new structures, 3) Demonstration of radon mitigation methods and technologies, and 4) Other technical, information, and administrative activities.	DE
Implementation of the State's Underground Injection Control Program	The Safe Drinking Water Act established the Underground Injection Control (UIC) program to ensure that waste water injected underground does not endanger existing and future underground sources of drinking water (USDW). The WV UIC program provides a mechanism for regulating activities which adversely impacts ground water quality and defines the limits of and risks to USDW. Federal funds in the amount of $19,650 are contingent upon availability.	WV

96343801-2 CB	EPA R3	$117,831	PADEP 17105 - PA Dept of Environmental Protection
96333502-0 BG	EPA R3	$193,000	DCDOE - District of Columbia Govt of dba Department of Energy and Environment
96353601-0 BF	EPA R3	$300,000	WVDEP25304 - WV Dept of Environmental Protection
99352518-0 BG	EPA R3	$345,848	MDAG - Maryland Department of Agriculture
99391417-0 FS	EPA R3	$8,241,000	DE HSS - DE Dept of Health & Social Services
99357717-0 FS	EPA R3	$26,351,043	PAINV - PA Infrastructure Investment Authority

PADEP 117(e) Non-tidal Monitoring	This agreement provides funds to the Pennsylvania Department of Environmental Protection (PADEP) to provide enhanced water-quality monitoring in the Susquehanna River Basin to improve the assessment of sediment and nutrient load reductions in support of the Chesapeake Bay Program Non-tidal Network (CBP-NTN) and in providing long-term trend analyses and updates.	PA
DCDOEE Pesticides Program PPG for FY 18-21	This Pesticides Performance Partnership Grant (PPG) agreement provides partial funding of $193,000 for the operation of the DCDOEE Pesticides Program. This agreement funds District-wide programs to carry out enforcement of pesticide regulations as well as programs relative to certification and training for pesticide applicators, and other related programs including worker protection, water quality and endangered species.	DC
BROWNFIELD ASSESSMENT (HAZARDOUS SUBSTANCES/PETROLEUM)	Funds for hazardous substances and petroleum will be used to inventory, characterize, assess, and conduct cleanup planning and community involvement related activities at brownfield sites located in West Virginia.	WV
Maryland Pesticidies PPG Grant (FY18)	This Pesticides Performance Partnership Grant (PPG) agreement provides partial funding of $345,848 for the operation of the Maryland Department of Agriculture (MDAG) Pesticides Program. This agreement funds statewide programs to carry out enforcement of pesticide regulations as well as programs relative to Certification and Training for pesticide applicators, and other related programs including worker protection, water quality and endangered species. Federal funds in the amount of $25,152 are contingent upon availability of additional funding.	MD
Safe Drinking Water State Revolving Fund	This agreement is for a capitalization grant which provides funds for the recipient's Drinking Water State Revolving Fund program to provide low interest financing to recipients for costs associated with the planning, design and construction of eligible drinking water improvement projects and activities to protect human health.	DE
Safe Drinking Water State Revolving Fund	This agreement is for a capitalization grant which provides funds for the recipient's Drinking Water State Revolving Fund program to provide low interest financing to recipients for costs associated with the planning, design and construction of eligible drinking water improvement projects and activities to protect human health.	PA

01F23201-1 V	EPA R6	$22,289	OK DEQ - OK Dept of Env Quality
00F82501-3 GA	EPA R6	$75,000	IT428 - Seminole Nation of Oklahoma
01F19801-1 BG	EPA R6	$190,000	IT407 - Choctaw Nation of Oklahoma
96855318-0 C9	EPA R8	$100,000	IT082 - Southern Ute Indian Tribe
97849101-0 RP	EPA R8	$130,000	IT101 - Sisseton-Wahpeton Oyate

Tar Creek Blood Lead Testing	The project provides funding to the Oklahoma Department of Environmental Quality for the Oklahoma State Department of Health (OSDH) to conduct blood lead testing in children within the Tar Creek Superfund Site area. The objective is to reduce lead exposure and meet the remedial action objectives and effectively implement the statutory requirements of CERCLA 121(f) by remediating contaminated soils that are found to pose hazards to human health and mandates substantial and meaningful State involvement.	OK
Seminole Nation of Oklahoma GAP FY15-18	The objectives of this project are to develop the capability to manage specific programs and establish a core program for environmental protection. The specific project activities include building environmental capacity to manage an environmental department, develop recycling/solid program, and outreach.	OK
Choctaw Nation PPG FY17 - GAP & CWA106	These funds will provide support to the Choctaw Nation of Oklahoma assisting them in operating and implementing their General Assistance Program and Water Quality Management Program	OK
Spring Creek I Restoration Project	This Non-Point Source Competitive grant provides funds to implement non-point source pollution water management activities on Spring Creek. The Spring Creek I Restoration Project (Project) will address a reach of Spring Creek approximately 2,200 feet long that has been determined to be a high priority reach by the Plan. The Project will stabilize multiple eroding banks and improve the surrounding riparian habitat through vegetation planting and improving stream stability.	CO03
Brownfields Tribal Response Program Grant	This project provides funding for the SWO Tribal response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.	SD

97886617-2 BG	EPA R8	$526,000	IT083 - Ute Mountain Ute Tribe
99T60217-1 I	EPA R9	$40,000	IT222 - Utu Utu Gwaitu Paiute Tribe
99T68201-0 TX	EPA R9	$59,000	IT232 - Reno Sparks Indian Colony
99994218-0 I	EPA R9	$60,000	IT150 - Cortina Band of Wintun Indians
99T63301-0 TX	EPA R9	$91,000	IT159 - Fort Independence Reservation
96935814-4 BG	EPA R9	$110,000	IT239 - Yomba Shoshone Tribe

Ute Mountain Ute Performance Partnership Grant	This agreement provides funding for the operation of the Ute Mountain Ute Tribe's continuing environmental programs while giving it greater flexibility to address its highest environmental priorities, improve environmental performance, achieve administrative savings, and strengthen the partnership between the Ute Mountain Ute Tribe and the EPA. This agreement funds Reservation wide programs. The work includes outputs and outcomes associated with managing continuing environmental programs which include activities to protects and maintain air quality, control water pollution, revitalize the land, and ensure an environmental protection presence on the Ute Mountain Reservation. Increase of Funds.	CO03
FY17-18 WATER POLLUTION CONTROL	The purpose of this project is for the development of the Tribe's water pollution control program through the implementation of ground water quality monitoring to assess waters on the reservation, providing staff training, and conducting outreach and education efforts.	CA08
CAA 103 - Tribal Air Quality	The purpose is to help build the tribe's capacity to assess air quality conditions and to develop strategies to address air quality issues. The tribe will continue strategic planning and evaluation, compliance assistance, monitoring air emissions, rulemaking, and other program activities.	NV02
FY-18 WATER POLLUTION CONTROL	The purpose of this project is for the Cortina Rancheria Kletsel DeHe Band of Wintun Indian's further development of its water pollution control program by monitoring tribal waters in order to assess and manage water quality on the reservation.	CO02
CAA 103 - Tribal Air Quality	The objective of this project is to help build the tribe's capacity to assess air quality conditions and to develop strategies to address air quality issues. The tribe will continue strategic planning and evaluation, compliance assistance, monitoring air emissions, rulemaking, and other program activities.	CA08
PERFORMANCE PARTNERSHIP GRANT	The grantee's major activities include: water quality monitoring and analysis; identification and removal of nonpoint source erosion sources; outreach and education; and overall administration of the Tribe's environmental water quality protection program. These funds support further development and administration of the Tribe's Water Pollution Control and Nonpoint Source Management Programs. The objective of this project is to expand the Yomba Shoshone Tribe's Environmental Program capacity.	NV02

99T40801-2 GA	EPA R9	$163,400	IT122 - Salt River Pima-Maricopa Indian Comm
99T61701-0 BF	EPA R9	$200,000	PCCDC - Plumas County Community Development Commission
00938418-0 D	EPA R9	$241,518	HDH - HI Dept of Health

GENERAL ASSISTANCE PROGRAM	The objective of the project is to expand the environmental program capacity of the Tribe and implement their solid waste program. The Tribe will map existing and new open dumps, develop Resource Conservation Recovery Act regulatory summaries to provide to Community government departments, conduct household hazardous waste collection events, attend environmental program related trainings, develop community outreach and environmental education presentations, and research additional funding opportunities relevant to the Tribe's needs. This award provides funding for a period of 10/01/2018 - 09/30/2019 which is the third year of the General Assistance Program grant.	AZ06
BROWNFIELDS ASSESSMENT COOPERATIVE AGREEMENT	The project will provide funding for Plumas County to inventory, characterize, perform hazardous substance site assessments and cleanup planning for Crescent Mills, a former sawmill site. The old mill is being redeveloped into a wood utilization campus to offer significant economic development potential for Plumas County, spur forest restoration, and at full buildout, the campus will generate between 15-30 wood products industry jobs for a rural community in need of economic revitalization.	CA01
FY18-19 Hazardous Waste Program	This project will monitor compliance with hazardous waste management regulations in Hawaii at hazardous waste generators and facilities, issue permits, manage cleanup of contaminated sites, develop projects to reduce waste and increase recycling, and authorize State legislation for hazardous waste management.	HI

99T14715-5 BG	EPA R9	$272,600	IT110 - Ak-Chin Indian Community
99T41601-2 RP	EPA R9	$356,120	NDCNR - NV Dept of Cons & Ntrl Res
99T61601-0 BF	EPA R9	$600,000	COYKA - City of Yreka

PERFORMANCE PARTNERSHIP GRANT	These funds provide further development and administration of the Ak-Chin Indian Commnunity's General Assistance Program, Clean Water Act Section 106 Program, Clean Water Act Section 319 Program, and Pesticides Enforcement and Program Implementation Programs. The objective of these projects is to expand the Tribe's environmental capacity through the following major activities: administration and management of the Environmental Protection Department; expand partnerships with external stakeholders at Regional Tribal Operations Committee meetings; conduct outreach and education of environmental programs; complete the updated Tribal Environmental Plan (TEP) and Solid Waste Management Plan; expand legal capacities to enforce environmental protection efforts on the reservation through the development of media-specific ordinances; water quality sampling and monitoring of groundwater and surface water sources; production of the Water Quality Assessment Report; removal of invasive species from the Santa Rosa and Smith Washes; perform pesticide education and outreach to community and farms; and implementation of pesticide inspection and enforcement programs.	AZ01
NDEP State Response Program Cooperative Agreement	This Cooperative Agreement's project objective is to support Nevada Division of Environmental Protection (NDEP) by providing funding for the further development and enhancement of their State Response Program/Brownfield Program and the associated public record, as well as supporting their ability to conduct site-specific activities such as site assessments requested by citizens. This program support will strengthen NDEP's ability to respond to contaminated sites.	NV
BROWNFIELDS ASSESSMENT COOPERATIVE AGREEMENT	This assistance agreement will provide funding for the Cities of Yreka and Weed, and Siskiyou County to inventory, characterize, assess, and conduct cleanup planning and community involvement-related activities to create an environmentally sustainable and healthy local economy. The brownfields sites include a decommissioned airport for manufacturing development, several properties in the City of Weed destroyed by major fire, and blighted properties identifed as future greenways in the City of Yreka. These sites have been selected to improve livability of nearby populations, remove associated health risks, encourage sustainable development, affordable housing, greater transportation choices and foster job growth.	CA01

99T61801-0 BF	EPA R9	$600,000	Nye Cnty - Nye County
96978717-0 C9	EPA R9	$1,240,000	HDH - HI Dept of Health
99966617-3 BG	EPA R9	$2,456,847	ADEQ - AZ Dept of Env Quality

Brownfields Assessment Cooperative Agreement	The project will inventory, characterize, assess, and conduct cleanup planning and community involvement related activities for brownfields sites in the Counties of Nye, Esmeralda, Lincoln, Mineral and White Pine in Nevada, Inyo County in California and the Duckwater Shoshone Tribe in Nevada. The project will focus on redevelopment opportunities in support of renewable energy-related and other socio-economic redevelopment at former brownfields, including testing and manufacturing, innovative agriculture, and increase tourism through revitalized retail and commerical industries. Nye County is the managing partner on behalf of the coalition.	NV04
Nonpoint Source Management Program	This agreement supports the implementation of the state nonpoint source management program plan developed and approved under Clean Water Act Section 319. Work under this agreement also includes development and implementation of the Coastal Nonpoint Source Pollution Control Plan pursuant to Coastal Zone Act Reauthorization Amendment.	HI
PERFORMANCE PARTNERSHIP GRANT	The grantee's major activities include: conducting surface water quality monitoring, preparing a water quality assessment, preparing pollution prevention permits, writing Total Maximum Daily Loads (TMDLs), reducing non point source pollution, participating in inter agency watershed coordination activities, conducting outreach/ education to the community, building infrastructure by conducting training and professional development, and reporting progress to EPA. This award will be used to carry out the objectives of the surface and ground water protection programs, nonpoint source management program, and the public water supply supervision program.	AZ

99996017-0 FS	EPA R9	$11,753,000	NDCNR - NV Dept of Cons & Ntrl Res
01J00701-3 GA	EPA R10	$30,000	IT543 - Native Village of Deering
00J98101-3 GA	EPA R10	$30,000	IT553 - Native Village of Ekwok
00J97801-3 GA	EPA R10	$30,000	IT632 - Northway Village

Safe Drinking Water State Revolving Fund	The primary purpose/objective of this grant is to capitalize Nevada's Drinking Water State Revolving Fund (DW SRF) program for financing drinking water infrastructure improvements. The Nevada Department of Conservation and Natural Resources, Division of Environmental Protection (NDEP) will lend these funds to drinking water systems in Nevada at below market interest rates to address Nevada's drinking water infrastructure needs. The grant also provides set-aside funds to NDEP for a number of programs such the Public Water System Supervision Program (PWSS), Nevada's drinking water capacity development effort, technical assistance to small drinking water systems and source water protection within the state, and wellhead protection.	NV
Indian General Assistance Program	The Native Village of Deering will develop improved ways of continuous landfill operations to build a cleaner healthier community. The tribe will prioritize other environmental issues through community involvement and council leadership. Planning sessions will be scheduled with the tribal council and other nearby entities for further solid waste planning. Residents of Deering will be less vulnerable to medical problems and continued behavior changes will be realized due to building capacity and a healthier community.	AK
Indian General Assistance Program	This project will assist the Native Village of Ekwok in building capacity and developing programs to protect the tribal environment and health. Tasks include maintaining an environmental office and program; researching environmental issues and resources and attending training; communicating internally, with other agencies, conducting outreach and education; developing solid and hazardous waste and recycling programs; track changes through the Local Environmental Observer network, and continue assessing drinking water quality.	AK
Indian General Assistance Program	Northway Village has 4 primary objectives with this workplan: Management of the environmental office and administrative capacity building; Emergency Response planning, preparedness, and education; Solid waste planning, management, and implementation activities to expand current solid waste capacity; and Planning and conducting community environmental outreach and education activities.	AK

01J09901-3	GA	EPA R10	$30,000	IT713 - New Koliganek Village Council
01J27302-1	RP	EPA R10	$40,000	IT264 - Port Gamble S'Klallam Tribe
00J89601-7	BG	EPA R10	$100,000	IT259 - Lummi Tribe of the Lummi Reservation
01J34701-0	GA	EPA R10	$127,532	IT574 - Igiugig Village Council
01J13801-1	GA	EPA R10	$128,000	IT584 - Kasigluk Traditional Elders Council

Indian General Assistance Program	This project will assist the New Koliganek Village Council in building capacity and developing programs to protect the tribal environment and health. Tasks include maintaining an environmental office and program; researching environmental issues and resources and attending training; communicating internally, with other agencies, conducting outreach and education; developing solid and hazardous waste and recycling programs; and conducting a baseline surface water quality assessment.	AK
FY 17-18 Tribal Response Program for Port Gamble S'Klallam Tribe	This project provides funding for the Port Gamble S'Klallam Tribe (PGST) tribal response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of cleanup plans and verification of complete responses. Additionally, their work may involve applying for competitive Brownfield grants.	WA06
Lummi Nation Core Environmental Program Support	The purpose of this two-year C319 Proposal is to to restore salmon habitat in WRIA 1, the Middle Fork Porter Reach Phase 4 In-stream Restoration Project will construct 12 engineered log jams (ELJs) in the mainstem Middle Fork Nooksack River, consisting of five Type II ELJs (50x60x10'), and seven Type III ELJs.	WA01
Indian General Assistance Program (IGAP)	The work to be accomplished includes the following: Component 1 builds tribal environmental program management capacity; Component 2 focuses on developing sustainable solid and hazardous waste solutions; Component 3 supports the development of a tribal recycling center.	Ak
Indian General Assistance Program (IGAP)	Tribe will build capacity to manage environmental programs to improve tribal health and environment thru staff training, community outreach and education, dumpsite inventory and clean up of scrap metals, establishing a water quality baseline monitoring program that incorporates youth education, and launching a Traditional Ecological Knowledge project.	AK

00J85801-3	GA	EPA R10	$128,000	ITKW - Kawerak Inc.
01J35701-0	GA	EPA R10	$153,455	IT747 - Curyung Tribal Council
00J84301-3	BG	EPA R10	$236,626	IT268 - Sauk-Suiattle Indian Tribe
97075001-F	V	EPA R10	$254,689	IT248 - Confederated Tribes of the Grand Ronde Community
00J69502-0	BG	EPA R10	$284,434	IT270 - Skokomish Indian Tribe
01J39201-0	BF	EPA R10	$300,000	MoA - Municipality of Anchorage (MOA)

Indian General Assistance Program	This proposal contains three (3) primary objectives: 1) Management of Environmental Office: Continue administering GAP grant. 2) Pollution Prevention (Recycling): Improve solid waste management techniques in the Bering Strait region. 3) Adaptation and Education: Begin regional project to address increasing impacts to the environment in the Bering Strait to address loss of sea ice, warming waters, erosion, changes in lakes/river beds and more severe winter storms mixed with warm temperatures that are impacting subsistence resources.	AK
Indian General Assistance Program	The work to be accomplished includes the following: Component 1 builds tribal environmental program management capacity; Component 2 maintains and expands partnerships and conducts environmental outreach; Component 3 focuses on developing sustainable solid and hazardous waste solutions; Component 4 develops a water quality monitoring program, air quality monitoring program, & conducts a review of the environmental program and EPA Tribal Environmental Program (ETEP).	Ak
Sauk-Suiattle Performance Partnership Grants	Continuance of the Tribe's Indian General Assistance Program and water quality projects funded by Clean Water Act Sections 106 and 319 grants, all bundled in a Performance Partnership Grant.	WA01
Government-to-Government Participation for the Grand Ronde Tribe in CERCLA Activities	Cooperative Agreement for Government-to-Government participation of the Confederated Tribes of Grand Ronde in Comprehensive & Liability Act of 1980 (CERLCA) activities at the Portland Harbor Superfund Site.	OR05
Performance Partnership Grants (PPG)	The Performance Partnership Grant (PPG) will assist the Skokomish Tribe manage environmental programs, build tribal capacity towards protection of critical habitat in the Skokomish River Estuary, Annas Bay, Hood Canal and other tribal lands. Wetland habitat will continue to be protected by ground and surface water monitoring (including TMDL sampling) and thru implementation of watershed policies. Educational programs will address non-point source pollution.	WA06
Anchorage Community Wide Assessment FY17-19	This Cooperative Agreement will begin with a comprehensive inventory and assessment of sites in the focus area. Anchorage will engage the community to prioritize revitalization opportunities in accordance with established community plans and objectives. It will include assessment activities at priority Brownfields sites, including Phase I and Phase II Environmental Site Assessments and preparation of site-specific cleanup/reuse plans and Area Wide Planning activities for up to two priority impacted areas.	AK

01J39401-0 BF	EPA R10	$300,000	SKAMANIA - Skamania County
01J33201-0 E	EPA R10	$579,000	WDA PEST - WA Dept of Agriculture
01J12301-4 A	EPA R10	$770,375	IDEQ - ID Dept. of Environmental Quality
01J31901-0 CE	EPA R10	$3,541,000	PSP - Puget Sound Partnership

Skamania County Community-Wide Assmt for Hazardous Substances and Petroluem	This assistance agreement will provide funding for Skamania County to inventory, characterize, assess, and conduct cleanup planning and community involvement related activities for Brownfields sites in the Skamania County, in and around Stevenson, Washington. Specifically, Skamania County would like to move forward on assessing and cleaning up targeted sites such as the former Hegewald veneer plant, a former railroad property, and a former plant nursery. Brownfields are real property, the expansion, development or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.	WA03
Pesticide - WSDA FY 2018 Cooperative Agreement	This cooperative agreement is designed to continue implementaton of pesticide regulatory and enforcement programs that could include, but are not limited to, activities such as compliance monitoring, enforcement, certification and training for pestitcide applicators, water quality protection, worker protection, and outreach and education. This agreement will result in the enhanced protection of human health and the environment.	WA
Idaho Air Quality Program	This grant allows the State of Idaho to maintain an air quality program that meets the requirements of the federal Clean Air Act, to include plans and programs designed to achieve or maintain compliance with the National Ambient Air Quality Standards (NAAQS), conformity analysis, compliance with National Emission Standards for Hazardous Air Pollutants (NESHAPS) rules and regulations, stationary source compliance, emission inventory development, data collection, reporting and modeling.	ID
Puget Sound Partnership--National Estuary Program--Base Program	This Base Grant is for the Puget Sound National Estuary Program. This backbone organization role includes: Program level financial management; researching funding opportunities; providing program match for local and tribal capacity grants; demonstrating sound fiscal management practices; Administering the Partnership's Boards and partners in the development of the Action Agenda; Supporting direct public engagement; Coordinating and implementing a strategic science program to support Puget Sound ecosystem recovery; Ecosystem Assessment and Monitoring; and Reporting on outputs and outcomes.	WA

Message

From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 3/14/2018 7:24:45 PM
To: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: OLEM bb-Draft, draft table of contents
Attachments: Table of Contents.docx

Hi Kaitlynn,

Following up on the prep meeting conversation, I now think these issues are relevant but not the level of detail you and Christian noted. Thoughts?

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Harwood, Jackie
Sent: Wednesday, March 14, 2018 2:15 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: Draft, draft table of contents

Hi Carolyn,

This is a very, very draft table of contents for the briefing book that I put together using the list of fact sheets we're preparing for the Administrator's Appropriations Hearing. Just wanted you to take an initial look—is it too much? Too little? Wrong topics? All feedback is welcome!

