Message

From: Burden, Susan [Burden.Susan@epa.gov]
Sent: 3/9/2017 1:36:21 PM
To: Flynn, Mike [Flynn.Mike@epa.gov]
CC: Knapp, Kristien [Knapp.Kristien@epa.gov]; Naples, Eileen [Naples.Eileen@epa.gov]
Subject: RE: Briefing papers
Attachments: APPENDIX RFS 2018 Annual Rule update for Administrator 3.7.2017.v4.pptx; RFS Update 3 7 2017.docx; Near-Term TSCA Actions, final.docx; CCR one pager 3_7_17 final.docx

Hi Mike,

Attached are the electronic versions of the documents you shared with Ryan on Tuesday. Note that the RFS briefing paper has two parts -- the Word file and the PowerPoint file. Please let me know if you have any questions or need additional information.

Thanks,

Susan

Susan Burden, Ph.D.
Special Assistant (ORD, OCSPP, OCHP, SAB)
Office of the Administrator
U.S. Environmental Protection Agency
Office: (202) 564-6308
Cell: Ex. 6 Personal Privacy (PP)

-----Original Message-----
From: Knapp, Kristien
Sent: Thursday, March 09, 2017 7:11 AM
To: Burden, Susan <Burden.Susan@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Re: Briefing papers

Susan - can I send you all of them, and once you have them all, can you compile and send them in one email to Mike? (So he can get them right away this morning.)

Sent from my iPhone

> On Mar 9, 2017, at 7:08 AM, Burden, Susan <Burden.Susan@epa.gov> wrote:
>
> Kristien will have to send them -- I only have the OCSPP one (you also have that in your email).
>
> Thanks,
>
> Susan
>
>
> Special Assistant (ORD, OCSPP, OCHP, SAB) Office of the Administrator
> U.S. Environmental Protection Agency
> Phone: (202) 564-6308 | Ex. 6 Personal Privacy (PP)
>
>> On Mar 9, 2017, at 7:05 AM, Flynn, Mike <Flynn.Mike@epa.gov> wrote:
>>
>> Can one of you send me the set of briefing papers we provided to Ryan
>> late Tuesday - thanks
>>
>> Mike Flynn
>> Acting Deputy Administrator
>> U.S. Environmental Protection Agency
>> (202) 564-4711

Background and Status Update on Development of Guidance for Developing and Approving a State CCR Permit Program as Authorized by the WIIN Act of 2016

Key Points:

- The CCR Final Rule, published in the Federal Register on April 17, 2