Jackie

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 8/25/2017 8:42:09 PM
To: andrew_forbes@inhofe.senate.gov; michelle_altman@lankford.senate.gov; joseph.kaufman@mail.house.gov; jonathan.gray@mail.house.gov; stacey.glasscock@mail.house.gov; maria.bowie@mail.house.gov; alex.hutkin@mail.house.gov
CC: Troy Lyons (lyons.troy@epa.gov) [lyons.troy@epa.gov]; Aaron Ringel (ringel.aaron@epa.gov) [ringel.aaron@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Konkus, John [konkus.john@epa.gov]
Subject: EPA Grant Award

I am writing to inform you that the following US EPA grant from your state/district has been signed:

$125,000 Pawnee Nation of Oklahoma Pawnee Nation of Oklahoma GAP FY15-18
The objectives of this project are to develop the capability to manage specific programs and establish a core program for environmental protection. The specific project activities include building environmental capacity to manage an environmental department, build wetland program, manage solid/hazardous waste, and staff training.
Grant No: 00F86401-2

$150,400 Osage Nation Osage Nation Underground Injection (UIC) Program
The Osage Nation will carry out activities necessary to permit and monitor the construction and operation of underground injection wells in a manner that protects human health & underground sources of drinking water in the Osage Nation, Oklahoma. The Osage Nation will conduct well testing and inspecting, enforcement and compliance, and permitting of injection wells.
Grant No: 01F23501-4

$10,712,000 OK WRB - Oklahoma Water Resources Board Clean Water State Revolving Fund (CWSRF)
These funds will be used by the State of Oklahoma to provide loans and other types of financial assistance (not grants) to local communities and intermunicipal and interstate agencies for wastewater improvements. The effect of the financing will be improved water quality in streams, lakes, rivers and bays, with resulting benefits to aquatic life and for use as drinking water sources; and/or elimination of disease from health hazards like raw sewage discharges.
Grant No: 40000217-0

$100,000 OK DEQ - OK Dept of Env Quality Superfund Tar Creek Operable Unit (OU-2) Remedial Design (RD)
This project provides funding for conducting site characterization activities at potential or confirmed hazardous waste sites. Also, undertakes response planning and implementation actions at referenced sites listed on the National Priorities List (NPL).
Grant No: 00F95901-4

$65,200 Oklahoma Corporation Commission OCC Brownfields 128a State Response Program
This project provides funding for the Oklahoma Corporation Commission's response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.
Grant No: 00F69301-7

$145,000 OK DEQ - OK Dept of Env Quality ODEQ Brownfields 128a State Response Program
This project provides funding for the Oklahoma Department of Environmental Quality's response program that includes timely survey and inventory of Brownfields sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.
Grant No: 00F70401-7

$339,500 OK DEQ - OK Dept of Env Quality Superfund Consolidated 3
This project provides funding to ODEQ to supplement their Core, Site Assessment, and Management Assistance Programs, to conduct site characterization activities at potential hazardous waste sites, and to effectively implement the statutory requirement of CERCLA 121(f) which mandates substantial and meaningful State involvement. This award will also extend the project and budget period to 06/30/2018.
Grant No: 01F02701-4

$13,279,000 OK DEQ - OK Dept of Env Quality Drinking Water State Revolving Fund (DWSRF)
To provide federal funds to the State of Oklahoma for the purpose of providing loan assistance to eligible public water systems for infrastructure improvements needed to ensure safe drinking water and to provide funds for the following types of set-aside activities: Administrative, Small Systems Technical Assistance, Local Assistance and State Programs Management.
Grant No: 98681417-0

$25,000 Kickapoo Tribe of Oklahoma Kickapoo Tribe of OK 128a Tribal Response Program
This project provides funding for the Kickapoo Tribe of Oklahoma's response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.
Grant No: 01F07501-3

$45,656 Absentee Shawnee Tribe of Indians of Oklahoma Absentee Shawnee 128a Tribal Response Program
This project provides funding for the Absentee Shawnee Tribe's response program that includes timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; mechanisms for approval of a cleanup plans and verification of complete responses.
Grant No: 00F74701-7

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
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Message

From: Carr, Dorothy [Carr.Dorothy@epa.gov]
Sent: 7/6/2018 3:46:53 PM
To: Carroll, Carly [Carroll.Carly@epa.gov]; Burton, Tamika [burton.tamika@epa.gov]
CC: Vizian, Donna [Vizian.Donna@epa.gov]; Helm, Arron [Helm.Arron@epa.gov]; Taylor, Jeremy [Taylor.Jeremy@epa.gov]
Subject: New SES appointees
Attachments: Maguire_Selection.pdf; Maguire_Resume.pdf; Palmer_Selection.pdf; Palmer_Resume.pdf

Hello Carly and Tamika,

Attached are the selection memoranda and resumes for two selectees whose appointments to the SES will be effective July 8, 2018:
- Charles Maguire, Director, Water Division, Region 6
- Leif Palmer, Regional Counsel, Region 4.

Please let me know if you have any questions or require additional information.

Take care,
Dorothy Carr
Lead Human Resources Specialist, Executive Resources team
U.S. Environmental Protection Agency
Human Resources Management Division, OARM-RTP
(919) 541-4356 (office)
(252) 301-4784 (cell)

@OARM_HRD SERVE SOLVE COLLABORATE

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Charles W. Maguire

To Whom It May Concern:

Since joining the Texas Commission on Environmental Quality (TCEQ) 12 years ago, I have worked diligently with stakeholders to build partnerships and be a trusted voice and face at TCEQ. My years of experience in the private sector developing businesses and managing people have served me well in my jobs here at the Agency. Also, I've benefited from past experiences working on research projects with engineers, biophysical scientist, geologists, and agronomists to develop workable environmental solutions for industrial, municipal, and agricultural enterprises. Those projects in several instances established policy at the federal level and are still fundamental components of TCEQ rules and procedures.

I have, since the 70's, been fascinated by the policy implications of the Clean Air; Clean Water; Coastal Zone Management; and Rare and Endangered Species legislation. I am particularly interested in the interface those four pieces of Federal legislation established between government and private property. EPA and their state counterparts quickly developed rules and regulations for point source pollution concerns, and have been expanding and enforcing those zealously. In addition, government continues to struggle with approaches that will work for nonpoint and fugitive sources of pollution. There is also a struggle to manage sometimes conflicting goals related to replenishing and developing both groundwater and surface water resources with the cleanest possible water and still have adequate flood controls during heavy rainfall events. To address these concerns over the broader landscape, government leaders have had to be willing to use social marketing skills to effectively engage stakeholders. Even when government is right, there is no room for bureaucratic arrogance or a failure to acknowledge and minimize the impact on people's lives. More importantly, government may not always be right, so there is a vitally important need to make sure the process is open to refinement by those that can help find the best pathway forward. Fairness and meaningful participation are paramount if government is to succeed.

My work experience reflects my desire to influence decisions in this realm. Experience has helped me to understand the impacts that state agencies can have on the people of Texas, and I do not take lightly any of the responsibilities TCEQ has given me. My success managing people in both public and private sectors, demonstrates that I possess strong leadership and strategic persuasion skills and that I have been able to unite people in a common purpose to reach our goals. I can successfully implement and manage change, when necessary.

Below is a summary of my experience which I think you will find unique in both depth and width. My degrees in engineering and finance have provided a platform for successful involvement in many business and government activities. I bring a broad perspective to bear on the jobs I have been assigned.

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Charles William Maguire

Ex. 6 - Personal Privacy

PROFESSIONAL PROFILE

An accomplished and results-oriented professional with over 40 years of experience in executive level management; A decisive leader who meets people at all levels; and able to effectively motivate others to attain goals in an efficient timely manner

Able to respond well to pressure and change by finding systematic and creative ways to perform tasks and achieve objectives. Have consistently proven to be highly proficient in recognizing areas of need, extracting the essentials, and establishing a direction toward long-term success.

AREAS OF EXPERTISE

Complex Regulatory Programs - Environmental Technology – Public Policy Development
Project Management – Advocate with Government
Advertising and Promotions – Staff Development – Financial Analysis and Management
Municipal Bond Markets – Real Estate Development – University Faculty Member

UNIQUE EXPERIENCE

Supervision of people and programs:
As of May 1, 2012, I supervise 36 employees in 3 program areas that are in the Radioactive Materials Division at Texas Commission on Environmental Quality (TCEQ). Responsibilities include low-level radioactive waste disposal and Uranium mining licensing as well as underground injection control permitting. Prior to that I supervised 103 people in 7 program areas of the Water Quality Division – Division responsibilities included water quality permits for municipalities, industries and livestock operations; stormwater permits; pesticides permits, water quality certifications for federal permits; water quality modeling and water quality standards implementation; groundwater and surface water quality assessments; and Texas water quality management plan updates.
At Texas Institute for Applied Environmental Research (TIAER) I supervised over 30 biophysical scientist and economist working on various research projects, and 15 administrative personnel working on data management and publications. This included metadata management to support a heavy reliance on GPS information and GIS software applications.
I have supervised as many as 275 workers prior to working at TIAER; managing a mid-sized agribusiness that included 6,000 acres of farm land with pecan orchards, a pecan processing plant and retail store with a large mail order operation.

Uranium Mining Regulation:
As Director of the Radioactive Materials Division I was asked by the Executive Director of TCEQ to take over the division and resolve some institutional impediments that were undermining effective regulation of this important industry and having an unintended impact on the economic viability of some of the mining companies. The 2 main areas of concern were:

1) The backlogged Aquifer Exemptions being processed by EPA. I have been able to work with both the industry and EPA to resolve complex matters associated with this program piece and get the Aquifer Exemptions issued. Exemptions that had

been on hold for over 4 years were approved. The industry now has a predictable pathway to ensure appropriate exemptions can be granted, which is essential for their mining operations and the protection of underground sources of drinking water.

2) The backlog of older mining sites that were yet to be restored so they could be released for unrestricted use. Working with the mining interest and with the Nuclear Regulatory Commission (NRC) I have been able to get all the appropriate data and prepare the necessary report to request (and then be granted) the release on 2 of the sites. Also, great progress is being made to accomplish this release on an abandoned (for over 20 years) site.

As the Radioactive Materials Division's Director, I have also been active in reviewing proposed federal rules that affect this industry. Recent rule proposals from EPA, that would create serious economic impact, have been proposed. The division made formal comments that have been widely acknowledged. On numerous occasions I have participated in effective discussion with EPA headquarters staff so that more effective approaches to protecting groundwater quality could be developed through rules and so that those approaches would be based on relevant data. I offered to take on a study to determine the best pathway to address concerns with groundwater restoration. I have also been asked to testify before a Congressional Committee related to the impact this proposed rule would have.

Also, Texas has passed legislation that affects this regulated industry and I moved speedily to implement the new legislation in rule and then in permits. That legislation greatly improves the regulatory program effectiveness for this industry.

Radioactive Waste Disposal:

The other area that the Executive Director asked me to give my attention to is the low-level radioactive waste storage, processing, and disposal site licensed by Texas, and located in Andrews County. This site is the only site for commercial low-level radioactive waste licensed and built since 1985. As the site was nearing the point of opening the Executive Director asked me to take over the regulatory role and ensure that the operations were effectively protecting human health and the environment, and yet, also able to maintain some level of economic viability. License amendments have been effectively issued and program tools developed in collaboration with the Nuclear Regulatory Commission (NRC). I have testified before the Commissioners at public hearings on NRC rulemakings and policy issues. I have worked closely with NRC staff to develop an open exchange of technical and programmatic ideas so that the best possible program is developed to go with this once in a lifetime site. The site is critical to the national, state, and commercial interest associated with radioactive waste disposal. It is also vitally important to the Department of Energy (DOE) for their waste storage and disposal efforts. I have worked closely with staff and management at the headquarters level in both NRC and DOE. I have frequently been a speaker at the industry and government conferences. The Texas program is a high profile regulatory responsibility that draws frequent national and international inquiry. A major aspect of my current duties involve managing that interface and ensuring that operations at the disposal site are committed to excellence in every way.

Water quality monitoring and assessment:

As Assistant Director in the Water Quality Planning Division at TCEQ, I coordinated activity in the Chief Engineer's Office for TMDLs; the Galveston Bay and Estuary Program; Nonpoint source pollution abatement program; Clean Rivers Program; surface water quality standards development; water quality monitoring operations; and 303(d) impaired water body listings.

At TIAER, I supervised the efforts of the biophysical scientist on research projects related to two TMDLs (Bosque River and Arroyo Colorado River) as well as projects related to continuous monitoring of water quality parameters in the Bosque River, Leon River, Trinity River, and Upper Oyster Creek. I was also involved in stakeholder capacity on national development of TMDL implementation.

Point source water quality regulation:
In the Water Quality Division, I was responsible for issuance of Texas Pollutant Discharge Elimination System permits for municipal, industrial and livestock operations. Permits issued includes: *Individual Permits - Domestic Wastewater 2,575; Industrial Wastewater 670; Stormwater 59; CAFO 51. General Permit Authorizations – Stormwater GP 36,871; CAFO GP 514; Other GPs 2,040.* I was also, responsible for water quality standards implementation, groundwater, modeling, and agronomy reviews for all municipal, industrial, CAFO, land application (of waste/wastewater), pesticide and stormwater permits. At National Pork (Validus Services) I worked as a consultant to develop NPDES permit applications for livestock producers in Iowa, Texas and Missouri. I also worked in stakeholder capacity on the Texas CAFO rule and general permit.

Watershed Protection:
In the Water Quality Division, I was responsible for Federal 401 certifications on 319 and 404 permits. The division received recognition for management of mitigation banks connected with TCEQ's 401 certification program.
At TIAER, I worked with Texas State Soil and Water Conservation Board (TSSWCB) and TCEQ on Watershed Protection Plan for the Arroyo Colorado River that was funded by EPA through 319 funds. I also worked with Iowa State University, EPA and USDA to develop a watershed protection plan for waterbodies in northeast Iowa. That project resulted in a cost and capability study presented by USDA and EPA jointly to Congress. Lessons learned from that project are part of the current structure for CAFO regulation in the United States.

Standards development:
As Assistant Director in the Water Quality Planning Division I facilitated the standards rule revisions for Texas. That included work on 305(b) reporting and development of water quality standards implementation procedures. I helped the division director engage stakeholders and EPA to modify standards in key areas including contact recreation, nutrients, and toxics (mercury). I also facilitated the development of numerous site specific standards. Connected with this effort, there are modifications to implementation procedures for sub-lethal Whole Effluent Toxicity (WET) effects, nutrients and contact recreation.

Public water supply and utility operator certification:
The Water Quality Division provided technical assistance to other divisions at TCEQ that provide these certifications. Because CAFOs are often public water systems, I participated personally in those policy and rule development discussions. Because Aquifer Storage and Recovery Projects are part of the Underground Injection Control (UIC) program in my division, I work closely with the Water Supply and Water Availability Divisions in the Office of Water to assist in the development of reliable sources of water for public and private use.

Desalination Projects:
In the Water Quality Division as well as in my current role at TCEQ desalination projects are part of my regulatory involvement. Disposal of the drinking water treatment residuals or desal reject can be authorized by permits through water quality programs or through

underground injection control permits. In the last legislative session I was involved in the development of HB 2230 which allows for a Class V authorization to dispose of drinking water treatment residuals and desal reject in a previously authorized Class II well.

Aquifer Storage and Recovery Projects:
Those projects are authorized by my division at TCEQ. In the last Legislative Session, I participated in the development of HB 655 legislation that will make the authorization of those projects less cumbersome.

Restoration initiatives:
I have been involved with stakeholders on the Bosque and Leon Rivers in Texas in their approaches to restore water quality.
At TIAER I worked on restoration activities and stakeholder meetings on the Arroyo Colorado River, Leon River and the Bosque River in Texas, the Merrimack River in New Hampshire, and on the Maquoketa River in northeast Iowa.
Uranium mining operations also engage in restoration activities related to both groundwater and surface contamination. I have been successful getting sites cleaned up and released for unrestricted use.

Special studies:
I have worked on major research projects related to water quality funded by EPA 106 and 319 funds. This includes: use attainability projects in Houston bayous related to bacteria impairments and contact recreation; habitat quality project on central Texas waterbodies; nutrient criteria development on lakes and reservoirs; and fate and transport of nutrients in the Edwards Aquifer. I have also conducted studies and managed grants from USDA to develop effluent limitations for livestock and poultry operations. I also used a special grant from EPA for the initial development and implementation of the pesticides general permit for Texas. In that effort, I worked closely with both Region 6 and Headquarters EPA.
As director in the Radioactive Materials Division, I provided a white paper to the Governor of Texas in March of 2014, that special study was an "Assessment of Texas's High Level Radioactive Waste Storage Options". That white paper has been widely circulated to both state and national audiences interested in the issues associated with spent nuclear fuel. I also provided the Texas Legislature, The Texas Low-Level Radioactive Waste Compact Commission, the Governor's staff, The Texas Radiation Advisory Board, and the nuclear utilities and other low-level radioactive waste generators a Capacity Report in 2012, and 2016 that were special studies to provide a detailed analysis of factors affecting the future disposal needs of low-level radioactive waste generators.

Financial management:
My MBA in finance resulted in employment at Republic National Bank in Dallas, then the largest bank in Texas. Family background in the banking industry allowed me to quickly be involved in managing bond portfolios for both the Republic and numerous correspondent banks in Texas and New Mexico.
In the pecan business, I worked for high profile investors from El Paso Products Company, Pier I Imports, Tandy Cooperation, and Schlumberger Oil Company. I managed a large budget and secured the inventory financing, lines of credit, and real estate financing. I created a water control and improvement district to provide irrigation and sold municipal bonds to fund it. Bond issues were underwritten by Goldman Sachs and EGT. The company's stock and other public investments were registered with the State Securities Board.

My roles at TCEQ as an assistant division director and in two divisions where I have been the director I have primary responsibility for managing the division's operating budget as well as authorizing the salary enhancements. Division budgets are managed with an intent of zero lapse of available funding. I have achieved that every year. Funds are allocated to both operations and to research projects needed by the division. Significant funds have been provided and important projects have been managed under the state's contracting rules. Recent audits by the State Auditor's Office gave the Radioactive Materials Division extremely high marks for contract process management
I have also established a record of training section managers and administrative staff under my supervision in budget management skills so that they will be ready to take on director level responsibilities if called upon.

Management experience:
My career experience has involved responsibility for leadership and change management, strategic planning, performance measurement, working with government on legislation and regulatory development, financial management, and the delivery of public and private sector services and programs. I have functioned as a successful results-oriented executive for over 40 years. I have also applied that knowledge to mentoring employees and teaching others in both campus and online college classrooms. I am particularly effective in helping others do their jobs better than they thought possible. I have successfully managed workers at every level. I have a proven track record with biophysical scientist, environmental advocates and industry to achieve assigned tasks for complex projects.
I respond well to pressure and change by finding systematic and creative ways to perform tasks and achieve objectives. I have proven ability to be highly proficient in recognizing areas of need, extracting the essentials and establishing a direction toward long-term success.

CAREER HIGHLIGHTS

Texas Commission on Environmental Quality (TCEQ) [1/06 to Present]
Director Radioactive Materials Division-Office of Waste 5/1/12 to Present
Summary of experience: The division is currently implementing and managing changes needed to provide effective regulation of the low-level radioactive waste disposal facility in Andrews County. The division transformed under my leadership to be more effective in addressing needed license amendments. The division is also making program changes necessary to engage EPA objections in the UIC program and Uranium Mining program. Initial results indicate changes have been effective. The program has achieved national and international recognition and I am frequently asked to make presentations at important conferences including one held by the National Academy of Science and Engineering. Special studies were conducted to provide scientific underpinning for key policy decisions. The division has been active in commenting on state and federal rules with national implications.
I have also been asked to provide testimony as a resource witness to Texas legislative committees on natural resources and environmental regulation. I have worked with elected officials as a resource on legislative proposals. I have been particularly effective in helping develop more streamlined approaches to aquifer storage and recovery permitting and the disposal of desal reject and drinking water treatment residuals. I have also been asked to provide testimony before the commissioners of the NRC related to their rule making and questions about jurisdiction between NRC and Agreement States.
Audits of the division's program effort have indicated that good procedures are in place and that those procedures are being followed in a manner that protects human health and the environment. Recently the State Auditor's Office reviewed the division's contracting process and gave us very positive ratings across the board.

Director Water Quality Division 10/1/09 to 4/30/12
Governor's Executive Development Program – Fall of 2011
Summary of experience: Directed the Water Quality Division of the Office of Water of the TCEQ. Administered and directed the programs of the Water Quality Division, which include municipal and industrial wastewater permitting, agricultural permitting, 401 certifications of federal permits, and water quality assessment. Represented the agency at meetings, conferences, and legislative hearings regarding wastewater permits and water quality assessment issues. Evaluated state and federal regulatory developments and proposed legislation as they impact division operations. Completed/directed personnel management functions, including hiring, staff development, and performance management. Managed all aspects of the division budget, assuring proper monitoring, allocation, and expenditure of funds.
Led the division in the development and implementation of the newly required pesticides general permit; resolution to permitting and implementation procedure issues with EPA, and responsibilities related to the Sunset process.
Primary point of contact for Texas State Soil and Water Conservation Board; Texas Parks and Wildlife Department; Texas Department of Agriculture; Water Environment Association of Texas; Texas and Southwestern Cattle Raisers Association; Texas Cattle Feeders Association; Texas Association of Dairymen; Texas Poultry Federation; Texas Pork Producers Association; and numerous engineering and law firms that work in the water quality arena.
Permits issued includes: *Individual Permits - Domestic Wastewater 2,575; Industrial Wastewater 670; Stormwater 59; CAFO 51. General Permit Authorizations – Stormwater GP 36,871; CAFO GP 514; Other GPs 2,040.*

Assistant Director Water Quality Planning Division – 10/1/08 to 10/1/09
Summary of experience: Assisted the division director with planning, organizing, controlling, and directing the work of the sections, teams, and groups in the division. Worked with division director to provide managerial oversight and analysis of complex projects, programs, and administrative functions and deliverables to ensure that the division's goals were met. Provided program guidance and coordinated projects within the division and the agency. Worked with the division director and management to develop a new approach for dealing with impaired water bodies. In the case of bacteria impairments, helped develop an approach that will build consensus on the appropriate use of the water body and then move forward with watershed action plans to restore and protect water quality. New approach has meet with widespread acceptance from EPA, state agency partners, river authorities and stakeholders.
Lead the division's stakeholder outreach efforts, especially for non-point source stakeholders. Actively involved working with the Bacteria Implementation Group (BIG) in Houston. Lead discussions with state agency partners (Texas State Soil and Water Conservation Board, Texas Department of Agriculture, River Authorities), and other interested parties. Communicated the TCEQ approach to water quality planning efforts to stakeholders. Worked to establish a partnership and build consensus on water quality planning efforts with stakeholders, and ensure water quality planning activities were coordinated through stakeholders.
Formulated and assisted the director with the division's strategic planning efforts related to the Surface Water Quality Monitoring, Water Quality Standards, TMDLs, Watershed Protection Plans, Use Attainability Analysis (UAA), and grants. Evaluated and made recommendations to the director, deputy, executive management, and the commissioners as appropriate on all of the division's programmatic activities. Helped division management implement adjustments as necessary to improve program performance and address stakeholder concerns.
Represented the agency on technical projects; and the Chief Engineer's Office and Water Quality Planning Division in management meetings, including meetings with the EPA, and stakeholders concerning the water quality planning efforts. Evaluated implications of new legislation, regulations, policies, and technical reports on highly complex water quality planning issues to determine and manage their effect on division program development and implementation. Worked with the division director and the Chief Engineer to develop stakeholder input relative to Mercury TMDLs. Provided peer review of technical work performed by subcontractors for the division director. Also provided peer review of technical information presented to the water programs at TCEQ. Comments provided to the

division director were also reviewed and used by the Assistant Deputy Executive Director. Provided review of engineering work presented on Concentrated Animal Feeding Operation (CAFO) permit applications pending in the Water Quality Division to ensure conformity with established engineering practices and TCEQ requirements. Evaluated and provided comments on public comments, hearing request, and hearings related to permits pending in the Water Quality Division. Supported the Water Quality Division at Agenda sessions when agenda items involved TMDL or agricultural considerations or questions. Worked closely with TMDL team to plan for TMDL and UAA work. Worked with division director to evaluate operations and ensure activities conform to approved division plans.
Helped division director with administrative functions by assisting the division and section managers with the division budget, funds management, and review all contracts and work orders being presented to the division director. As part of establishing the new division at TCEQ, I worked with the division director on new operating procedures and management controls.
Because of prior experience in the Water Quality Division, I assisted the Assistant Deputy Executive Director with agricultural industry matters and emerging issues related to livestock and poultry. I provided a significant amount of input on current events and new technologies related to agriculture and the environment for consideration and have developed white papers or comment letters for the Executive Director. I worked with Assistant Deputy Executive Director and others in the agency as a resource witness on legislation related to livestock and poultry. I worked with Assistant Deputy Executive Director and others in TCEQ to address Senate Natural Resource Committee, The Senate Ag Committee and the House Environmental Regulation Committee on water quality issues.
I coordinated communication with other areas of the agency as needed by the Assistant Deputy Executive Director and division management.

Water Quality Standards Section Manager – Water Quality Division
Summary of experience: Responsible for management and staff development of the Water Quality Standards Team:

- Water quality standards reviews for wastewater permits (municipal, industrial, and sludge)
- 401 Certifications for 404 US Army Corps of Engineers permits
- Use attainability analysis for 5b segments
- Site specific standards development
- Surface water quality standards rule development
- Water quality research programs – 106 grant funded ($550,000 annually)
- 15 staff members

Responsible for management and staff development of the Water Quality Assessments Team:

- Water quality modeling for wastewater permitting
- Groundwater assessments for wastewater permitting
- Agronomy assessments for wastewater permitting
- 14 staff members

Responsible for management and staff development of the Ag Permitting Team
CAFO rule development:

- CAFO general permit development and issuance (128 issued in FYE 2007, 750 total for state)
- CAFO individual permits (55 total)
- Coordination with field investigations
- Training for regulated community and consultants
- 8 staff members

Responsible for section's budget (operating funds and research)
Responsible for coordination with TMDL development and 303(d) list development
Responsible for briefings with executive management and elected officials
Responsible for review and comment on legislation affecting CAFOs, water quality standards and wastewater permitting

Responsible for testimony on contested case hearings
Responsible for outreach on regulated community
Responsibility for stakeholder meetings and development of active stakeholder participation in water quality concerns
Coordination with EPA Region 6 relative to wastewater permits, CAFOs, and water quality standards
Coordination with Texas State Soil and Water Conservation Board and Texas Department of Agriculture
Coordination with Texas A&M University System related to water quality concerns (Texas Water Resources Institute) and TAMU extension service for producer education relative to CAFO operations

National Pork Producers Council (Validus Services LLC) [8/02 to 1/06]
Manager of S.W. Regional Office, Dublin, TX
Summary of Experience: Responsible for coordinating the dairy industry certification program in Texas

On Farm Assessments
CNMP Development and Implementation
3rd Party Audit and Certification
Environmental Consulting
Responsible for CNMP Program Marketing in the Southwest Region

Apollo Group (UOP and WIU) [Part time 2002 to 2005]
Online Faculty Member - Facilitator for courses in General Studies, Management, Leadership, and Economics

Texas Institute for Applied Environmental Research (TIAER) [4/98 to 7/02]
Assistant Director for Economics and Policy Analysis

- Participated in the creation of TIAER by the Texas Legislature
- Helped maintain legislative appropriation for applied research
- Developed Economic and Policy Analysis program
- Staffed Economic and Policy Analysis Department
- Helped obtain funding from EPA and USDA for research projects
- Helped develop grant administration and budgeting process
- Developed and implemented project management process
- Helped increase funding to support and $3.5 million budget
- Produced video for national audience regarding water quality issues
- Helped dairy producers evaluate manure management technologies
- Conducted various demonstration projects for effective manure management
- Helped develop 3rd party assessment/certification approach for dairy producers in Bosque River Watershed
- Managed numerous applied research projects

Pecan Business – Various Generations of the Original Company [3/75 to 4/98]
President and CEO – Wolfe Pecanlands, Inc (sold out to Comanche Pecan Company)
President and CEO – Comanche Pecan Company (sold to Pecan Valley Nut Company, Inc.)

President and CEO – Pecan Valley Nut company, Inc. (sold my interest to investors and left the company)
President and CEO – The Store at Pecan Valley (closed the store in 1998 and liquidated assets)

- Successfully established "grandfather rights" for orchard operation by getting proper language inserted in 1976 Tax Reform Act (during conference committee debates)
- Developed bank relationship to finance orchard-management equipment
- Created water district to sell tax-exempt bonds to finance construction of much needed irrigation system
- Overcame strong opposition to set up water district that issued $7 million, 10-year tax-exempt bonds
- Sold orchard investments through security dealers totaling $15 million
- Designed pecan-tree shaker that is unique to the industry (fastest available for the pecan industry)
- Started wholesale pecan tree nursery business
- Raised $2 million from shareholders to construct a pecan shelling facility (28,000 sq. ft.)
- Inaugurated mail-order pecan gift business and retail store
- Developed corporate gift program
- Developed fundraising sales program
- Produced Company Videos (one featured on Inside Dallas TV Show)

Tarleton State University – Stephenville, Texas [1980 to 1993]

- Lecturer for classes in Micro-Economics, Macro-Economics, and Money & Banking

Republic National Bank – Dallas [1/72 to 3/75]
Assistant Vice-President

- Developed computer program for analysis of municipal bond trades
- Sold US Treasury Securities as well as tax-exempt municipal bonds and notes
- Managed bond portfolios for 50 correspondent bank accounts
- Performed financial advisory functions related to bond financing in connection with local banks in numerous small communities in Texas

EDUCATION AND TRAINING

MBA, Finance – Texas A&M University December 1971
BS Aerospace Engineering – Texas A&M University May 1971
American Management Association: Management Course for Presidents; Mergers & Acquisitions; and The Chief Executive's Job in a Smaller Company
On-Farm Assessment and Environmental Review Certification for Dairy – America's Clean Water Foundation and Environmental Management Solutions, LLC.
Texas Certified Nutrient Management Specialist – Texas A&M University and Texas NRCS
Governor's Executive Development Program (December. 2011)

Message

From: Taylor, Jeremy [Taylor.Jeremy@epa.gov]
Sent: 4/24/2018 7:04:14 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]
CC: Cooper, Marian [Cooper.Marian@epa.gov]; Gantt, Melissa [Gantt.Melissa@epa.gov]; Bell, Matthew [Bell.Matthew@epa.gov]; Showman, John [Showman.John@epa.gov]; Helm, Arron [Helm.Arron@epa.gov]; Carr, Dorothy [Carr.Dorothy@epa.gov]
Subject: Extensions for ERD
Attachments: Selection Package for OECA's Regional Counsel for Region 4; SES Selection Region 6 Water Division

Hello,

We have received extensions for the packages attached for OECA and Region 6 that were both due this Friday, April 27th. The new due date is Friday, May 11th.

This takes some of the pressure off of the approval process and will give time for the ECQs to be looked over before submission hopefully.

Thank you,

Jeremy A. Taylor
OARM-RTP-HRMD
Director
919-541-0537

OARM-RTP SERVE. SOLVE. COLLABORATE.

CONFIDENTIALITY: This communication may contain privileged or other confidential information. If you are not the intended addressee, or believe you have received this communication in error, you may neither copy, disseminate, nor distribute it to anyone else or use it in any unauthorized manner; to do so is strictly prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your mail software and delete it from your computer. "Information in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly."

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 – 2733

Office of the Regional Administrator

April 6, 2018

MEMORANDUM

SUBJECT: SES Selection – Director Water Division Region 6

FROM: Anne L. Idsal
Regional Administrator

THRU: Donna J. Vizian
Principal Deputy Assistant Administrator, OARM

TO: Acting Deputy Administrator

In my role as the Regional Administrator of Region 6, I am requesting your approval of the selection of Mr. Charles W. Maguire for the Director of the Water Division in Region 6.

After careful consideration of all the referred applicants, Mr. Maguire is the best qualified applicant for our Water Director position. He has extensive leadership experience in the environmental field. He has particular experience in the areas of water quality monitoring, watershed protection planning, evaluating complex water quality and environmental issues, Total Maximum Daily Load development, water quality regulatory guidance and financial management.

Mr. Maguire is currently serving at the Texas Commission of Environmental Quality (TCEQ) as the Director of the Radioactive Materials Division Office of Waste. Mr. Maguire has also held positions as the Director of the Water Quality Division, Assistant Director of the Water Quality Planning Division, and Water Quality Standards Section Manager at TCEQ. Mr. Maguire received a Bachelor's of Science Degree in Aerospace Engineering, an MBA in Finance and was part of the Governor's Executive Development Program in the State of Texas. Mr. Maguire's experience and education match the critical needs of this SES position.

Our Human Resources Office has coordinated with the Shared Service Center and the salary I propose is $164,201 based upon the GS-15 Step 10 locality pay rate in Dallas, Texas.

I look forward to Charles Maguire serving as a senior leader in Region 6 and EPA. Please let me know if you have any questions.

Approved _____ Date _____

Disapproved _____

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 8 2018

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

MEMORANDUM

SUBJECT: Senior Executive Service Selection Roster
Director, Water Divison
Region 6

FROM: Patricia Moore, Human Resources Specialist Patricia Moore
Executive Resources Division

TO: Anne L. Idsal
Regional Administrator
Region 6

The selection roster for the position of Director, Water Division, is attached. Forty-Three individuals applied for the position. Four was rated as best qualified. There are two qualified applicants who are current career SES members and one Certified SES Candidate. These applicants are referred on the noncompetitive certificate for your consideration. The application and background materials are attached to the Selection Roster. Your next step is to conduct interviews or you may make a tentative selection without interviewing. We request that you make a selection within 30 workdays or sooner.

After you have reached a decision, please return the signed Selection Roster, along with a **justification memorandum**, and the applications to the Executive Resources Division. The justification memorandum should include information such as the selectee's superior qualifications and experience which support your rationale for the selection. Please provide all requested items to Patricia Moore, Executive Resources Division (ERD), Room 4358, WJC North, Mail Code 3606A. If you have any questions, call her on (202) 564-0570.

Selection Roster should be returned to ERD no later than March 23, 2018.

Attachments

SELECTION ROSTER – (Competitive)

Director, Water Division
Region 6
EPA-SES-2018-0007
ES-0340

BEST QUALIFIED NON-SES APPLICANTS

Joseph Cole
Ronald Crossland
David Garcia
Charles Maguire

ERB Certification:

Randolph Hill (ERB Chair)
Director, Enforcement Targeting and Data Division

To be completed by the Selecting Official:

I have reviewed the current SES members and the best qualified non-SES applicants. I have tentatively selected Charles Maguire as best qualified to fill the position of Director, Water Division, Region 6; Dallas TX.

Anne L. Idsal
Regional Administrator, Region 6

Date 3/16/18

SELECTION ROSTER – (Non-Competitive)

Director, Water Division
Region 6
EPA-SES-2018-0007
ES-0340

Current SES Members

Sally Gutierrez
Mark Rucker

Former SES Members

None

Certified SES Candidate

Benjamin Harrison

To be completed by the Selecting Official:

I have reviewed the current SES members and the best qualified non-SES applicants. I have tentatively selected _____ as best qualified to fill the position of Director, Water Division, Region 6; Dallas TX.

_____
Anne L. Idsal
Regional Administrator, Region 6

Date _____

Standard Form 52
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Actions Requested: Recruit
2. Request Number: R6-FY17-070
3. For Additional Information Call *(Name and Telephone Number)*: Ray Rodriguez 214-665-7477
4. Proposed Effective Date:
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Samuel Coleman, Acting Regional Administrator
6. Action Authorized By *(Typed Name, Title, Signature, and Concurrence Date)*: Vickie Tellis, Acting Director, ERD

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name *(Last, First, Middle)*
2. Social Security Number
3. Date of Birth
4. Effective Date

FIRST ACTION

5-A. Code	5-B. Nature of Action
5-C. Code	5-D. Legal Authority
5-E. Code	5-F. Legal Authority

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	6-D. Legal Authority
6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay

14. Name and Location of Position's Organization

15. TO: Position Title and Number
Program Manager
Division Director

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0340	00	00		

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

22. Name and Location of Position's Organization
US EPA, Region 6 90671007/VD000000
Water Division
Immediate Office (6WD)
Dallas, TX

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 6 - 10-Point/Other; 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: YES / NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved
35. FLSA Category: E - Exempt; N - Nonexempt
36. Appropriation Code: See Part D
37. Bargaining Unit Status
38. Duty Station Code
39. Duty Station *(City -- County -- State or Overseas Location)*: Dallas, Texas

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship (1 - USA, 8 - Other)	50. Veterans Status	51. Supervisory Status

PART C--Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A. 3ZNKEA			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature | Approval Date

CONTINUED ON REVERSE SIDE

This form was electronically produced by Elite Federal Forms, Inc. Editions Prior To 7/91 Are Not Usable After 6/30/93

PART D--Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

S.A. #17BV5800296

Accounting Code
2017 2018 B 06K 201B53 60%
2017 2018 B 06K 202BD4X35 40%

PART E--Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	3. Date Signed	4. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F--Remarks for SF 50

United States Environmental Protection Agency
POSITION DESCRIPTION COVERSHEET

1. DUTY LOCATION Dallas, Texas

2. POSITION NUMBER EPES00865

3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position

	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation	Director, Water Division	ES	0340	00	
4. Supervisor's Recommendation	Director, Water Division	ES	0340	00	

5. ORGANIZATIONAL TITLE OF POSITION (if any)

6. NAME OF EMPLOYEE

7. ORGANIZATION (Give complete organizational breakdown)

a. U.S. ENVIRONMENTAL PROTECTION AGENCY

b. Region 6

c. Water Division

d. Immediate Office

e.

f.

g.

h. Employing Office Location

i. Organization Code VD000000

8. SUPERVISORY STATUS

☒ [2] **Supervisor or Manager.** Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards.

☐ [4] **Supervisor.** Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG.

☐ [5] **Management Official.** Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10).

☐ [6] **Lead.** Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGEG) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system.

☐ [7] **Team Leader.** Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGEG.

☐ [8] **All Other Positions.** Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.

9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor: Samuel Coleman, P.E. Acting Regional Administrator

b. Signature: Sam Coleman

c. Date: 9/27/17

d. Typed Name and Title of Second-Level Supervisor:

e. Signature:

f. Date:

10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

a. **Promotion Potential**
☒ This position has no promotion potential ☐ If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade: _____

b. PSB Risk Designation	c. Financial Disclosure Form	d. "Identical, Additional" (IA) Allocation	e. FLSA Determination	f. Functional Classification Code
☐ 1 Low ☐ 2 Moderate ☒ 3 High Security Clearance Required: ☒ Yes ☐ No	☐ OGE-450 Required ☒ OGE-278 Required ☐ No financial disclosure forms required	This position ☐ may be IA'ed ☒ may not be IA'ed ☐ is limited to current incumbent	☐ NONEXEMPT ☒ EXEMPT* (*check exemption category) ☐ Administrative ☐ Professional ☒ Executive	

g. Bargaining Unit Code	h. Check, if applicable:	i. Classifier's Signature	j. Date
8888	☐ Medical Monitoring Required ☐ Extramural Resources Management Duties (____% of time) ☐ This position is subject to random drug testing (____)		12/26/17

11. REMARKS

Note: New PD coversheet to reflect chance in Division Name per 2016 Reorganization. No change to position duties classified in 09-20-12 Secret Clearance

EPA Form 3150-1 (Rev 8/2009) Previous Versions are Obsolete

United States Environmental Protection Agency
POSITION DESCRIPTION COVERSHEET

1. DUTY LOCATION Dallas, TX

2. POSITION NUMBER EPES00865

CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position

	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation	Director, Water Quality Protection Division	ES	0340	00	
4. Supervisor's Recommendation	Director, Water Quality Protection Division	ES	0340	00	

5. ORGANIZATIONAL TITLE OF POSITION (if any)	**6. NAME OF EMPLOYEE**
7. ORGANIZATION (Give complete organizational breakdown)	e.
a. U.S. ENVIRONMENTAL PROTECTION AGENCY	f.
b. Region 6	g.
c. Water Quality Protection Division	h. Employing Office Location
d. Immediate Office	i. Organization Code 90671007

8. SUPERVISORY STATUS

- [X] [2] **Supervisor or Manager**. Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards.
- [ ] [4] **Supervisor**. Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG.
- [ ] [5] **Management Official**. Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10).
- [6] **Lead** Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGEG) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system.
- [7] **Team Leader**. Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGEG.
- [ ] [8] **All Other Positions**. Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.

9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor		d. Typed Name and Title of Second-Level Supervisor	
Samuel Coleman, P.E. Regional Administrator, Acting			
b. Signature	c. Date	e. Signature	f. Date

10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

a. Promotion Potential
[X] This position has no promotion potential [ ] If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade:

b. PSB Risk Designation	c. Financial Disclosure Form	d. "Identical, Additional" (IA) Allocation	e. FLSA Determination	f. Functional Classification Code
[ ] 1 Low [ ] 2 Moderate [X] 3 High Security Clearance Required: [X] Yes [ ] No	[ ] OGE-450 Required [X] OGE-278 Required [ ] No financial disclosure forms required	This position [ ] may be IA'ed [X] may not be IA'ed [ ] is limited to current incumbent	[ ] NONEXEMPT [X] EXEMPT* (*check exemption category) [ ] Administrative [ ] Professional [X] Executive	

g. Bargaining Unit Code	h. Check, if applicable:	i. Classifier's Signature	j. Date
8	[ ] Medical Monitoring Required [ ] Extramural Resources Management Duties (___% of time) [ ] This position is subject to random drug testing ( )		09/20/12

REMARKS NOTE: NEW PD CONVERTED TO REFLECT CHANGE TO 1st LEVEL SUPERVISOR. NO CHANGE TO POSITION'S DUTIES CONSIDERED 07.21.95.

SECRET CLEARANCE

EPA Form 3150-1 (Rev 8/2009) Previous Versions are Obsolete

DIRECTOR, WATER QUALITY PROTECTION DIVISION

SES

SUPERVISION RECEIVED:

Works under the general direction of the Regional Administrator and within the parameters established by Federal Law and Agency policy. Unprecedented and controversial problems involving major departures from previous Agency policy are resolved in consultation with the Regional Administrator. Work is generally reviewed only for attainment of overall objectives and for compliance with Agency policy.

MAJOR DUTIES AND RESPONSIBILITIES:

Plans, organizes, directs, controls and coordinates the Regional Water Program that oversees and directs Clean Water Act and Safe Drinking Water Act Programs for states of Texas, Louisiana, Arkansas, Oklahoma, New Mexico, and 66 Indian Tribes that comprise Region 6, which involves (1) Setting goals, priorities and objectives for water quality planning, evaluation and management, public water supply, groundwater protection, state revolving funds and National Pollutant Discharge Elimination System permit issuance; (2) Communicating national and regional operating guidance to states (3) Assisting states in developing comprehensive surface and ground water programs; and closely overseeing state implementation of federal water permitting and planning programs; (4) Managing or overseeing permits programs (NPDES) for municipal and industrial wastewater discharges; (5) Conducting grants and outreach programs to state, local, governments and the private sector; (6) Coordinating watershed and geographic planning and other water quality planning activities; (7) Developing control strategies for nonpoint source discharges; (8) Implementing water supply programs on Tribal lands, conducting a groundwater protection and underground injection program; (9) Providing or arranging for technical assistance to state and local agencies and Indian Tribes; and assisting States and Indian Tribes with developing the capability to assume Federal Water programs through delegation agreements; (10) Ensuring that the development, implementation, coordination and evaluation of the regional water program conform to national strategy and policy guidelines; (11) Administering the water and wastewater infrastructure financing and construction activity for the U.S. Mexico Border Infrastructure Program; (12) Serves as a member of the Coastal Wetlands Planning CWPPRA Task Force as the Administrator's designee; and (13) Maintains regional response capability and expertise to assist water and waste water systems, as well as local and state governments, in assessing damage caused by natural disasters and bringing systems back on line..

SPECIFICALLY:

- **PROGRAM PLANNING:** Accomplishes or directs the planning and other related staff work involved in the review, development, and execution of new or modified rules, regulations, standards, policies, practices, projects and programs under the authority of the Clean Water Act, Safe Drinking Water Act, and other programs that may be assigned. Discusses the objectives of the Regional Water Program with EPA officials and other interested Federal and non-federal governmental officials as well as representatives of

private industry, agricultural groups, environmental organizations, and the general public. Studies the general objectives that are required by legislation, e.g., safe drinking water, reduction in water pollution, etc.; the problems that may arise, e.g., competing interests for water, cost of pollution control, economic effects, etc., the background and purposes of the program; and the existing policies and laws pertaining to the program. Evaluates the situation by considering all of the factors which may influence the program, e.g., drought, sea-level rise, climate change, the desire for economic growth vis-à-vis the requirement to control pollution, etc., and collaborates with the other key officials of the region and with other Federal and non-Federal governmental officials, in developing the plans and programs, both immediate and long-range, to be formulated and carried out by the region (and, indirectly, by the states and localities that make up the region) in order to achieve the legal, regulatory, and policy objectives of the Regional Water Program.

- **PROGRAM ORGANIZATION:** Accomplishes or directs the actions involved in organizing the program. Receives inputs from resources and planning staffs and determines the allocation and utilization of resources (i.e., primarily FTE and money) required to accomplish the program within the parameters established by legislation and Agency policy. Reviews the Water Quality Protection Division's organizational and functional assignment; in terms of meeting program goals and objectives. Integrates the various water programs into a viable overall program that balances program objectives with program realities. Collaborates with key regional administrative and technical staff (and Agency staff) in defining the fundamental and far-reaching questions as they relate to the Regional Water Program, especially with regards to planning, standards setting, compliance and grants approval. Recommends regional (and Agency) policies in these areas and formulates the regional strategy to support requests for staffing and financing needed to implement policy. Studies and evaluates the organization and operations of state and local water agencies to assure that water program objectives receive proper consideration and recommends changes or improvements, as required.

- **PROGRAM DIRECTION:** Accomplishes or directs the actions involved in completing assigned projects, redirecting work, establishing priorities, and changing program emphasis. Explains Regional Water Program policies to branch chiefs and others and directs them accordingly. Monitors the accomplishment of and reviews all projects and initiatives pertaining to the program. Makes decisions in the administration of the work within broad overall national and regional policy. Routinely informs the Regional Administrator on programs or personnel matters that are not operating well and develops plans for their correction. Approves all grants (e.g., preliminary planning, and plan and specification preparation) and approves disbursements of funds for construction of water and wastewater treatment plants along the U.S. Mexico Border funded under the Border Environment Infrastructure Fund.

- **PROGRAM COORDINATION:** Accomplishes or directs the actions involved in coordinating the program with internal and external organizations, determining or recommending, the compromises to be made, and maintaining effective relations with interested groups. Establishes liaison with and meets with key officials of EPA; other Federal and non-Federal agencies (including representatives of state, local and Tribal

governments); representatives of private industry, agricultural and professional groups; and members of environmental organizations and the general public to ascertain problems and advise and coordinate on all aspects of the Regional Water Program. Coordinates with the Compliance Assurance and Enforcement Division and the Office of Regional Counsel in connection with compliance, standards, and legal activities. Coordinates with the Regional Administrator on specific problems which may arise, especially those of a cross-divisional, multi-regional, or unusually controversial nature. Coordinates with the U.S. Army Corps of Engineers on the administration of CWA Section 404 permitting program for dredged and fill materials into waters of the U.S.; staff surveillance over the activities of the Corps of Engineers personnel assigned to the program. Serves on committees and panels and represents the Region on National, interagency and state and local levels. Makes commitments pertaining to the program on behalf of the Regional Administrator. Maintains close liaison with the Office of Water, the Office of Research and Development, and other EPA Regions for the purpose of coordinating technical matters that overflow regional boundaries, and ensures integration and coordination with State and local programs. At the regional level, represents the agency at conferences with professional societies, educational institutions, and industry representatives. Delivers speeches to both public and private organizations and groups outlining objectives and accomplishments of assigned programs.

- **PROGRAM CONTROL:** Accomplishes or directs the actions involved in evaluating the work of the program using the Agency's strategic plan, key performance indicators established by the National Program Manager, and priorities of Administrator and Regional Administrator. Establishes or directs and monitors the establishment of controls to review the accomplishment of the Regional Water Program. Evaluates existing policies, projects and procedures by reviewing reports, conducting field visits, performing or directing the performance of periodic and special studies; studying petitions and complaints from interested persons and groups, especially environmental organizations; and studying evaluations reports prepared by other agencies and organizations, e.g., EPA Inspector General, General Accountability Office, etc. Determines the existence of developments and trends which appear to significantly influence the program and recognizes the need for further studies if necessary. Based upon analysis of trends and problem areas, directs and/or recommends the development of new or modified methods, policies, standards, procedures, projects, etc., or the initiation of enforcement actions.

- **PROGRAM FORECASTING:** Accomplishes or directs the actions involved in determining the effect on the Regional Water Program of: (1) proposed or enacted Federal or state legislation, (2) new or proposed program requirements, (3) climate change, (4) sea-level rise, (5) population growth, (6) long-term Gulf restoration efforts, (7) new or improved technology, (8) emergency situations, (9) court decisions, and other factors. Initiates program plans to implement the effects of these forecasts upon the Regional Water Program. Coordinates these with EPA and other Federal officials at the national and regional level; state and local officials; and representatives of other groups, as required.

- **PROGRAM OPERATIONS:** Accomplishes or directs the day-to-day operations of the program, such as interpreting rules, regulations, policies, and standards to the states and localities that make up the region; providing review, both formally and informally, to plans, actions, projects, programs, standards, etc., proposed by states and localities; and the like. (This is especially important because the environmental programs in the United States are primarily carried out by the states and localities who look to EPA for guidance and technical advice).

- **PROGRAM MANAGEMENT:** Supervises, with the assistance of the Deputy Division Director, a large group of EPA employees organized into branches headed by subordinate supervisors. Plans for staff development including assessment of training needs, and performs supervisory duties involving the establishment and filling of positions, the promotion and assignment of personnel, the provision of employee relations services, the taking of disciplinary and other actions, and the administration of personnel management and equal employment opportunity programs. Develops and implements the Division's strategic plan, succession plan, and administrative budget. Plans and allocates the division's program budget.

- Performs other duties as assigned including the management of other programs that may from time-to-time be assigned to the Water Quality Protection Division, e.g., permits, solid waste, environmental impact statement preparation and/or review, etc.

- Applies strategic planning, leadership and management concepts and tools in directing the work unit. Assures that all employees are provided opportunities for technical, career, and leadership development to maintain Division's core competencies.

- Ensures Division records and non-record information are managed in ways that comply with all EPA directives, guidelines and procedures. Supports the development of electronic records managements systems for the preservation, identification, and production of agency records.

- Establishes internal controls to ensure agency grant funds are being used for the purposes for which they were awarded; conducts periodic audits of state agency programs inclusive of financial records, and manages grant funds to award grants on a timely basis and minimize unliquidated balances.

- Develops National and Regional leadership development programs and implements policies and courses of action in fostering the organization's mission, principles, core values and ideals. Encourages innovative projects and approaches and implements approved ideas, methods, and procedures developed by employees in accomplishing assigned mission.

Charles W. Maguire

To Whom It May Concern:

Since joining the Texas Commission on Environmental Quality (TCEQ) 12 years ago, I have worked diligently with stakeholders to build partnerships and be a trusted voice and face at TCEQ. My years of experience in the private sector developing businesses and managing people have served me well in my jobs here at the Agency. Also, I've benefited from past experiences working on research projects with engineers, biophysical scientist, geologists, and agronomists to develop workable environmental solutions for industrial, municipal, and agricultural enterprises. Those projects in several instances established policy at the federal level and are still fundamental components of TCEQ rules and procedures.

I have, since the 70's, been fascinated by the policy implications of the Clean Air; Clean Water; Coastal Zone Management; and Rare and Endangered Species legislation. I am particularly interested in the interface those four pieces of Federal legislation established between government and private property. EPA and their state counterparts quickly developed rules and regulations for point source pollution concerns, and have been expanding and enforcing those zealously. In addition, government continues to struggle with approaches that will work for nonpoint and fugitive sources of pollution. There is also a struggle to manage sometimes conflicting goals related to replenishing and developing both groundwater and surface water resources with the cleanest possible water and still have adequate flood controls during heavy rainfall events. To address these concerns over the broader landscape, government leaders have had to be willing to use social marketing skills to effectively engage stakeholders. Even when government is right, there is no room for bureaucratic arrogance or a failure to acknowledge and minimize the impact on people's lives. More importantly, government may not always be right, so there is a vitally important need to make sure the process is open to refinement by those that can help find the best pathway forward. Fairness and meaningful participation are paramount if government is to succeed.

My work experience reflects my desire to influence decisions in this realm. Experience has helped me to understand the impacts that state agencies can have on the people of Texas, and I do not take lightly any of the responsibilities TCEQ has given me. My success managing people in both public and private sectors, demonstrates that I possess strong leadership and strategic persuasion skills and that I have been able to unite people in a common purpose to reach our goals. I can successfully implement and manage change, when necessary.

Below is a summary of my experience which I think you will find unique in both depth and width. My degrees in engineering and finance have provided a platform for successful involvement in many business and government activities. I bring a broad perspective to bear on the jobs I have been assigned.

Charles William Maguire

Ex. 6 - Personal Privacy

PROFESSIONAL PROFILE

An accomplished and results-oriented professional with over 40 years of experience in executive level management; A decisive leader who meets people at all levels; and able to effectively motivate others to attain goals in an efficient timely manner

Able to respond well to pressure and change by finding systematic and creative ways to perform tasks and achieve objectives. Have consistently proven to be highly proficient in recognizing areas of need, extracting the essentials, and establishing a direction toward long-term success.

AREAS OF EXPERTISE

Complex Regulatory Programs - Environmental Technology – Public Policy Development
Project Management – Advocate with Government
Advertising and Promotions – Staff Development – Financial Analysis and Management
Municipal Bond Markets – Real Estate Development – University Faculty Member

UNIQUE EXPERIENCE

Supervision of people and programs:
As of May 1, 2012, I supervise 36 employees in 3 program areas that are in the Radioactive Materials Division at Texas Commission on Environmental Quality (TCEQ). Responsibilities include low-level radioactive waste disposal and Uranium mining licensing as well as underground injection control permitting. Prior to that I supervised 103 people in 7 program areas of the Water Quality Division – Division responsibilities included water quality permits for municipalities, industries and livestock operations; stormwater permits; pesticides permits, water quality certifications for federal permits; water quality modeling and water quality standards implementation; groundwater and surface water quality assessments; and Texas water quality management plan updates.
At Texas Institute for Applied Environmental Research (TIAER) I supervised over 30 biophysical scientist and economist working on various research projects, and 15 administrative personnel working on data management and publications. This included metadata management to support a heavy reliance on GPS information and GIS software applications.
I have supervised as many as 275 workers prior to working at TIAER; managing a mid-sized agribusiness that included 6,000 acres of farm land with pecan orchards, a pecan processing plant and retail store with a large mail order operation.

Uranium Mining Regulation:
As Director of the Radioactive Materials Division I was asked by the Executive Director of TCEQ to take over the division and resolve some institutional impediments that were undermining effective regulation of this important industry and having an unintended impact on the economic viability of some of the mining companies. The 2 main areas of concern were:

1) The backlogged Aquifer Exemptions being processed by EPA. I have been able to work with both the industry and EPA to resolve complex matters associated with this program piece and get the Aquifer Exemptions issued. Exemptions that had

been on hold for over 4 years were approved. The industry now has a predictable pathway to ensure appropriate exemptions can be granted, which is essential for their mining operations and the protection of underground sources of drinking water.

2) The backlog of older mining sites that were yet to be restored so they could be released for unrestricted use. Working with the mining interest and with the Nuclear Regulatory Commission (NRC) I have been able to get all the appropriate data and prepare the necessary report to request (and then be granted) the release on 2 of the sites. Also, great progress is being made to accomplish this release on an abandoned (for over 20 years) site.

As the Radioactive Materials Division's Director, I have also been active in reviewing proposed federal rules that affect this industry. Recent rule proposals from EPA, that would create serious economic impact, have been proposed. The division made formal comments that have been widely acknowledged. On numerous occasions I have participated in effective discussion with EPA headquarters staff so that more effective approaches to protecting groundwater quality could be developed through rules and so that those approaches would be based on relevant data. I offered to take on a study to determine the best pathway to address concerns with groundwater restoration. I have also been asked to testify before a Congressional Committee related to the impact this proposed rule would have.

Also, Texas has passed legislation that affects this regulated industry and I moved speedily to implement the new legislation in rule and then in permits. That legislation greatly improves the regulatory program effectiveness for this industry.

Radioactive Waste Disposal:

The other area that the Executive Director asked me to give my attention to is the low-level radioactive waste storage, processing, and disposal site licensed by Texas, and located in Andrews County. This site is the only site for commercial low-level radioactive waste licensed and built since 1985. As the site was nearing the point of opening the Executive Director asked me to take over the regulatory role and ensure that the operations were effectively protecting human health and the environment, and yet, also able to maintain some level of economic viability. License amendments have been effectively issued and program tools developed in collaboration with the Nuclear Regulatory Commission (NRC). I have testified before the Commissioners at public hearings on NRC rulemakings and policy issues. I have worked closely with NRC staff to develop an open exchange of technical and programmatic ideas so that the best possible program is developed to go with this once in a lifetime site. The site is critical to the national, state, and commercial interest associated with radioactive waste disposal. It is also vitally important to the Department of Energy (DOE) for their waste storage and disposal efforts. I have worked closely with staff and management at the headquarters level in both NRC and DOE. I have frequently been a speaker at the industry and government conferences. The Texas program is a high profile regulatory responsibility that draws frequent national and international inquiry. A major aspect of my current duties involve managing that interface and ensuring that operations at the disposal site are committed to excellence in every way.

Water quality monitoring and assessment:

As Assistant Director in the Water Quality Planning Division at TCEQ, I coordinated activity in the Chief Engineer's Office for TMDLs; the Galveston Bay and Estuary Program; Nonpoint source pollution abatement program; Clean Rivers Program; surface water quality standards development; water quality monitoring operations; and 303(d) impaired water body listings.

At TIAER, I supervised the efforts of the biophysical scientist on research projects related to two TMDLs (Bosque River and Arroyo Colorado River) as well as projects related to continuous monitoring of water quality parameters in the Bosque River, Leon River, Trinity River, and Upper Oyster Creek. I was also involved in stakeholder capacity on national development of TMDL implementation.

Point source water quality regulation:
In the Water Quality Division, I was responsible for issuance of Texas Pollutant Discharge Elimination System permits for municipal, industrial and livestock operations. Permits issued includes: *Individual Permits - Domestic Wastewater 2,575; Industrial Wastewater 670; Stormwater 59; CAFO 51. General Permit Authorizations – Stormwater GP 36,871; CAFO GP 514; Other GPs 2,040.* I was also, responsible for water quality standards implementation, groundwater, modeling, and agronomy reviews for all municipal, industrial, CAFO, land application (of waste/wastewater), pesticide and stormwater permits. At National Pork (Validus Services) I worked as a consultant to develop NPDES permit applications for livestock producers in Iowa, Texas and Missouri. I also worked in stakeholder capacity on the Texas CAFO rule and general permit.

Watershed Protection:
In the Water Quality Division, I was responsible for Federal 401 certifications on 319 and 404 permits. The division received recognition for management of mitigation banks connected with TCEQ's 401 certification program.
At TIAER, I worked with Texas State Soil and Water Conservation Board (TSSWCB) and TCEQ on Watershed Protection Plan for the Arroyo Colorado River that was funded by EPA through 319 funds. I also worked with Iowa State University, EPA and USDA to develop a watershed protection plan for waterbodies in northeast Iowa. That project resulted in a cost and capability study presented by USDA and EPA jointly to Congress. Lessons learned from that project are part of the current structure for CAFO regulation in the United States.

Standards development:
As Assistant Director in the Water Quality Planning Division I facilitated the standards rule revisions for Texas. That included work on 305(b) reporting and development of water quality standards implementation procedures. I helped the division director engage stakeholders and EPA to modify standards in key areas including contact recreation, nutrients, and toxics (mercury). I also facilitated the development of numerous site specific standards. Connected with this effort, there are modifications to implementation procedures for sub-lethal Whole Effluent Toxicity (WET) effects, nutrients and contact recreation.

Public water supply and utility operator certification:
The Water Quality Division provided technical assistance to other divisions at TCEQ that provide these certifications. Because CAFOs are often public water systems, I participated personally in those policy and rule development discussions. Because Aquifer Storage and Recovery Projects are part of the Underground Injection Control (UIC) program in my division, I work closely with the Water Supply and Water Availability Divisions in the Office of Water to assist in the development of reliable sources of water for public and private use.

Desalination Projects:
In the Water Quality Division as well as in my current role at TCEQ desalination projects are part of my regulatory involvement. Disposal of the drinking water treatment residuals or desal reject can be authorized by permits through water quality programs or through

underground injection control permits. In the last legislative session I was involved in the development of HB 2230 which allows for a Class V authorization to dispose of drinking water treatment residuals and desal reject in a previously authorized Class II well.

Aquifer Storage and Recovery Projects:
Those projects are authorized by my division at TCEQ. In the last Legislative Session, I participated in the development of HB 655 legislation that will make the authorization of those projects less cumbersome.

Restoration initiatives:
I have been involved with stakeholders on the Bosque and Leon Rivers in Texas in their approaches to restore water quality.
At TIAER I worked on restoration activities and stakeholder meetings on the Arroyo Colorado River, Leon River and the Bosque River in Texas, the Merrimack River in New Hampshire, and on the Maquoketa River in northeast Iowa.
Uranium mining operations also engage in restoration activities related to both groundwater and surface contamination. I have been successful getting sites cleaned up and released for unrestricted use.

Special studies:
I have worked on major research projects related to water quality funded by EPA 106 and 319 funds. This includes: use attainability projects in Houston bayous related to bacteria impairments and contact recreation; habitat quality project on central Texas waterbodies; nutrient criteria development on lakes and reservoirs; and fate and transport of nutrients in the Edwards Aquifer. I have also conducted studies and managed grants from USDA to develop effluent limitations for livestock and poultry operations. I also used a special grant from EPA for the initial development and implementation of the pesticides general permit for Texas. In that effort, I worked closely with both Region 6 and Headquarters EPA.
As director in the Radioactive Materials Division, I provided a white paper to the Governor of Texas in March of 2014, that special study was an "Assessment of Texas's High Level Radioactive Waste Storage Options". That white paper has been widely circulated to both state and national audiences interested in the issues associated with spent nuclear fuel. I also provided the Texas Legislature, The Texas Low-Level Radioactive Waste Compact Commission, the Governor's staff, The Texas Radiation Advisory Board, and the nuclear utilities and other low-level radioactive waste generators a Capacity Report in 2012, and 2016 that were special studies to provide a detailed analysis of factors affecting the future disposal needs of low-level radioactive waste generators.

Financial management:
My MBA in finance resulted in employment at Republic National Bank in Dallas, then the largest bank in Texas. Family background in the banking industry allowed me to quickly be involved in managing bond portfolios for both the Republic and numerous correspondent banks in Texas and New Mexico.
In the pecan business, I worked for high profile investors from El Paso Products Company, Pier I Imports, Tandy Cooperation, and Schlumberger Oil Company. I managed a large budget and secured the inventory financing, lines of credit, and real estate financing. I created a water control and improvement district to provide irrigation and sold municipal bonds to fund it. Bond issues were underwritten by Goldman Sachs and EGT. The company's stock and other public investments were registered with the State Securities Board.

My roles at TCEQ as an assistant division director and in two divisions where I have been the director I have primary responsibility for managing the division's operating budget as well as authorizing the salary enhancements. Division budgets are managed with an intent of zero lapse of available funding. I have achieved that every year. Funds are allocated to both operations and to research projects needed by the division. Significant funds have been provided and important projects have been managed under the state's contracting rules. Recent audits by the State Auditor's Office gave the Radioactive Materials Division extremely high marks for contract process management
I have also established a record of training section managers and administrative staff under my supervision in budget management skills so that they will be ready to take on director level responsibilities if called upon.

Management experience:
My career experience has involved responsibility for leadership and change management, strategic planning, performance measurement, working with government on legislation and regulatory development, financial management, and the delivery of public and private sector services and programs. I have functioned as a successful results-oriented executive for over 40 years. I have also applied that knowledge to mentoring employees and teaching others in both campus and online college classrooms. I am particularly effective in helping others do their jobs better than they thought possible. I have successfully managed workers at every level. I have a proven track record with biophysical scientist, environmental advocates and industry to achieve assigned tasks for complex projects.
I respond well to pressure and change by finding systematic and creative ways to perform tasks and achieve objectives. I have proven ability to be highly proficient in recognizing areas of need, extracting the essentials and establishing a direction toward long-term success.

CAREER HIGHLIGHTS

Texas Commission on Environmental Quality (TCEQ) [1/06 to Present]
Director Radioactive Materials Division-Office of Waste 5/1/12 to Present
Summary of experience: The division is currently implementing and managing changes needed to provide effective regulation of the low-level radioactive waste disposal facility in Andrews County. The division transformed under my leadership to be more effective in addressing needed license amendments. The division is also making program changes necessary to engage EPA objections in the UIC program and Uranium Mining program. Initial results indicate changes have been effective. The program has achieved national and international recognition and I am frequently asked to make presentations at important conferences including one held by the National Academy of Science and Engineering. Special studies were conducted to provide scientific underpinning for key policy decisions. The division has been active in commenting on state and federal rules with national implications.
I have also been asked to provide testimony as a resource witness to Texas legislative committees on natural resources and environmental regulation. I have worked with elected officials as a resource on legislative proposals. I have been particularly effective in helping develop more streamlined approaches to aquifer storage and recovery permitting and the disposal of desal reject and drinking water treatment residuals. I have also been asked to provide testimony before the commissioners of the NRC related to their rule making and questions about jurisdiction between NRC and Agreement States.
Audits of the division's program effort have indicated that good procedures are in place and that those procedures are being followed in a manner that protects human health and the environment. Recently the State Auditor's Office reviewed the division's contracting process and gave us very positive ratings across the board.

Director Water Quality Division 10/1/09 to 4/30/12
Governor's Executive Development Program – Fall of 2011
Summary of experience: Directed the Water Quality Division of the Office of Water of the TCEQ. Administered and directed the programs of the Water Quality Division, which include municipal and industrial wastewater permitting, agricultural permitting, 401 certifications of federal permits, and water quality assessment. Represented the agency at meetings, conferences, and legislative hearings regarding wastewater permits and water quality assessment issues. Evaluated state and federal regulatory developments and proposed legislation as they impact division operations. Completed/directed personnel management functions, including hiring, staff development, and performance management. Managed all aspects of the division budget, assuring proper monitoring, allocation, and expenditure of funds.
Led the division in the development and implementation of the newly required pesticides general permit; resolution to permitting and implementation procedure issues with EPA, and responsibilities related to the Sunset process.
Primary point of contact for Texas State Soil and Water Conservation Board; Texas Parks and Wildlife Department; Texas Department of Agriculture; Water Environment Association of Texas; Texas and Southwestern Cattle Raisers Association; Texas Cattle Feeders Association; Texas Association of Dairymen; Texas Poultry Federation; Texas Pork Producers Association; and numerous engineering and law firms that work in the water quality arena.
Permits issued includes: *Individual Permits - Domestic Wastewater 2,575; Industrial Wastewater 670; Stormwater 59; CAFO 51. General Permit Authorizations – Stormwater GP 36,871; CAFO GP 514; Other GPs 2,040.*

Assistant Director Water Quality Planning Division – 10/1/08 to 10/1/09
Summary of experience: Assisted the division director with planning, organizing, controlling, and directing the work of the sections, teams, and groups in the division. Worked with division director to provide managerial oversight and analysis of complex projects, programs, and administrative functions and deliverables to ensure that the division's goals were met. Provided program guidance and coordinated projects within the division and the agency. Worked with the division director and management to develop a new approach for dealing with impaired water bodies. In the case of bacteria impairments, helped develop an approach that will build consensus on the appropriate use of the water body and then move forward with watershed action plans to restore and protect water quality. New approach has meet with widespread acceptance from EPA, state agency partners, river authorities and stakeholders.
Lead the division's stakeholder outreach efforts, especially for non-point source stakeholders. Actively involved working with the Bacteria Implementation Group (BIG) in Houston. Lead discussions with state agency partners (Texas State Soil and Water Conservation Board, Texas Department of Agriculture, River Authorities), and other interested parties. Communicated the TCEQ approach to water quality planning efforts to stakeholders. Worked to establish a partnership and build consensus on water quality planning efforts with stakeholders, and ensure water quality planning activities were coordinated through stakeholders.
Formulated and assisted the director with the division's strategic planning efforts related to the Surface Water Quality Monitoring, Water Quality Standards, TMDLs, Watershed Protection Plans, Use Attainability Analysis (UAA), and grants. Evaluated and made recommendations to the director, deputy, executive management, and the commissioners as appropriate on all of the division's programmatic activities. Helped division management implement adjustments as necessary to improve program performance and address stakeholder concerns.
Represented the agency on technical projects; and the Chief Engineer's Office and Water Quality Planning Division in management meetings, including meetings with the EPA, and stakeholders concerning the water quality planning efforts. Evaluated implications of new legislation, regulations, policies, and technical reports on highly complex water quality planning issues to determine and manage their effect on division program development and implementation. Worked with the division director and the Chief Engineer to develop stakeholder input relative to Mercury TMDLs. Provided peer review of technical work performed by subcontractors for the division director. Also provided peer review of technical information presented to the water programs at TCEQ. Comments provided to the

division director were also reviewed and used by the Assistant Deputy Executive Director. Provided review of engineering work presented on Concentrated Animal Feeding Operation (CAFO) permit applications pending in the Water Quality Division to ensure conformity with established engineering practices and TCEQ requirements. Evaluated and provided comments on public comments, hearing request, and hearings related to permits pending in the Water Quality Division. Supported the Water Quality Division at Agenda sessions when agenda items involved TMDL or agricultural considerations or questions. Worked closely with TMDL team to plan for TMDL and UAA work. Worked with division director to evaluate operations and ensure activities conform to approved division plans.
Helped division director with administrative functions by assisting the division and section managers with the division budget, funds management, and review all contracts and work orders being presented to the division director. As part of establishing the new division at TCEQ, I worked with the division director on new operating procedures and management controls.
Because of prior experience in the Water Quality Division, I assisted the Assistant Deputy Executive Director with agricultural industry matters and emerging issues related to livestock and poultry. I provided a significant amount of input on current events and new technologies related to agriculture and the environment for consideration and have developed white papers or comment letters for the Executive Director. I worked with Assistant Deputy Executive Director and others in the agency as a resource witness on legislation related to livestock and poultry. I worked with Assistant Deputy Executive Director and others in TCEQ to address Senate Natural Resource Committee, The Senate Ag Committee and the House Environmental Regulation Committee on water quality issues.
I coordinated communication with other areas of the agency as needed by the Assistant Deputy Executive Director and division management.

Water Quality Standards Section Manager – Water Quality Division
Summary of experience: Responsible for management and staff development of the Water Quality Standards Team:

- Water quality standards reviews for wastewater permits (municipal, industrial, and sludge)
- 401 Certifications for 404 US Army Corps of Engineers permits
- Use attainability analysis for 5b segments
- Site specific standards development
- Surface water quality standards rule development
- Water quality research programs – 106 grant funded ($550,000 annually)
- 15 staff members

Responsible for management and staff development of the Water Quality Assessments Team:

- Water quality modeling for wastewater permitting
- Groundwater assessments for wastewater permitting
- Agronomy assessments for wastewater permitting
- 14 staff members

Responsible for management and staff development of the Ag Permitting Team
CAFO rule development:

- CAFO general permit development and issuance (128 issued in FYE 2007, 750 total for state)
- CAFO individual permits (55 total)
- Coordination with field investigations
- Training for regulated community and consultants
- 8 staff members

Responsible for section's budget (operating funds and research)
Responsible for coordination with TMDL development and 303(d) list development
Responsible for briefings with executive management and elected officials
Responsible for review and comment on legislation affecting CAFOs, water quality standards and wastewater permitting

Responsible for testimony on contested case hearings
Responsible for outreach on regulated community
Responsibility for stakeholder meetings and development of active stakeholder participation in water quality concerns
Coordination with EPA Region 6 relative to wastewater permits, CAFOs, and water quality standards
Coordination with Texas State Soil and Water Conservation Board and Texas Department of Agriculture
Coordination with Texas A&M University System related to water quality concerns (Texas Water Resources Institute) and TAMU extension service for producer education relative to CAFO operations

National Pork Producers Council (Validus Services LLC) [8/02 to 1/06]
Manager of S.W. Regional Office, Dublin, TX
Summary of Experience: Responsible for coordinating the dairy industry certification program in Texas

On Farm Assessments
CNMP Development and Implementation
3rd Party Audit and Certification
Environmental Consulting
Responsible for CNMP Program Marketing in the Southwest Region

Apollo Group (UOP and WIU) [Part time 2002 to 2005]
Online Faculty Member - Facilitator for courses in General Studies, Management, Leadership, and Economics

Texas Institute for Applied Environmental Research (TIAER) [4/98 to 7/02]
Assistant Director for Economics and Policy Analysis

- Participated in the creation of TIAER by the Texas Legislature
- Helped maintain legislative appropriation for applied research
- Developed Economic and Policy Analysis program
- Staffed Economic and Policy Analysis Department
- Helped obtain funding from EPA and USDA for research projects
- Helped develop grant administration and budgeting process
- Developed and implemented project management process
- Helped increase funding to support and $3.5 million budget
- Produced video for national audience regarding water quality issues
- Helped dairy producers evaluate manure management technologies
- Conducted various demonstration projects for effective manure management
- Helped develop 3rd party assessment/certification approach for dairy producers in Bosque River Watershed
- Managed numerous applied research projects

Pecan Business – Various Generations of the Original Company [3/75 to 4/98]
President and CEO – Wolfe Pecanlands, Inc (sold out to Comanche Pecan Company)
President and CEO – Comanche Pecan Company (sold to Pecan Valley Nut Company, Inc.)

President and CEO – Pecan Valley Nut company, Inc. (sold my interest to investors and left the company)
President and CEO – The Store at Pecan Valley (closed the store in 1998 and liquidated assets)

- Successfully established "grandfather rights" for orchard operation by getting proper language inserted in 1976 Tax Reform Act (during conference committee debates)
- Developed bank relationship to finance orchard-management equipment
- Created water district to sell tax-exempt bonds to finance construction of much needed irrigation system
- Overcame strong opposition to set up water district that issued $7 million, 10-year tax-exempt bonds
- Sold orchard investments through security dealers totaling $15 million
- Designed pecan-tree shaker that is unique to the industry (fastest available for the pecan industry)
- Started wholesale pecan tree nursery business
- Raised $2 million from shareholders to construct a pecan shelling facility (28,000 sq. ft.)
- Inaugurated mail-order pecan gift business and retail store
- Developed corporate gift program
- Developed fundraising sales program
- Produced Company Videos (one featured on Inside Dallas TV Show)

Tarleton State University – Stephenville, Texas [1980 to 1993]

- Lecturer for classes in Micro-Economics, Macro-Economics, and Money & Banking

Republic National Bank – Dallas [1/72 to 3/75]
Assistant Vice-President

- Developed computer program for analysis of municipal bond trades
- Sold US Treasury Securities as well as tax-exempt municipal bonds and notes
- Managed bond portfolios for 50 correspondent bank accounts
- Performed financial advisory functions related to bond financing in connection with local banks in numerous small communities in Texas

EDUCATION AND TRAINING

MBA, Finance – Texas A&M University December 1971
BS Aerospace Engineering – Texas A&M University May 1971
American Management Association: Management Course for Presidents; Mergers & Acquisitions; and The Chief Executive's Job in a Smaller Company
On-Farm Assessment and Environmental Review Certification for Dairy – America's Clean Water Foundation and Environmental Management Solutions, LLC.
Texas Certified Nutrient Management Specialist – Texas A&M University and Texas NRCS
Governor's Executive Development Program (December. 2011)

ECQ 1 – LEADING CHANGE

From the beginning of my experience at the Texas Commission on Environmental Quality (TCEQ) the executive management of that state agency has chosen to place me in management areas of the agency where my strategic persuasion skills coupled with my technical knowledge could implement much needed change. That began in 2006 when I was hired to "fix" the Concentrated Animal Feeding Operation (CAFO) permitting program for the Bosque River Watershed dairy CAFOs. While the resulting change in that program is certainly noteworthy and still recognized as effective by EPA, the city of Waco, and at TCEQ there is a better example of my success leading change. I believe the most important strategic change I could initiate, establish, and ensure a long-term programmatic vision to meet organizational goals occurred during my time in the newly created Water Quality Planning Division as Assistant Division Director. Prior to that time there had not been assistant director position in any of the water programs, but the Chief Engineer created the position for me to move me from the Water Quality Division to assist the capable, but somewhat inexperienced in water programs, division director. Besides the need for my management expertise to implement all the changes that had to be initiated and established to bring programs from water quality, compliance and enforcement, and the chief engineer into a newly created division the major challenge was to "fix" the Total Maximum Daily Load (TMDL) program effort.

Prior to coming to TCEQ, I had significant experience with TMDLs on both a national and state level. TCEQs TMDL for phosphorus in the Bosque River Watershed was developed while I was the assistant director at the Texas Institute for Applied Environment Research (TIAER). Many aspects of the TMDL implementation plan for that watershed came under my management at TIAER. The Chief Engineer needed experienced leadership to reestablish a successful TMDL effort statewide. The program was completely stymied with growing opposition and public concern. Other state agencies like the Texas State Soil and Water Conservation Board (Soil Board) and Texas Parks and Wildlife (Parks) were expressing concerns that no progress was being made to develop TMDLs for bacteria impairments in numerous Texas waterbodies. The City of Houston, Harris County, and Harris County Flood Control District were at odds with each other and TCEQ over the bacteria TMDLs in the Houston area. That high degree of animosity and resulting gridlock had left the program void of any positive momentum and completely ineffective in establishing program efforts to improve water quality.

I engaged that situation with the full support of the chief engineer and division director and was quickly able to break through the gridlock and re-establish a very effective TMDL program at TCEQ. During the first week in the new division I contacted the stakeholder interest in the Houston area. I met the attorney for the City of Houston in the River Oaks Recreation Center. Sitting in metal chairs around an old wooden table for over 3 hours, I listened carefully while she expressed her disappointment in the TMDL program attitudes, efforts, and ability to do anything to clean up the bayous. After 3-hour conversation, I told her this was a new day and that she would not have those issues with me and the new division director. I told her I would need her help and that I expected her to care enough about water quality to work with me and others in the area in a collaborative fashion. She said she was skeptical that anything would change, but because I had been so willing to listen she would give me a chance. That is all I needed. That same day I met with representatives from Harris County and the Flood Control District at a Starbucks in downtown Houston. That meeting followed a similar course with the same results. I felt like I had taken a beating because of the former TMDL program managers, but I was sure it had been worth it. At the end of that day it was clear that the biggest issue they all had is that they did not believe their concerns were being listened to by TCEQ, and that because the agency seemed to just want to cram something that did not make sense down their throat they intended to fight it. I visited with the Soil Board and Parks and they had the same story. As it turned out this was an easy one to "fix", but

huge changes would need to be made in the way program staff engaged the public. We did more and more public meetings. In the Houston area, the Bacteria Implementation Group (BIG) became and effective organization to work collaboratively on the implementation plan for the entire group of bacteria impaired watersheds in the greater Houston area. Within 6 months the program effort was re-established and we were successfully presenting TMDLs for approval to the Commission and EPA. Implementation Plans were also being developed and approved with widespread stakeholder involvement and commitment to move forward with water quality improvements. The Soil Board and Parks were both working collaboratively with TCEQ program staff and notable progress was and is still being made in rural areas on bacteria TMDLs.

Success here was mostly a matter of creating a new vision for how to engage stakeholders for TMDL program efforts, but it was also a matter of developing a better technical story so that stakeholders could see the problem and commit to improving the impairment. We developed presentations that were informative, technically sound, but also demonstrated flexibility in terms of possible ways to address the impairment. Stakeholders were encouraged to make their own suggestions based on what they could now "see" as the problem. Staff were taught and quickly learned the impact their attitudes and actions could have on the success of the program. They learned to respect the rights of stakeholders in their watershed and the need for open and transparent communication. My hands own efforts with the TMDL team created results that are still effective today (9-years later).

Obviously, the change was noticed by executive management at TCEQ and the Commissioners. On numerous occasions as TMDL staff continues with its success I am acknowledged for my leadership and the changes in that program to break it out of grid lock and make it successful. I still communicate with stakeholders in some of the watersheds where we began our success story. They still acknowledge my work with them. Also, it has been very gratifying to continue to communicate with the City of Houston, Harris County, and the Harris County Flood Control District and see them working collaboratively to improve water quality. One of the best days, reflecting on this experience, I can remember is about 6 months after those painful meetings in Houston I was there for a meeting of the BIG and went to the Starbucks with all the people I met with on that first day. We laughed about it, they laughed at me and at themselves, and we all agreed that change is good! My work was done in the Water Quality Planning Division. The new director was off and running and there were issues emerging with permits back in the Water Quality Division. The Executive Director sent me back there. Because of the success leading change in the TMDL program I could quickly pick up the issue that EPA was having with the City of Houston's discharge permits. All of Houston's waste water permits were grid locked and modifications needed to be made and amended permits issued. Leading change is never ending. Assignments may vary but the need never goes away. I'm pleased with the results achieved the lessons I learned in the experience have continued to serve me well in other scenarios. When I think about the policy and environmental implications of this effort to lead change, I am amazed at how much difference leadership can make in getting broken programs "fixed". I am grateful that I was given latitude to change things by the Chief Engineer and the Division Director. I am also grateful that TMDL staff and team leaders chose to give my way a chance and quickly adapted to the changes we were making in how they did their work. Finally, it should also be acknowledged that the leaders in the Houston area were, at the end of the day, more interested in improving water quality than they were in their own personal agendas. Their willingness to let go of the painful history and move forward was remarkable. We can all learn from that.

ECQ 2 – LEADING PEOPLE

Since May 1, 2012, I supervise 36 employees in 3 program areas that are in the Radioactive Materials Division at Texas Commission on Environmental Quality (TCEQ). Responsibilities include low-level radioactive waste disposal and Uranium mining licensing as well as underground injection control permitting. Prior to that I supervised 103 people in 7 program areas of the Water Quality Division – Division responsibilities included water quality permits for municipalities, industries and livestock operations; pesticide permits; municipal and industrial storm water permits; water quality certifications for federal permits; water quality modeling and water quality standards implementation; groundwater and surface water quality assessments; and Texas water quality management plan updates.

At Texas Institute for Applied Environmental Research (TIAER) I supervised over 30 biophysical scientist and economist working on various research projects, and 15 administrative personnel working on data management and publications. This included metadata management to support a heavy reliance on GPS information and GIS software applications.

I have supervised as many as 275 workers prior to working at TIAER; managing a mid-sized agribusiness that included 6,000 acres of farm land with pecan orchards, a pecan processing plant and retail store with a large mail order operation.

My management history has involved leading change by leading people. I have a solid reputation as a flexible problem solver and as a leader who can lead people into and through change to produce desired organizational results in a timely and effective manner. At TCEQ I as first hired to lead the people on the CAFO team to improve staff competency and successful program efforts then the water quality standards team needed leadership and staff development. I was placed by the Chief Engineer in Water Quality Planning to develop staff and lead them to a successful TMDL effort statewide. Then I was placed back in the Water Quality Division to lead staff into new permitting requirements for industrial, municipal and pesticide discharges. Because of a history of success, I was asked to take on my current assignment in the Radioactive Materials Division.

As Director of the Radioactive Materials Division I was asked by the Executive Director of TCEQ to lead division staff and managers to resolve some institutional impediments that were undermining effective regulation of the Uranium mining industry and having an unintended impact on the economic viability of some of the mining companies. The 2 main areas of concern were:

1) The backlogged Aquifer Exemptions being processed by EPA.
2) The backlog of older mining sites that were yet to be restored so they could be released for unrestricted use.

I undertook a major restructuring of the division staff, and establishment of performance plans that are meaningful. I helped staff develop better communication strategies with the regulated entities and EPA which has created a new culture in the division that is proving effective. We have been able to remove the backlog of Aquifer Exemption request and have a completely new methodology established with the regulated entities and EPA so that we have better regulatory pathways and more transparent processes.

We have also made progress on the clean-up and release of the old mining sites. Two sites are finished and we are moving forward on the 3rd. I have been able to lead staff to take on the task of gathering data in the field and developing the technical information necessary for the release. We have had several field days with at least 15 staff working at the site together with staff from the compliance and enforcement division and the Texas department of health to get data on a site that has been abandoned without a current license holder. We are all there working together on a common task. This is a complete change of culture and program effort for the division.

I am also bringing in retired NRC staff members to do one-day training events to build technical capacity and confidence with my newer staff members. The division's staff is very

ethnically and gender diverse and diverse in terms of training. Staff includes engineers, geologists and health physicists. More interestingly I have been able to lead the division to a new culture so that on the field days we are not only including our counterparts at the health department and the compliance and enforcement division but also co-workers who deal with contracting and financial administration. It is gratifying as a division director to see staff respond to the new culture in such a positive manner. They are enjoying their work and appreciating more and more the contribution each must make to the overall goals of the division and the agency. They still refer to the day we got two of the 4-wheel drive Suburbans stuck in the mud at the site as the best team building event ever! Thank goodness, we were taking soil samples and had shovels to dig the vehicles out.

It always amazes me how people will respond to their leaders when they are appreciated and given opportunity for expression. It has been my experience that they also respond positively when the leader is working right beside them shoulder to shoulder on the common task. In the Radioactive Materials Division, we lift a glass and say Together We Win!

To improve accountability in the division I posted on our internal web portal my compass statements. Staff know that these have guided me for many years and were interested in having them be applicable for all of us. We all have permission to call one another out on these points of direction for our work. They have served me well in leading people and I think they serve the division well.

> ***Compass Statements:*** *Essential elements of our work together in the Radioactive Materials Division that guide our efforts and ensure we reach our goals.* ***North – Balance First:*** *First and foremost, we need to be intentional about being balanced and objective in our evaluation of applications, rule development, and license and procedures development.* ***Northeast – Learn and Grow:*** *If it wasn't work they wouldn't call it work, but work can be far more enjoyable and self-actualizing if we use opportunities at work to learn more about our areas of specialty and life in general. If we take what we learn and apply it with wisdom we can grow as individuals and as professionals.* ***East – Be Under Authority to Have Authority:*** *Every staff member at TCEQ has a certain amount of authority they can exercise in the performance of their assigned tasks. It is vitally important for all staff to ensure that the authority they assert is consistent with the authority delegated by their managers. That often means being intentional about consulting with supervisors to confirm policy and technical positions before asserting them. It also means supervisors need to be intentional about communicating direction when delegating authority.* ***Southeast – Play Fair-Play Nice:*** *Just like we learned in kindergarten it is very important that our work together and with the public we serve to be fair and to be nice. Treat others as you want to be treated is not a philosophical ideal, it is essential for success in our culture. Together we win, Together!* ***South – Every Voice Matters:*** *No one has all the answers. It is vitally important to our success in the Radioactive Materials Division and for TCEQ that we LISTEN! We must strive to have meaningful participation with stakeholders and with each other as we perform our assigned tasks. It is often the meekest voice that offers the most profound information – we must make certain that we are able to hear that voice when we make decisions.* ***Southwest – Embrace Your Inner Geek:*** *The work we perform is very technical. Often it stretches our technical capacity. We need to embrace that. We need to strive to be more technical and more of an expert in our professional capacities. Take training, study, and never, never, never stop learning your trade. Fan into flame the passion you have for the work you do.* ***West – Seek Effective Partnerships:*** *We deal with many complex issues. Solutions and effective program efforts are most often multifaceted. Don't wait until you need a partner to try to find one. Look for everyday opportunities to seek out and cultivate partnerships with other professionals that can help you. Get to know your counterparts at TCEQ and in other state agencies. Don't be afraid to know the consultants you engage in the environmental community or the regulated community. Our ability to solve problems and build consensus is improved when we engage each other as people rather than members of an organization.* ***Northwest – Commit to Excellence:*** *As history reflects on the American culture it will certainly take note of the successes achieved by those who committed to excellence versus those who settled for mediocrity. Don't settle for average results commit yourself and the people you influence to excellence and enjoy the success that produces.*

ECQ 3 – RESULTS DRIVEN

Since joining the TCEQ 12 years ago, I have worked diligently with stakeholders to build partnerships and be a trusted voice and face at TCEQ. My years of experience in the private sector developing businesses and managing people have served me well in my jobs here at the Agency. Also, I've benefited from experience working on research projects with engineers, biophysical scientist, geologists, and agronomists to develop workable environmental solutions for industrial, municipal, and agricultural enterprises. Those projects in several instances established policy at the federal level and are still fundamental components of TCEQ rules and procedures.

I have, since the 70's, been fascinated by the policy implications of the Clean Air; Clean Water; Coastal Zone Management; and Rare and Endangered Species legislation. I am particularly interested in the interface those four pieces of Federal legislation established between government and private property. EPA and their state counterparts quickly developed rules and regulations for point source pollution concerns, and have been expanding and enforcing those zealously. In addition, government continues to struggle with approaches that will work for nonpoint and fugitive sources of pollution. There is also a struggle to manage the sometimes-conflicting goals related to replenishing and developing both groundwater and surface water resources with the cleanest possible water and still have adequate flood controls during heavy rainfall events. To address these concerns over the broader landscape, government leaders must be willing to use social marketing skills to effectively engage stakeholders. Even when government is right, there is no room for bureaucratic arrogance or a failure to acknowledge and minimize the impact on people's lives. More importantly, government may not always be right, so there is a vitally important need to make sure the process is open to refinement by those that can help find the best pathway forward. Fairness and meaningful participation are paramount if government is to succeed.

My work experience reflects my desire to influence decisions in this realm. Experience has helped me to understand the impacts that state agencies can have on the people of Texas, and I do not take lightly any of the responsibilities TCEQ has given me. My success managing people in both public and private sectors, demonstrates that I possess strong leadership and strategic persuasion skills and that I can unite people in a common purpose to reach our goals. I can successfully implement and manage change, when necessary. My work experience also shows my commitment to what I believe is the best approach to solving complex problems in the environment and elsewhere: That is an approach that has broad stakeholder involvement; scientific and technical underpinning; and performance driven efforts.

Below is a summary of my experience which I think you will find unique in both depth and width. My degrees in engineering and finance have provided a platform for successful involvement in many business and government activities. I bring a broad perspective to bear on the jobs I have been assigned.

Water quality monitoring and assessment: As Assistant Director in the Water Quality Planning Division at TCEQ, I coordinated activity in the Chief Engineer's Office for TMDLs; the Galveston Bay and Estuary Program; Nonpoint source pollution abatement program; Clean Rivers Program; Surface Water Quality monitoring operations: and 303(d) impaired water body listings.

At TIAER I supervised the efforts of the biophysical scientist on research projects related to two TMDLs (Bosque River and Arroyo Colorado River) as well as projects related to continuous monitoring of water quality parameters in the Bosque River, Leon River, Trinity River, and Upper Oyster Creek. I was also involved in stakeholder capacity on national development of TMDL implementation. **Point source water quality regulation:** In the Water Quality Division, I was responsible for issuance of Texas Pollutant Discharge Elimination System permits for municipal, industrial and livestock operations. This includes approximately 3,000 individual permits. I was also, responsible for water quality standards implementation, groundwater, modeling, and agronomy

reviews for all municipal, industrial, CAFO, land application, pesticide, wastewater and storm water permits. At National Pork (Validus Services) I worked as a consultant to develop NPDES permit applications for livestock producers in Iowa, Texas and Missouri. I also worked in stakeholder capacity on the Texas CAFO rule and general permit. **Watershed Protection:** In the Water Quality Division, I was responsible for Federal 401 certifications on 319 and 404 permits. The division received recognition for management of mitigation banks regarding the 401-certification program. At TIAER I worked with Texas State Soil and Water Conservation Board (TSSWCB) and TCEQ on Watershed Protection Plan for the Arroyo Colorado River that was funded by EPA through 319 funds. I also worked with Iowa State University, EPA and USDA to develop a watershed protection plan for waterbodies in northeast Iowa. That project resulted in a cost and capability study presented by USDA and EPA to Congress. Lessons learned from that project are part of the current structure for CAFO regulation in the United States. **Standards development:** As Assistant Director in the Water Quality Planning Division I facilitated the water quality standards rule revisions for Texas. That included work on 305(b) reporting and development of implementation procedures. I helped the division director engage stakeholders and EPA to modify standards in many areas including contact recreation, nutrients, and toxics (mercury). I also facilitated the development of numerous site specific standards. Regarding this effort there are modifications to the water quality standards implementation procedures for sub-lethal Whole Effluent Toxicity (WET) effects, nutrients and contact recreation. **Public water supply and utility operator certification:**
The Water Quality Division provided technical assistance to other divisions at TCEQ that provide these certifications. Because CAFOs are often public water systems, I participated personally in those policy and rule development discussions. **Desalination Projects:** In the Water Quality Division as well as in my current role at TCEQ desalination projects are part of my regulatory involvement. Disposal of the drinking water treatment residuals or desal reject can be authorized by permits through water quality programs or through underground injection control permits. In the last legislative session, I was involved in the development of HB 2230 which allows for a Class V authorization to dispose of drinking water treatment residuals and desal reject in a previously authorized Class II well. **Aquifer Storage and Recovery Projects:** Those projects are authorized by my division at TCEQ. In the last Legislative Session, I participated in the development of HB 655 legislation that will make the authorization of those projects less cumbersome. **Restoration initiatives:** I have been involved with stakeholders on the Bosque and Leon Rivers in Texas in their approaches to restore water quality. At TIAER I worked on restoration activities and stakeholder meetings on the Arroyo Colorado River, Leon River and the Bosque River in Texas, the Merrimack River in New Hampshire, and on the Maquoketa River in northeast Iowa. **Special studies:**
I have worked on major research projects related to water quality funded by EPA 106 and 319 funds. This includes use attainability projects in Houston bayous related to bacteria impairments and contact recreation; Habitat quality project on central Texas waterbodies; Nutrient criteria development on lakes and reservoirs; Fate and transport of nutrients in the Edwards Aquifer. I have also conducted studies and managed grants from USDA to develop effluent limitations for livestock and poultry operations. I also used a special grant from EPA to develop and implement the new pesticides general permit for Texas.

ECQ 4 – BUSINESS ACUMEN

My MBA in finance resulted in employment at Republic National Bank in Dallas, then the largest bank in Texas. Family background in the banking industry allowed me to quickly be involved in managing bond portfolios for both the Republic and many correspondent banks in Texas and New Mexico.

In the pecan business, I worked for high profile investors from El Paso Products Company, Pier I Imports, Tandy Cooperation, and Schlumberger Oil Company. I managed a large budget and secured the inventory financing, lines of credit, and real estate financing. I created a water control and improvement district to provide irrigation and sold municipal bonds to fund it. Bond issues were underwritten by Goldman Sachs and EGT. The company's stock and other public investments were registered with the State Securities Board.

As the assistant director in the Water Quality Planning Division for one year and director in both the Water Quality Division for 4 years and the Radioactive Materials Division for the last 5½-years I have had the primary responsibility for the division's budget. This includes salaries and salary enhancements plus all the various budget expenditures for travel, training, supplies, equipment, contract services, summer interns, and pass-through funding for contractors and special studies.

All my career experience has involved responsibility for leadership and change management, strategic planning, performance measurement, staff development, working with and for government on legislation and regulatory development, financial management, and the delivery of public and private sector services and programs. I have functioned as a successful results-oriented executive for over 45 years. I have also applied that knowledge to teaching others in both campus and online college classrooms. I am particularly effective in helping others do their jobs better than they thought possible. I have successfully managed workers at every level. I have a proven track record with biophysical scientist, environmental advocates and industry to achieve assigned tasks for complex projects.

I respond well to pressure and change by finding systematic and creative ways to perform tasks and achieve objectives. I have proven ability to be highly proficient in recognizing areas of need, extracting the essentials and establishing a direction toward long-term success.

I have been particularly successful in developing emerging leaders both in the class room and in various roles in the marketplace. Many employees I have supervised have responded to my mentoring efforts in a positive manner. As I have "fixed" things and moved on at TCEQ I have left behind developed leaders who are able to keep it going effectively. Also, some of my employees have moved on to bigger and better opportunities. My assistant director and special counsel when I started in the Radioactive Materials Division was appointed by the Governor to be the executive director of a state agency. She is quick to give credit to what she learned working for me.

EDUCATION AND TRAINING:

- **MBA, Finance** – Texas A&M University December 1971
- **BS Aerospace Engineering** – Texas A&M University May 1971
- **American Management Association:** Management Course for Presidents; Mergers & Acquisitions; and The Chief Executive's Job in a Smaller Company
- **On-Farm Assessment and Environmental Review Certification for Dairy** – America's Clean Water Foundation and Environmental Management Solutions, LLC.
- **Texas Certified Nutrient Management Specialist –** Texas A&M University and Texas NRCS
- **Governor's Executive Development Program (December. 2011)**

ROLES AND ACCOMPLISHMENTS IN THE PRIVATE SECTOR:

- **Pecan Business – Various Generations of the Original Company [3/75 to 4/98]**
  - ***President and CEO – Wolfe Pecanlands, Inc (sold out to Comanche Pecan Company)***
  - ***President and CEO – Comanche Pecan Company (sold to Pecan Valley Nut Company, Inc.)***
  - ***President and CEO – Pecan Valley Nut company, Inc. (sold my interest to investors and left the company)***
  - ***President and CEO – The Store at Pecan Valley (closed the store in 1998 and liquidated assets)***
    - Successfully established "grandfather rights" for orchard operation by getting proper language inserted in 1976 Tax Reform Act (during conference committee debates)
    - Developed bank relationship to finance orchard-management equipment
    - Created water district to sell tax-exempt bonds to finance construction of much needed irrigation system
    - Overcame strong opposition to set up water district that issued $7 million, 10-year tax-exempt bonds
    - Sold orchard investments through security dealers totaling $15 million
    - Designed pecan-tree shaker that is unique to the industry (fastest available for the pecan industry)
    - Started wholesale pecan tree nursery business
    - Raised $2 million from shareholders to construct a pecan shelling facility (28,000 sq. ft.)
    - Inaugurated mail-order pecan gift business and retail store
    - Developed corporate gift program
    - Developed fundraising sales program
    - Produced Company Videos (one featured on Inside Dallas TV Show)
- **Republic National Bank – Dallas [1/72 to 3/75]**
  - Assistant Vice-President
    - Developed computer program for analysis of municipal bond trades
    - Sold US Treasury Securities as well as tax-exempt municipal bonds and notes
    - Managed bond portfolios for 50 correspondent bank accounts
    - Performed financial advisory functions related to bond financing regarding local banks in numerous small communities in Texas

ECQ 5 – BUILDING COALITIONS

Perhaps my most important experience in building coalitions happened while I was working for Tarleton State University at the Texas Institute for Applied Environmental Research. As assistant director, I took the lead on two separate projects related to nutrient management on livestock operations: One in the Bosque River Watershed in Texas and the other in the Maquoketa River Watershed in N.E. Iowa. Both had significant water quality and CAFO permitting policy implications. More importantly both had high level national exposure and interest from elected officials, university and extension service leaders, Ag industry leaders, environmental advocates, EPA, USDA, TCEQ, Texas State Soil and Water Conservation Board, Iowa DEQ, and Iowa and Texas Departments of Ag.

With grant funding from USDA through the Natural Resource Conservation Service (NRCS) in both Texas and Iowa I was able to get 8 dairy farmers in a small micro watershed in the headwaters area of the Bosque River and more than 30 ag producers with row-crop and livestock operations in the Maquoketa to agree to a multi-year project to place storm water monitoring along the water courses on their property to get baseline data and then monitor results after best management practices had been established. EPA and USDA had engaged in a joint policy effort to look at the effectiveness of nutrient management practices to control agricultural storm water runoff impacts from livestock operations. The program effort focused on developing Comprehensive Nutrient Management Plans (CNMPs) as well as implementing other storm water structural controls. As we moved forward with the effort under the grant, leadership from both USDA and EPA worked with me to look at the projects. They were interested in using the data we were gathering to develop a joint report to Congress on the cost of compliance with the planned CNMP effort. These two watersheds furnished enough information to successfully report to Congress on a national concern.

In the Bosque, we met monthly in the library of the nearby elementary school. Leaders from USDA, EPA, and Congressman Stenholm (Chm of House Ag and local representative) as well as leaders from state agencies frequently attended. My staff and I presented monitoring results from stream sampling during rainfall events as well as soil test results. We held frequent demonstrations on the fields to teach the producers about manure application at appropriate levels. We developed their nutrient management plans and helped them get cost share funding from USDA for structural improvements. Buffer zones near the waterbodies were established and maintained. Control structures were enlarged to handle larger rainfall events. Delivery systems for wastewater application was extended to more fields. Composting of solid manure was established and composted material was hauled out of the watershed before being land applied. Dramatic before and after results were captured and policies were developed affecting all Texas CAFOs.

Government and producers were working together at the table. Government programs were modified to provide needed cost share. Elected officials could respond to constituent concerns. And most importantly, producers working collaboratively with us could see that efforts to control Ag storm water pollution was in their interest. All the 8 producers quickly started using the manure to more effectively grow some of their own feed for their operation and many started to green chop the forage daily for feed which greatly improved the nutrient removal and recycling. Environmental compliance became profitable and they were quick to want to learn and do more. The coalition established with them, their government, and other stakeholders led to dramatic water quality improvement. It also resulted in nutrient management changes in the entire Bosque River Watershed with other dairy CAFOs. That micro watershed monitoring was also a very favorable demonstration to determine water quality impacts on the entire Bosque.

At the same time, similar things were happening in Iowa. I was working with the head of Iowa State University Extension. He helped me meet with producers in N.E. Iowa who had

operations in the Maquoketa watershed just North of Dubuque, Ia. I would fly into Dubuque and meet with local Iowa State extension agent and travel out to meet with the producers. He had a couple of projects going to get them to "recognize" the nutrients in the manure applied to their row crops. If recognized then perhaps less commercial Nitrogen and Phosphorus fertilizer would be applied and hence less nutrient pollution in runoff events. I could build a coalition in Iowa with watershed producers (row crop, hog, dairy and beef), Iowa State University and Extension, Iowa DEQ, USDA (NRCS) and EPA.

I set up the storm water monitors and started with the meetings. Not much happened at first even though there was common community interest in protecting the recreational lake at the bottom of the watershed. Soil erosion and nutrient run-off were known problems but efforts to improve farming practices were falling short. About 3 months into the project there was a major rainfall event in the watershed and I received a call from the extension agent saying my storm water monitors were in Backbone Lake. Fortunately, I had been so worried about them freezing inside that I had the boxes extremely well insulated. They were all floating and bobbing like corks.

When we met the next month, I showed them the data. They were astonished at the flow data readings we had. Of course, the data stopped when the boxes broke loose but the producers and residents were looking at the time sequence and saying – "that's when it crested at my place". I had instant credibility and they started to be much more active in their participation. Big things coming out of that besides the cost and capability report to congress were revisions to NRCS's cost share for buffer strips and development of CNMPs. We had monthly meetings in the Strawberry Point consolidated school library and then some quarterly meetings attended by USDA and EPA at the school gym. We packed the house. EPA and USDA got to hear firsthand accounts of the challenges associated with nutrient management on the farm. Farmers in the watershed had meaningful access to their government.

For me the relationships established at EPA and USDA were meaningful and helpful for future work. One of the meetings was followed by a major snow storm that had leaders from EPA and USDA stranded with me in the Holiday Inn at Dubuque. There is no substitute for building coalitions that is better than a long snow day playing cards and dominos at the Holiday Inn. In later years as I was working with EPA leaders to develop the Pesticides General Permit for Texas I was back involved with some of those same people. We reflected with a sense of accomplishment on our work together in the Bosque and the Maquoketa.

TQ 1 – Demonstrated ability to implement environmental, programmatic and financial assistance programs for Tribes, States, and local governments, related to the Clean Water Act (CWA), Safe Drinking Water Act programs (SDWA), water quality planning, public water supply protection, groundwater protection, state revolving funds management.

In all my management roles at TCEQ I have had rulemaking responsibility at a constant level. The 3 divisions I have worked in all have rulemaking responsibilities to respond to changes in federal rules and to implement state legislation. There have also been rulemaking petitions that the Commission instructed the Executive Director and the program areas to move forward with, and there have also been staff initiated rulemaking. In all cases over the last 12 years I have taken the lead in all the rulemaking efforts under my charge. In most all cases I lead the public meetings required by TCEQ's public participation process and then also lead the presentations for proposal and later adoption before our Commission. When legislation is being developed I am frequently asked by legislative committees to testify as a resource witness. I also have several discussions with legislative and governor's office staff as legislation is being developed during the legislative session. Also, when rules and legislation that affect programs under my charge are being developed or proposed at the federal level, I lead staff in developing comments. As Director of the Radioactive Materials Division I have testified on several occasions before the NRC on their rule proposals and regarding agreement state jurisdiction questions. In the divisions, I've managed there as has never been a backlog of rules to implement. We have completed all the rulemakings in a timely and effective manner.

More importantly, with all the rulemaking and policy development I have successfully lead the implementation of those rules. I have been able to build a consensus in the proposed rules where TCEQ Commissioners have been able to vote adoptions void of significant controversy. In some cases that was no small task even when it was to implement legislative changes.

In the last legislative session, the Texas Legislature passed HB 655 related to Aquifer Storage and Recovery (ASR) projects. It was an important piece of legislation to provide opportunity for the development of a more dependable supply of water. Even though there was general agreement related to the merits of the legislation there was significant disagreement over how the projects would be authorized and what requirements would be placed on applicants to authorize the ASR project under a Class V UIC well. I testified in both the Texas House and Senate and spoke at several public meetings. The bill passed overwhelmingly, but the contested elements were still being debated - particularly by the groundwater conservation district boards.

I proposed a rule that resolved most of the controversy and then after taking comments on the proposal, and revised the proposal into a rule that could be successfully adopted with broad support - especially from the bill author in the legislature. My division is now moving forward with implementation of the rule and we are meeting with interested applicants to help them develop their project. We are also meeting with the Texas Water Development Board so that they may be able to provide some funding for the projects. Funding sources include the State Revolving Fund allocations as well as other Texas programs authorized under state and federal law. I have had regular meetings with the parties that were able to develop this legislative initiative to ensure that TCEQ is implementing the rule in a way to truly enhance water supply development, while protecting human health and the environment.

An ASR project will require some hands-on involvement as important policies and management process are developed to accompany the rules. Even the development of an appropriate application for an ASR project requires my direct involvement. The process moving from policy development and legislation to rules is ineffective if there is not successful implementation. Institutional impediments have often frustrated noble legislative efforts. Texas needs to use its best efforts to improve available water supplies. The effective implementation of HB 655 is vitally important, and as we move forward, I continue to have the support of TCEQ, the public, and the potential developers.

I have been able to build on prior success with rule projects and the experience my staff and managers now have with me on these kind of program efforts to have a solid team in place

with a unified commitment to excellence. I look forward to the first glass of cold water coming from one of the new ASR projects. My division staff will all lift a glass and affirm once again what we always say, "Together We Win-Together!"

I have worked closely with TCEQ's office of water divisions responsible for both water supply and water rights. Work with them has helped develop disposal options for drinking water treatment residuals and desal reject. This is providing improved water supply and a valuable alternative to surface water discharges from water treatment facilities.

The Underground Injection Control (UIC) program in my division authorizes Class I and Class V UIC wells. Those authorizations are protective of Underground Sources of Drinking Water (USDW) as required by the Safe Drinking Water Act. I have also worked closely with EPA R6 on induced seismicity issues arising from some underground injection operators. Issues related to no migration petitions have been successfully resolved and the environment appropriately protected. The UIC program at TCEQ is very mature with primacy dating back to the 1980's. As a result, many of the injection wells are showing their age and I am working closely with regulated entities to ensure the continued viability of their injection processes and at the same time ensure protection of groundwater that could be adversely affected.

As Director of the Radioactive Materials Division I was asked by the Executive Director to address an issue that was undermining effective regulation of the Uranium mining industry and having an unintended impact on the economic viability of some of the mining companies. The main area of concern was the backlogged Aquifer Exemptions being processed by EPA. I helped staff develop better communication strategies with the regulated entities and with EPA which has created a new culture in the division that is proving effective. We have been able to remove the backlog of Aquifer Exemption request and have a completely new methodology established with the regulated entities and EPA so that we have better regulatory pathways and more transparent processes.

TQ 2 – Demonstrated experience implementing the National Pollutant Discharge Elimination System permitting program and other water quality related programs.

Since joining the TCEQ 12 years ago, I have worked diligently with stakeholders to build partnerships and be a trusted voice and face at TCEQ. My years of experience in the private sector developing businesses and managing people have served me well in my jobs here at the Agency.

Below is a summary of my experience which I think you will find unique in both depth and width:

Water quality monitoring and assessment: As Assistant Director in the Water Quality Planning Division at TCEQ, I coordinated activity in the Chief Engineer's Office for TMDLs; the Galveston Bay and Estuary Program; Nonpoint source pollution abatement program; Clean Rivers Program; Surface Water Quality monitoring operations: and 303(d) impaired water body listings.
At the Texas Institute for Applied Environmental Research (TIAER), I supervised the efforts of the biophysical scientist on research projects related to two TMDLs (Bosque River and Arroyo Colorado River) as well as projects related to continuous monitoring of water quality parameters in the Bosque River, Leon River, Trinity River, and Upper Oyster Creek. I was also involved in stakeholder capacity on national development of TMDL implementation. **Point source water quality regulation:** In the Water Quality Division, I was responsible for issuance of Texas Pollutant Discharge Elimination System permits for municipal, industrial and livestock operations. This includes approximately 3,000 individual permits. I was also, responsible for water quality standards implementation, groundwater, modeling, and agronomy reviews for all municipal, industrial, CAFO, land application, and wastewater and storm water permits. At National Pork (Validus Services) I worked as a consultant to develop NPDES permit applications for livestock producers in Iowa, Texas and Missouri. I also worked in stakeholder capacity on the Texas CAFO rule and general permit. **Watershed Protection:** In the Water Quality Division, I was responsible for Federal 401 certifications on 319 and 404 permits. The division received recognition for management of mitigation banks relating to the 401-certification program. At TIAER I worked with Texas State Soil and Water Conservation Board (TSSWCB) and TCEQ on Watershed Protection Plan for the Arroyo Colorado River that was funded by EPA through 319 funds. I also worked with Iowa State University, EPA and USDA to develop a watershed protection plan for waterbodies in northeast Iowa. That project resulted in a cost and capability study presented by USDA and EPA to Congress. Lessons learned from that project are part of the current structure for CAFO regulation in the United States. **Water Quality Standards development:** As Assistant Director in the Water Quality Planning Division I facilitated the water quality standards rule revisions for Texas. That included work on 305(b) reporting and development of implementation procedures. I helped the division director engage stakeholders and EPA to modify standards in many areas including contact recreation, nutrients, and toxics (mercury). I also facilitated the development of numerous site specific standards. Because of this effort there are modifications to implementation procedures for sub-lethal Whole Effluent Toxicity (WET) effects, nutrients and contact recreation. **Public water supply and utility operator certification:** The Water Quality Division provided technical assistance to other divisions at TCEQ that provide these certifications. Because CAFOs are often public water systems, I participated personally in those policy and rule development discussions. **Desalination Projects:** In the Water Quality Division as well as in my current role at TCEQ desalination projects are part of my regulatory involvement. Disposal of the drinking water treatment residuals or desal reject can be authorized by permits through water quality programs or through underground injection control permits. In the last legislative session, I was involved in the development of HB 2230 which allows for a Class V authorization to dispose of drinking water treatment residuals and desal reject in a previously authorized Class II well. **Aquifer Storage and Recovery Projects:** Those projects are authorized by my division at TCEQ. In the last Legislative

Session, I participated in the development of HB 655 legislation that will make the authorization of those projects less cumbersome. **Restoration initiatives:** I have been involved with stakeholders on the Bosque and Leon Rivers in Texas in their approaches to restore water quality. At TIAER I worked on restoration activities and stakeholder meetings on the Arroyo Colorado River, Leon River and the Bosque River in Texas, the Merrimack River in New Hampshire, and on the Maquoketa River in northeast Iowa. **Special studies:**
I have worked on major research projects related to water quality funded by EPA 106 and 319 funds. This includes use attainability projects in Houston bayous related to bacteria impairments and contact recreation; Habitat quality project on central Texas waterbodies; Nutrient criteria development on lakes and reservoirs; Fate and transport of nutrients in the Edwards Aquifer. I have also conducted studies and managed grants from USDA to develop effluent limitations for livestock and poultry operations. I also used a special grant from EPA to develop and implement the new pesticides general permit for Texas.

In response to a court decision EPA had to develop a Pesticides General Permit (PGP) for discharges of pesticides in, over, or near waters of the U.S. States with EPA authorized programs had to develop their own PGP and obtain approval from EPA by the deadline established in court. EPA delayed the deadline for a short period of time, but eventually the PGP became part of the regulatory process and both the federal and state level.

To implement the required permit EPA conducted several meetings for the states to participate with staff in considering the general permit requirements. EPA offered some guidance for the permit conditions and structure but continued to encourage each of the states to develop their own. The programmatic effort was led by HQ staff at EPA with only minimum involvement at the Regional level until the general permit was ready for adoption. To say the least both EPA and the states were struggling to develop a meaningful general permit. In Texas both the Department of Ag and TCEQ had regulatory responsibilities and Texas Parks and Wildlife and Texas State Soil and Water Conservation Board would be needing the permitted authority to continue to operate their programs. Agriculture and Silviculture operators across the state were very concerned about potential law suits and permitting violations because of their normal operations. Cities and counties were concerned about the institutional impediment the permit could create for insect and rodent control because of the permitting process.

Most of the states choose to wait on EPA to finish the development of their permit and then duplicated requirements into their PGP. I choose to develop a Texas version of the permit. I built consensus for the permit requirements by meeting with affected parties and other stakeholders across the state. I worked closely with the Texas Department of Ag so that there was a seamless interface with their regulatory program for pesticide applicators. I, of course, worked closely with EPA HQ staff in both the NPDES program and FIFRA. I also built consensus for the permit with the Texas Department of Health and the State Chemist to handle the Tier I and II TSCA reporting interface challenges that might result from permitting requirements. I worked with TCEQ's Information Resources Division to develop an electronic notice of intent filing interface so that regulated entities would be able to file their notice electronically.
I traveled around Texas meeting with groups representing various regulated entities to explain the permitting process and requirements, and build consensus for what TCEQ would propose for the permit. I had several meetings with EPA staff to explain what we wanted to propose and seek their buy-in. Although the Texas PGP is decidedly different from what EPA finally proposed, EPA HQ staff was complementary and encouraged other states to visit with me and consider carefully adopting what Texas was proposing. Ultimately EPA Region 6 approved the Texas PGP and it was recently successfully renewed. The Texas PGP has worked well in Texas.

TQ 3 – Demonstrated experience planning, directing, and evaluating various programs and activities to effectively manage a large complex organization or a multi-disciplinary scientific, or technical organization.

I have summarized two examples below:

1. **Assistant Director Water Quality Planning Division – 10/1/08 to 10/1/09**

Summary of experience: I assisted the division director with planning, organizing, controlling, and directing the work of the sections, teams, and groups in the division. I worked with the division director to provide managerial oversight and analysis of complex projects, programs, and administrative functions and deliverables to ensure that the division's goals were met. I provided program guidance and coordinate projects within the division and the agency. I worked with the division director and management to develop a new approach for dealing with impaired water bodies. In the case of bacteria impairments, I helped develop an approach that built consensus on the appropriate use of the water body and then moved forward with watershed action plans to restore and protect water quality. That new approach has meet with widespread acceptance from EPA, state agency partners, river authorities and stakeholders.

I lead the division's stakeholder outreach efforts, especially for non-point source stakeholders. I was actively involved working with the Bacteria Implementation Group (BIG) in Houston. I lead discussions with state agency partners (Texas State Soil and Water Conservation Board, Texas Department of Agriculture, River Authorities), and other interested parties. I communicated the TCEQ approach to water quality planning efforts to stakeholders. Then I worked to establish a partnership and build consensus on water quality planning efforts with stakeholders, and ensured water quality planning activities were coordinated through stakeholders.

I formulated and assisted the director with the division's strategic planning efforts related to the Surface Water Quality Monitoring, Water Quality Standards, TMDLs, Watershed Protection Plans, Use Attainability Analysis (UAA), and grants. I helped the staff evaluate and make recommendations to the director, deputy, executive management, and the commissioners as appropriate on all the division's programmatic activities. I helped division management implement adjustments as necessary to improve program performance and address stakeholder concerns.

I represented the agency on technical projects; and the Chief Engineer's Office and Water Quality Planning Division in management meetings, including meetings with the EPA, and stakeholders concerning the water quality planning efforts. I evaluated implications of new legislation, regulations, policies, and technical reports on highly complex water quality planning issues to determine and manage their effect on division program development and implementation. I worked with the division director and the Chief Engineer to develop stakeholder input relative to Mercury TMDLs. I provided peer review of technical work performed by subcontractors for the division director. I also provided peer review of technical information presented to the water programs at TCEQ. Comments developed by me were provided to the division director were also reviewed and used by the Assistant Deputy Executive Director. I provided reviews of engineering work presented on Concentrated Animal Feeding Operation (CAFO) permit applications pending in the Water Quality Division to ensure conformity with established engineering practices and TCEQ requirements. I evaluated and provided comments on public comments, hearing request, and hearings related to permits pending in the Water Quality Division. I supported the Water Quality Division at Agenda sessions when agenda items involved TMDL or agricultural considerations or questions. I worked closely with TMDL team to plan for TMDL and UAA work. I worked with division director to evaluate operations and ensure activities conformed to approved division plans.

I helped the division director with administrative functions by assisting the division and section managers with the division budget, funds management, and reviewed all contracts and work orders being presented to the division director. As part of establishing the new division at TCEQ, I worked with the division director on new operating procedures and management controls.

Because of prior experience in the Water Quality Division, I assisted the Assistant Deputy Executive Director with agricultural industry matters and emerging issues related to livestock and poultry. I provided a significant amount of input on current events and new technologies related to agriculture and the environment for consideration and have developed white papers or comment letters for the Executive Director. I worked the with Assistant Deputy Executive Director and others in the agency as a resource witness on legislation related to livestock and poultry. I worked with the Assistant Deputy Executive Director and others in TCEQ to address Senate Natural Resource Committee, The Senate Ag Committee and the House Environmental Regulation Committee on water quality issues.

I coordinated communication with other areas of the agency as needed by the Assistant Deputy Executive Director and division management.

2. **Water Quality Standards Section Manager – Water Quality Division**

Summary of experience: Responsible for management and staff development of the Water Quality Standards Team:

Water quality standards reviews for wastewater permits (municipal, industrial, and sludge)
401 Certifications for 404 US Army Corps of Engineers permits
Use attainability analysis for 5b segments
Site specific standards development
Surface water quality standards rule development
Water quality research programs – 106 grant funded ($550,000 annually)
15 staff members

Responsible for management and staff development of the Water Quality Assessments Team:

Water quality modeling for wastewater permitting
Groundwater assessments for wastewater permitting
Agronomy assessments for wastewater permitting
14 staff members

Responsible for management and staff development of the Ag Permitting Team
CAFO rule development:

CAFO general permit development and issuance (128 issued in FYE 2007, 750 total for state)
CAFO individual permits (55 total)
Coordination with field investigations
Training for regulated community and consultants
8 staff members

Responsible for section's budget (operating funds and research)
Responsible for coordination with TMDL development and 303(d) list development
Responsible for briefings with executive management and elected officials
Responsible for review and comment on legislation affecting CAFOs, water quality standards and wastewater permitting
Responsible for testimony on contested case hearings
Responsible for outreach on regulated community
Responsibility for stakeholder meetings and development of active stakeholder participation in water quality concerns
Coordination with EPA Region 6 relative to wastewater permits, CAFOs, and water quality standards
Coordination with Texas State Soil and Water Conservation Board and Texas Department of Agriculture
Coordination with Texas A&M University System related to water quality concerns (Texas Water Resources Institute) and TAMU extension service for producer education relative to CAFO operations

DQ 1 – Demonstrated ability to communicate and negotiate complex and/or controversial environmental policy issues orally and in writing.

In response to a court decision EPA had to develop a Pesticides General Permit (PGP) for discharges of pesticides in, over, or near waters of the U.S. States with EPA authorized programs had to develop their own PGP and obtain approval from EPA by the deadline established in court. EPA delayed the deadline for a short period of time, but eventually the PGP became part of the regulatory process and both the federal and state level.

To implement the required permit EPA conducted several meetings for the states to participate with staff in considering the general permit requirements. EPA offered some guidance for the permit conditions and structure but continued to encourage each of the states to develop their own. The programmatic effort was led by HQ staff at EPA with only minimum involvement at the Regional level until the general permit was ready for adoption. To say the least both EPA and the states were struggling to develop a meaningful general permit. In Texas both the Department of Agriculture and TCEQ had regulatory responsibilities and Texas Parks and Wildlife and Texas State Soil and Water Conservation Board would be needing the permitted authority to continue to operate their programs. Agriculture and Silviculture operators across the state were very concerned about potential law suits and permitting violations because of their normal operations. Cities and counties were concerned about the institutional impediment the permit could create for insect and rodent control because of the permitting process.

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I developed guidance documents, presentations, and traveled around Texas meeting with groups representing various regulated entities to explain the permitting process and requirements, and build consensus for what TCEQ would propose for the permit. I had several meetings with EPA staff to explain what we wanted to propose and seek their buy-in. Although the Texas PGP is decidedly different from what EPA finally proposed, EPA HQ staff was complementary and encouraged other states to visit with me and consider carefully adopting what Texas was proposing. Ultimately EPA Region 6 approved the Texas PGP and it was recently successfully renewed. The Texas PGP has worked well in Texas.

In my current role as Director of the Radioactive Materials Division I have worked closely with Region 6 EPA HQ staff on RCRA related challenges at the Waste Control Specialists (WCS) radioactive waste disposal site in Andrews County Texas. The license and permits held by WCS allow them to receive for storage Transuranic mixed waste. When the Waste Isolation Pilot Plant was forced to shut down because of a radiation release in February of 2014 the Department of Energy worked with TCEQ and WCS to be able to bring some of the waste from Los Alamos National Lab (LANL) to WCS for storage until the WIPP site re-opened. The state of New Mexico was concerned about forest fires encroaching on the LANL site and was urging DOE to continue to move waste from LANL even though the WIPP was closed. A month after the movement of waste containers from LANL to WCS started it was discovered that the source of the radiation release at the WIPP was a problem with the contents of one of the drums. DOE stopped shipping to WCS

but there were already 74 standard waste boxes (SWBs) containing drums with similar contents. Those SWBs were identified as ignitable and appropriate hazardous waste codes were assigned. Also, because temperature was identified by DOE as the critical factor causing the runaway exothermic reaction in the drum at WIPP, WCS could containerize the SWBs and store them in the Federal Waste Disposal Facility they have under license with TCEQ. Because this waste does not meet Land Disposal requirements and yet is "stored" in a disposal facility (out of an abundance of caution), I have worked carefully with EPA Region 6 RCRA staff and management to appropriately document what WCS is being allowed to do. Also, because the WIPP was not re-opened within the 1 year limitation on storage, TCEQ issued violations to both DOE and WCS and entered agreed orders requiring plans for the removal of the waste within 5 years. Again, it has required close coordination with Region 6, the state of New Mexico, DOE, NRC, and WCS to appropriately regulate this complex and challenging situation.

I have continued to encourage DOE and WCS to develop appropriate solutions for the removal of the ignitable waste once the WIPP was re-opened. I have required that DOE and WCS continue to brief TCEQ, EPA and NRC quarterly on their progress at the WIPP and plans for removal. Most of the waste stored above ground at WCS will be removed by DOE to the WIPP for disposal by December 31, 2017. This success is largely due to my strategic persuasion skills and my ability to communicate in both written and oral forms to DOE, EPA R6, NRC, and WCS. I have kept the need for progress in the forefront for the federal agency leaders and have been able to persuade them to keep this as a priority. Texas will also receive in December a feasibility study outlining WCS/DOE plans to deal with the SWBs stored below ground in the federal waste facility. Success there has also been a result of my continued efforts, particularly with the executive management of the DOE. I have obtained their support and they are using their influence as agency leaders to provide a solution that works for all parties. We continue to have weekly status reports as well as quarterly updates. We have worked together to develop graphics and tracking documents that allow for effective communication and briefings.

Message

From: Legare, Pamela [Legare.Pamela@epa.gov]
Sent: 5/29/2018 4:49:33 PM
To: Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Vizian, Donna [Vizian.Donna@epa.gov]; OARM-OAM-RAMS [OARMOAMRAMS@epa.gov]; Gantt, Melissa [Gantt.Melissa@epa.gov]; OARM-OAM-DIVISION-DIRECTORS [OARMOAMDIVISIONDIRECTORS@epa.gov]; Logan, Kevin [Logan.Kevin@epa.gov]; Showman, John [Showman.John@epa.gov]
CC: Denno, Donald [Denno.Donald@epa.gov]; Stewart, Keith [Stewart.Keith@epa.gov]; Jones, Rodney-Daryl [Jones.Rodney-Daryl@epa.gov]; Callaghan, Francis [Callaghan.Francis@epa.gov]; Heise, Claudea [heise.claudea@epa.gov]; Rajkowski-Reyes, Alexandra [Rajkowski-Reyes.Alexandra@epa.gov]; Scott, Raoul [Scott.Raoul@epa.gov]; Massie, William [Massie.William@epa.gov]; Bell, Matthew [Bell.Matthew@epa.gov]; Clark, Jim [clark.jim@epa.gov]; Stanley, Cora [Stanley.Cora@epa.gov]; Alberty, Maria [alberty.maria@epa.gov]
Subject: RE: M&M Root Causes and Countermeasures
Attachments: PALT_Report April_ All EPA.XLSX

Attached is April's PALT report if you cannot locate your copy.

Pamela D. Legare, Deputy Director
Office of Acquisition Management (OAM)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

-----Original Appointment-----
From: Patrick, Kimberly
Sent: Tuesday, May 29, 2018 8:36 AM
To: Patrick, Kimberly; Vizian, Donna; OARM-OAM-RAMS; Gantt, Melissa; Legare, Pamela; OARM-OAM-DIVISION-DIRECTORS; Logan, Kevin; Showman, John
Cc: Denno, Donald; Stewart, Keith; Jones, Rodney-Daryl; Callaghan, Francis; Heise, Claudea; Rajkowski-Reyes, Alexandra; Scott, Raoul; Massie, William; Bell, Matthew; Clark, Jim; Stanley, Cora; Alberty, Maria
Subject: M&M Root Causes and Countermeasures
When: Tuesday, May 29, 2018 1:00 PM-2:00 PM Customized Time Zone.
Where: DCRoomRRB61233California25pp/DC-Ronald-Reagan-OAM

Conference line: Ex. 6 - Personal Privacy
Code: Ex. 6 - Personal Privacy

Message

From: Polk, Denise [Polk.Denise@epa.gov]
Sent: 1/12/2018 12:02:47 AM
To: Vizian, Donna [Vizian.Donna@epa.gov]
CC: Showman, John [Showman.John@epa.gov]; Cooper, Marian [Cooper.Marian@epa.gov]; Bell, Matthew [Bell.Matthew@epa.gov]; Sylvester, Kenneth [Sylvester.Kenneth@epa.gov]; Nikaidoh, Leah [Nikaidoh.Leah@epa.gov]
Subject: RE: DW SRF Compliance Supplement and Update on the MT State Auditor Response

Thanks, Donna, for your support. Have a great holiday weekend!

Denise A. Polk, Director
Office of Grants and Debarment (OGD)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)
(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Vizian, Donna
Sent: Thursday, January 11, 2018 7:01 PM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: Showman, John <Showman.John@epa.gov>; Cooper, Marian <Cooper.Marian@epa.gov>; Bell, Matthew <Bell.Matthew@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Nikaidoh, Leah <Nikaidoh.Leah@epa.gov>
Subject: Re: DW SRF Compliance Supplement and Update on the MT State Auditor Response

Thank Denise. Appreciate this.

On Jan 11, 2018, at 4:49 PM, Polk, Denise <Polk.Denise@epa.gov> wrote:

> Greetings, Donna,
>
> Leah has everything she needs to submit to OMB!!! She is reviewing now and will send out a message to update everyone this evening. Again, thanks for your patience and understanding. We are working on the MT response and will send this evening. I will keep you posted!
>
> Denise A. Polk, Director
> Office of Grants and Debarment (OGD)
> U.S. Environmental Protection Agency
> 1200 Pennsylvania Avenue, NW
> Mail Stop: 3901R
> Washington, DC 20460
>
> (202) 564-5306 (Phone)
> (202) 306-1056 (Cell)
> Email: Polk.Denise@epa.gov

From: Polk, Denise
Sent: Thursday, January 11, 2018 4:44 PM
To: Nikaidoh, Leah <Nikaidoh.Leah@epa.gov>
Cc: Miller, Tracey <Miller.Tracey@epa.gov>; Rubin, Howard E <Rubin.HowardE@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holliday, Kysha <Holliday.Kysha@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Platt, Sheila <Platt.Sheila@epa.gov>; Fort, Felecia <Fort.Felecia@epa.gov>; Chamberlain, Nick <Chamberlain.Nick@epa.gov>
Subject: DW SRF Compliance Supplement and Update on the MT State Auditor Response
Importance: High

Greetings, Leah,

Attached is a copy of a "clean" and "mark-up" version of the DW SRF Compliance Supplement. The final version has been cleared by OGD, OW and OGC. Thanks again for your patience.

As you know, we have responded to the State Auditors in TX and WA. OGD will be sending out a response to MT this evening.

I appreciate everyone's diligence in getting these documents cleared and finalized!

Denise A. Polk, Director
Office of Grants and Debarment (OGD)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)
(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

<2016 EPA Part 4 Compliance Supplement for DWSRF JFD EditsHRcomments.docx>

<Final 2016 EPA Part 4 Compliance Supplement for DWSRF.docx>

Message

From: Polk, Denise [Polk.Denise@epa.gov]
Sent: 1/11/2018 9:48:25 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]; Showman, John [Showman.John@epa.gov]; Cooper, Marian [Cooper.Marian@epa.gov]; Bell, Matthew [Bell.Matthew@epa.gov]
CC: Sylvester, Kenneth [Sylvester.Kenneth@epa.gov]; Nikaidoh, Leah [Nikaidoh.Leah@epa.gov]
Subject: FW: DW SRF Compliance Supplement and Update on the MT State Auditor Response
Attachments: 2016 EPA Part 4 Compliance Supplement for DWSRF JFD EditsHRcomments.docx; Final 2016 EPA Part 4 Compliance Supplement for DWSRF.docx

Importance: High

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Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)
(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Polk, Denise
Sent: Thursday, January 11, 2018 4:44 PM
To: Nikaidoh, Leah <Nikaidoh.Leah@epa.gov>
Cc: Miller, Tracey <Miller.Tracey@epa.gov>; Rubin, Howard E <Rubin.HowardE@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Holliday, Kysha <Holliday.Kysha@epa.gov>; Jones, Laurice <Jones.Laurice@epa.gov>; Sylvester, Kenneth <Sylvester.Kenneth@epa.gov>; Drummond, James <Drummond.James@epa.gov>; Platt, Sheila <Platt.Sheila@epa.gov>; Fort, Felecia <Fort.Felecia@epa.gov>; Chamberlain, Nick <Chamberlain.Nick@epa.gov>
Subject: DW SRF Compliance Supplement and Update on the MT State Auditor Response
Importance: High

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I appreciate everyone's diligence in getting these documents cleared and finalized!

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Washington, DC 20460

(202) 564-5306 (Phone)
(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

Message

From: Polk, Denise [Polk.Denise@epa.gov]
Sent: 1/11/2018 6:57:43 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]; Showman, John [Showman.John@epa.gov]; Cooper, Marian [Cooper.Marian@epa.gov]; Bell, Matthew [Bell.Matthew@epa.gov]
CC: Sylvester, Kenneth [Sylvester.Kenneth@epa.gov]
Subject: FW: State of Texas Water program inquiry

Please see the response to the TX State Auditor. The MT response is almost ready, but we are waiting for OW to get back to us on a question we need addressed concerning the DW SRF Compliance Supplement. I'm on my way now. Sorry, I was putting out fires...

Denise A. Polk, Director
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1200 Pennsylvania Avenue, NW
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(202) 564-5306 (Phone)
(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Holliday, Kysha
Sent: Thursday, January 11, 2018 1:40 PM
To: Polk, Denise <Polk.Denise@epa.gov>; Miller, Tracey <Miller.Tracey@epa.gov>; Platt, Sheila <Platt.Sheila@epa.gov>; Rubin, Howard E <Rubin.HowardE@epa.gov>
Cc: Jones, Laurice <Jones.Laurice@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Drummond, James <Drummond.James@epa.gov>
Subject: FW: State of Texas Water program inquiry

All,

Attached is EPA's formal response to the State of Texas auditor (Susan Warren), re: clarification of single requirements for recipients of loans under the DW SRF 2017 Compliance Supplement.

Thanks

kch
****

Kysha Carter Holliday
Deputy Director
National Policy, Training and Compliance Division
Office of Grants and Debarment
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW | MC 3903R | Washington, DC 20460
Office 202.564.1639 | Fax 202.564-2450
Holliday.Kysha@epa.gov

Success is a journey, not a destination"

From: Holliday, Kysha
Sent: Thursday, January 11, 2018 1:36 PM
To: 'smwarren@kpmg.com' <smwarren@kpmg.com>
Cc: Nikaidoh, Leah <Nikaidoh.Leah@epa.gov>
Subject: RE: State of Texas Water program inquiry

Susan,

Leah Nikaidoh with the EPA OIG asked that I respond to your request for clarification on the audit requirements recipients of loans under the Drinking Water SRF 2017 Compliance Supplement. I have responded to each of the four questions you submitted below in blue. Your questions stem from what appears to be an inconsistency between the exclusion of loans made by DW SRF capitalization grant recipients from EPA's Subaward Policy and the following statement from the 2017 Compliance Supplement:

> "DWSRF amounts are awarded by EPA to States as grants. The States then makes subawards in the form of loans to its subrecipients. Therefore, in determining the amount of Federal funds expended to be reported on the Schedule of Expenditures of Federal Awards (SEFA), subrecipients receiving DWSRF loans should include project expenditures incurred under these loans during the audit period".

We understand how these statements as cited in the 2017 Compliance Supplement appear to conflict with EPA's Subaward Policy. EPA used the term "subaward" to refer to DWSRF loans prior to the promulgation of the 2 CFR Part 200 Uniform Grant Guidance (UGG) and the 2017 Compliance Supplement continued that practice. Under regulations in effect prior to the UGG (40 CFR Part 31) the term "subgrant" was used to describe transactions in which EPA recipients provided funding to eligible sub-grantees in transactions that did not include repayment requirements or otherwise relate to loans. The definition of *Subgrant* at 40 CFR 31.3 expressly excluded loans and similar arrangements as did the definition of "Subaward" at 40 CFR 30.22(ff). EPA's current position as reflected in our Subaward Policy is that there has been no change in Federal policy such that for the purposes of the Uniform Grant Guidance loans DW SRF capitalization grant recipients make with EPA funds or equivalency funds are not "Subawards" as that term is used in the UGG. EPA will be clarifying this situation in the 2018 Compliance Supplements for the Drinking Water and Clean Water SRFs.

1. **If EPA does not want the drinking and clean water funds to be accounted for as subrecipients, what are these payments called?** Payments to "financial assistance recipients" if the transaction is an SRF loan. There are situations in which an SRF capitalization grant recipient does enter into subawards as that term is used in the UGG under authority in EPA's annual appropriation acts to make "grants".

2. **Generally you would either test allowability, eligibility, or subrecipients for payments. Clearing eligibility is not correct** We do not understand this question. Recipients of loans and other financial assistance must be eligible to participate in the state's SRF programs as provided by 40 CFR 35.3115 and 35.3520.

3. **The challenge with allowability is in Texas situation, the entity below Texas is responsible for paying the bills and then asking Texas for reimbursement. So the allowability process does not exist at the state level to test. We would need guidance for entities that have this structure, what compliance requirements EPA would consider direct and material**. We do

not fully understand this question. Financial assistance recipients such as borrowers must request reimbursement only for costs that are allowable under the terms of their loan agreement with the state of Texas which should include applicable EPA requirements.

4. **Also if EPA wants these funds not treated as subrecipients, there is no longer a requirement for the entity to receive a single audit as the funds would not be subject to be reporting on their SEFA. This seems to further complicate audit coverage if you combine with question 3 above.** Your assumption is not correct. The Audit Requirements of 2 CFR Part 200, Subpart F apply to loans made by CW and DW SRF capitalization grant recipients. These requirements include the provisions at 2 CFR 200.502, Basis for determining Federal awards expended and 2 CFR 200.510(b), Schedule for expenditure of Federal awards. CW and DW SRF amounts are awarded by EPA to States as grants. The States then makes loans to SRF borrowers. Therefore, in determining the amount of Federal funds expended to be reported on the Schedule of Expenditures of Federal Awards (SEFA), assistance recipients (borrowers) receiving DWSRF federal funds or an amount equal to the capitalization grant (equivalency) should include project expenditures incurred under these loans during the audit period as provided in OMB Circular A-133 § 205(a)/2 CFR section 200.502(a). These are loans from State programs, not direct Federal loans and, therefore, neither OMB Circular A-133 § .205(b) nor § .205(d)/2 CFR sections 200.502(b) or (d) apply when calculating the amount of Federal funds expended.

EPA will be sure to advise single auditors if the Agency's position changes following consultation with OMB. In the meantime, if you have any additional questions regarding this matter, please contact me or Leah Nikaidoh directly.

Best,

kch
****

Kysha Carter Holliday
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Holliday.Kysha@epa.gov

Success is a journey, not a destination"

From: Warren, Susan M
Sent: Thursday, November 16, 2017 11:39 AM
To: Nikaidoh, Leah <Nikaidoh.Leah@epa.gov>
Cc: Letts, Jane H <jletts@kpmg.com>; Rebecca Trevino (rebecca.trevino@twdb.texas.gov) <rebecca.trevino@twdb.texas.gov>
Subject: RE: State of Texas Water program inquiry

Thank you Leah for the phone call. To summarize for Jane and Rebecca, there is a meeting on Monday that could potentially help with an answer to our question below which at the highest level is "are drinking water funds to be treated as subawards/subrecipients for single audit purposes (i.e. post award requirements under UGG)?"

Per our conversation, some more specific questions are:

1. If EPA does not want the drinking and clean water funds to be accounted for as subrecipients, what are these payments called?
2. Generally you would either test allowability, eligibility, or subrecipients for payments. Clearing eligibility is not correct
3. The challenge with allowability is in Texas situation, the entity below Texas is responsible for paying the bills and then asking Texas for reimbursement. So the allowability process does not exist at the state level to test. We would need guidance for entities that have this structure, what compliance requirements EPA would consider direct and material.
4. Also if EPA wants these funds not treated as subrecipients, there is no longer a requirement for the entity to receive a single audit as the funds would not be subject to be reporting on their SEFA. This seems to further complicate audit coverage if you combine with question 3 above.

Thank you for an assistance you can provide,
Susan

Susan Warren
512-320-5185
smwarren@kpmg.com

From: Warren, Susan M
Sent: Thursday, November 16, 2017 9:29 AM
To: 'Nikaidoh, Leah' <Nikaidoh.Leah@epa.gov>
Cc: Letts, Jane H <jletts@kpmg.com>; Rebecca Trevino (rebecca.trevino@twdb.texas.gov) <rebecca.trevino@twdb.texas.gov>
Subject: RE: State of Texas Water program inquiry

Thank you Leah. Do you have an estimated timeline? I ask because we are near the end of the 2017 audit for Texas and have the matters noted below as open items.
Susan

Susan Warren
512-320-5185
smwarren@kpmg.com

From: Nikaidoh, Leah [mailto:Nikaidoh.Leah@epa.gov]
Sent: Thursday, November 16, 2017 9:28 AM
To: Warren, Susan M <smwarren@kpmg.com>
Cc: Letts, Jane H <jletts@kpmg.com>; Rebecca Trevino (rebecca.trevino@twdb.texas.gov) <rebecca.trevino@twdb.texas.gov>
Subject: RE: State of Texas Water program inquiry

Good morning Susan:

I am meeting with EPA's Office of Water and Office of Grants and Debarment to discuss the matter below, as well as some other compliance supplement issues. EPA plans to modify the compliance supplement to address

language issues raised as a result of the EPA policy memo. Once we have met, we will get back to you regarding your question.

Thank you,

Leah L. Nikaidoh
Project Manager/National Single Audit Coordinator
US EPA – Office of the Inspector General
nikaidoh.leah@epa.gov
513.487.2365 (w)
513.490.2292 (c)

From: Warren, Susan M [mailto:smwarren@kpmg.com]
Sent: Thursday, November 16, 2017 7:37 AM
To: Nikaidoh, Leah <Nikaidoh.Leah@epa.gov>
Cc: Letts, Jane H <jletts@kpmg.com>; Rebecca Trevino (rebecca.trevino@twdb.texas.gov) <rebecca.trevino@twdb.texas.gov>
Subject: State of Texas Water program inquiry

Leah –

My name is Susan Warren with KPMG. Mandy Nelson had reached out to you a few months ago with a question regarding EPA Policy 16-01 which included the statement (top of page 3 in the attached, highlighted): "additionally, for the purposes of this subaward policy subawards do not include loans…" Our question was to seek guidance on how to audit Drinking (66.468) Water as the 16-01 policy appeared to conflict with the compliance supplement guidance "DWSRF amounts are awarded by EPA to States as grants. The States then makes subawards in the form of loans to its subrecipients. Therefore, in determining the amount of Federal funds expended to be reported on the Schedule of Expenditures of Federal Awards (SEFA), subrecipients receiving DWSRF loans should include project expenditures incurred under these loans during the audit period". It was our understanding that you had noted the EPA policy 16-01 was addressing that states did not need to comply with the pre-award subaward agreements in Uniform Guidance but the awards were concerned subawards for single audit purposes as noted in the compliance supplement.

Subsequent to this conversation, Texas reached out to their Dallas EPA contact to seek a waiver for two of the subaward requirements in Uniform Guidance that they were not currently performing – notification of the CFDA at time of disbursement and inclusion of the indirect cost provisions in the grant award documents. The guidance that Texas received back appears to conflict your conversation with Mandy Nelson above. Specifically, the Dallas letter notes on page 1 (see highlight) "A waiver from EPA is not necessary since 2 CFR 200.331 *Requirements for pass-through entities*" does not apply to loans made under the Clean Water and Drinking Water State Revolving Fund Loan Programs". As written, the Dallas EPA letter appears to be stating the compliance supplement is not correct as subaward requirements do not apply.

We would appreciate your clarification as to whether the post award subaward requirements in Uniform Guidance apply to Clean and Drinking Water funds. Said another way, are these awards to be treated as subawards for compliance and SEFA reporting purposes.

I have also included Jane Letts, KPMG partner who is working with myself on the Texas audit, and Rebecca Trevino, the CFO for Texas Water Development Board. If a phone call would be better to discuss, we are all available on November 21st all day and the morning of November 22nd.

Thank you in advance for your assistance,
Susan

Susan Warren
512-320-5185
smwarren@kpmg.com

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****

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****

Message

From: Polk, Denise [Polk.Denise@epa.gov]
Sent: 1/11/2018 2:05:11 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]; Showman, John [Showman.John@epa.gov]; Cooper, Marian [Cooper.Marian@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]; Sylvester, Kenneth [Sylvester.Kenneth@epa.gov]
Subject: Fwd: CWSRF Compliance Supplement and Update on the DW SRF Compliance Supplement and Responses to the State Auditors

FYI. Howard Rubin responded late last night so we will review his comments and then finalize the other two letters for the State Auditors and the DW SRF Compliance Supplement today. I will keep you posted.

Please let me know if you have any questions or concerns. Thanks!

Denise A. Polk, Director
Office of Grants and Debarment (OGD)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)
(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

Begin forwarded message:

> **From:** "Polk, Denise" <Polk.Denise@epa.gov>
> **Date:** January 11, 2018 at 8:57:59 AM EST
> **To:** "Nikaidoh, Leah" <Nikaidoh.Leah@epa.gov>
> **Cc:** "Drummond, James" <Drummond.James@epa.gov>, "Rubin, Howard E" <Rubin.HowardE@epa.gov>, "Askew, Wendel" <Askew.Wendel@epa.gov>, "Holliday, Kysha" <Holliday.Kysha@epa.gov>, "Jones, Laurice" <Jones.Laurice@epa.gov>, "Sylvester, Kenneth" <Sylvester.Kenneth@epa.gov>, "Platt, Sheila" <Platt.Sheila@epa.gov>, "Fort, Felecia" <Fort.Felecia@epa.gov>, "Chamberlain, Nick" <Chamberlain.Nick@epa.gov>, "Miller, Tracey" <Miller.Tracey@epa.gov>
> **Subject: Re: CWSRF Compliance Supplement and Update on the DW SRF Compliance Supplement and Responses to the State Auditors**
>
> Greetings, Leah, we are working on getting you the remaining documents today. Thanks for your patience!
>
> Thanks everyone your assistance!
>
> Denise A. Polk, Director
> Office of Grants and Debarment (OGD)
> U.S. Environmental Protection Agency
> 1200 Pennsylvania Avenue, NW
> Mail Stop: 3901R
> Washington, DC 20460
>
> (202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

On Jan 11, 2018, at 8:48 AM, Nikaidoh, Leah <Nikaidoh.Leah@epa.gov> wrote:

Good morning Denise:

Thank you for the clarification - this is very helpful, and will be useful when doing the big 2019 Compliance Supplement Update.

Leah

From: Polk, Denise
Sent: Wednesday, January 10, 2018 7:34 PM
To: Nikaidoh, Leah
Cc: Drummond, James; Rubin, Howard E; Askew, Wendel; Holliday, Kysha; Jones, Laurice; Sylvester, Kenneth; Drummond, James; Platt, Sheila; Fort, Felecia; Chamberlain, Nick; Miller, Tracey
Subject: RE: CWSRF Compliance Supplement and Update on the DW SRF Compliance Supplement and Responses to the State Auditors

Greetings, Leah,

OGD is working diligently to get you the information I promised, but before I can provide the DW SRF Compliance Supplement and the responses to the TX and MT State Auditors, I will need to coordinate with OW, which I don't expect to happen until tomorrow morning. As soon as these documents have been cleared, I promise to send them your way. We are able to respond to the WA State Auditor and you will receive a copy of that response shortly. I also corrected the typographical error on page 3 of the CW SRF Compliance Supplement to read as follows: 200.317 – 200.326. The corrected version is attached for your convenience.

Also, provided below are the answers to your questions in red.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks for your patience. I will be in touch tomorrow morning.

Denise A. Polk, Director

Office of Grants and Debarment (OGD)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)

(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Nikaidoh, Leah
Sent: Wednesday, January 10, 2018 5:20 PM
To: Polk, Denise <Polk.Denise@epa.gov>
Cc: Drummond, James <Drummond.James@epa.gov>
Subject: CWSRF Compliance Supplement

Hi Denise:

Thank you for getting this document to me. I have a basic question, but I think it significantly impacts the single audit program for SRFs.

For subrecipient monitoring, is EPA saying that assistance in the form of loans to its borrowers is no longer subject to subrecipient monitoring by the state? If so, then two questions:

Ex. 5 - Deliberative Process

Is this EPA's intent to substantially eliminate having single audit performed of its loan recipients?

Regarding procurement determination, what is your position if the state is doing the procurement for these projects? Would the state auditor then review the procurement process at the state level?

I would be happy to discuss this with you further. Again, I am trying to gain an understanding of what EPA's intent is. Thank you.

Leah

Message

From: Polk, Denise [Polk.Denise@epa.gov]
Sent: 1/11/2018 12:50:45 AM
To: Vizian, Donna [Vizian.Donna@epa.gov]; Showman, John [Showman.John@epa.gov]; Cooper, Marian [Cooper.Marian@epa.gov]; Bell, Matthew [Bell.Matthew@epa.gov]
CC: Sylvester, Kenneth [Sylvester.Kenneth@epa.gov]
Subject: FW: Concerns regarding the impact of the April 8, 2016 memo from the EPA Office of Water

Greetings, Donna,

Please see the response to the Washington State Auditor. Thanks!

Denise A. Polk, Director
Office of Grants and Debarment (OGD)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Stop: 3901R
Washington, DC 20460

(202) 564-5306 (Phone)
(202) 306-1056 (Cell)
Email: Polk.Denise@epa.gov

From: Holliday, Kysha
Sent: Wednesday, January 10, 2018 7:47 PM
To: Polk, Denise <Polk.Denise@epa.gov>; Miller, Tracey <Miller.Tracey@epa.gov>; Platt, Sheila <Platt.Sheila@epa.gov>; Rubin, Howard E <Rubin.HowardE@epa.gov>
Cc: Jones, Laurice <Jones.Laurice@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Drummond, James <Drummond.James@epa.gov>
Subject: FW: Concerns regarding the impact of the April 8, 2016 memo from the EPA Office of Water

All,

Attached is EPA's formal response to the State of Washington auditor re: clarification of single requirements for subrecipient monitoring.

Thanks

kch
****

Kysha Carter Holliday
Deputy Director
National Policy, Training and Compliance Division
Office of Grants and Debarment
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW | MC 3903R | Washington, DC 20460
Office 202.564.1639 | Fax 202.564-2450
Holliday.Kysha@epa.gov

Success is a journey, not a destination"

From: Holliday, Kysha
Sent: Wednesday, January 10, 2018 7:41 PM
To: 'cavan.busch@sao.wa.gov' <cavan.busch@sao.wa.gov>
Cc: Nikaidoh, Leah <Nikaidoh.Leah@epa.gov>
Subject: FW: Concerns regarding the impact of the April 8, 2016 memo from the EPA Office of Water

Cavan,

Thank you for taking the time to chat with me earlier this afternoon. This email serves as EPA's formal response to the question(s) you raised with Leah Nikaidoh (EPA OIG) regarding clarification of the single audit requirements for subrecipient monitoring under the Drinking Water SRF 2017 Compliance Supplement.

The supplement in "IV. Other Information" makes the following statement "DWSRF amounts are awarded by EPA to States as grants. The States then makes subawards in the form of loans to its subrecipients." The supplement further indicates that "Subrecipient monitoring" by states is required.

We understand how these statements could be misinterpreted as requiring states to comply with the Subrecipient Monitoring and Management requirements of 2 CFR 200.300 through 200.332 in the Uniform Grant Guidance (UGG). However, EPA's current position as reflected in our Subaward Policy is that for the purposes of the Uniform Grant Guidance, loans DW SRF capitalization grant recipients make with EPA funds or equivalency funds are not "Subawards" as that term is used in the UGG. Rather, auditors should focus on whether the state is following its own procedures (as supplemented by any applicable DW SRF guidance) for overseeing loan performance. We will be clarifying this matter in the 2018 Compliance Supplement for the DW SRF.

The basis for our position is below:

As illustrated in 2 CFR 200.40, the provisions of the Uniform Grant Guidance create a distinction between financial assistance funding provided in the form of loans, loan guarantees, interest subsidies, and insurance versus funding provided in the form of other financial assistance, such as grants. Most provisions of the Uniform Grant Guidance with the exception of the Audit Requirements of 2 CFR Part 200, Subpart F and requirement to provide public notice of Federal financial assistance programs under 2 CFR 200.202 do not apply to loans made by CW and DW SRF capitalization grant recipients. Other types of financial assistance provided by a state CW or DW SRF agency that are not covered by a regulatory exception are subject to the requirements for pass through entities, including subrecipient monitoring, among other applicable provisions of the Uniform Grant Guidance.

EPA will be sure to advise single auditors if the Agency's position changes following consultation with OMB. In the meantime, if you have any additional questions regarding this matter, please contact me or Leah Nikaidoh directly.

Best,

kch
****

Kysha Carter Holliday
Deputy Director
National Policy, Training and Compliance Division
Office of Grants and Debarment

US Environmental Protection Agency
1200 Pennsylvania Avenue, NW | MC 3903R | Washington, DC 20460
Office 202.564.1639 | Fax 202.564-2450
Holliday.Kysha@epa.gov

Success is a journey, not a destination"

From: Busch, Cavan (SAO) [mailto:buschc@sao.wa.gov]
Sent: Tuesday, December 12, 2017 11:51 AM
To: Nikaidoh, Leah <Nikaidoh.Leah@epa.gov>
Subject: FW: Concerns regarding the impact of the April 8, 2016 memo from the EPA Office of Water

Good morning Ms. Nikaidoh,

I wanted to follow up on this request regarding clarification of single audit requirements for CFDA 66.468. We are very close to our deadline and need to make a decision in the next day or two as to how we will proceed. I would really like to have guidance before that because our understanding is different than the Department's and this will therefore create problems for everyone moving forward. Do you think you could provide us the guidance we requested within the next few days?

Thank you for your assistance.

CAVAN BUSCH
ASSISTANT AUDIT MANAGER
TEAM SINGLE AUDIT
(360) 725-5578
CAVAN.BUSCH@SAO.WA.GOV

From: Busch, Cavan (SAO)
Sent: Thursday, November 30, 2017 8:35 AM
To: 'nikaidoh.leah@epa.gov' <nikaidoh.leah@epa.gov>
Subject: Concerns regarding the impact of the April 8, 2016 memo from the EPA Office of Water

Hello Ms. Nikaidoh,

Thank you again for your time this morning. The issue we brought to you is very important to our audit, and extremely time sensitive, so I appreciate your prompt response and willingness to discuss it. In order to keep track of the issue and make sure we have a common understanding I have summarized our concern below.

While conducting our audit of the Drinking Water State Revolving Fund Cluster(CFDA 66.468) the Department provided us with an EPA memo dated April 8, 2016 with a subject line of "Uniform Grant Guidance Procurement Standards and Indirect Cost Provision Application to Clean Water and Drinking Water SRF Loans." The Department's position on this memo is that it removed the classification of subawards from the loans they give out, and therefore also removed all subaward requirements, such as those found in the Subrecipient Monitoring section of the compliance supplement. Our reading of this memo is that it only removes some standard uniform guidance requirements related to procurement and indirect costs. The problematic piece for us is the last three paragraphs of section A in the memo appear to reclassify these loans as not being subawards. As you are aware, the compliance supplement for the Drinking Water grant specifically states, under IV. Other Information, "DWSRF amounts are awarded by EPA to States as grants. The States then makes subawards in the form of loans to its subrecipients." In addition, the supplement states subrecipient monitoring is applicable to the program.

What we are asking for is clarification as to whether the referenced memo changed any of our audit requirements other than those related to Procurement and indirect costs. Either way, we are requesting written clarification and specific guidance as to what, if any, modifications should be made to the audit criteria in the 2017 compliance supplement, especially with regards to subrecipient monitoring requirements. Due to how late we are in the audit cycle we would like to request a response by December 11 (we are to have all field work completed by December 31, 2017).

Thank you again for your assistance.

CAVAN BUSCH
ASSISTANT AUDIT MANAGER
TEAM SINGLE AUDIT
(360) 725-5578
CAVAN.BUSCH@SAO.WA.GOV

Message

From: Showman, John [Showman.John@epa.gov]
Sent: 2/2/2018 4:40:52 PM
To: Greaves, Holly [greaves.holly@epa.gov]
CC: Vizian, Donna [Vizian.Donna@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Patrick, Kimberly [Patrick.Kimberly@epa.gov]
Subject: FW: contractor data
Attachments: Services_Spend_Report.xls

Holly – hopefully this is what you were looking for? If not let Pam or me know. Thanks.

From: Legare, Pamela
Sent: Friday, February 02, 2018 11:35 AM
To: Showman, John <Showman.John@epa.gov>
Cc: Patrick, Kimberly <Patrick.Kimberly@epa.gov>
Subject: RE: contractor data

Hi John,

See attached Spend Report for Services Contracts.

Pamela D. Legare, Deputy Director
Office of Acquisition Management (OAM)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room # 61234
Mail Stop: 3801R
Washington, DC 20460
(202) 564-4310 (Phone)
(937) 205-3694 (Mobile)
(202) 565-2475 (FAX)
Email: legare.pamela@epa.gov

From: Showman, John
Sent: Friday, February 02, 2018 9:51 AM
To: Patrick, Kimberly <Patrick.Kimberly@epa.gov>; Legare, Pamela <Legare.Pamela@epa.gov>
Subject: FW: contractor data
Importance: High

?????

From: Greaves, Holly
Sent: Friday, February 02, 2018 9:47 AM
To: Showman, John <Showman.John@epa.gov>
Subject: contractor data

Hi John,

Donna said Kimberly would be able to have actual spend, annualized contractor data this week. I believe she was coordinating with OCFO. Do you know where she stands on this data pull?

Thanks,
Holly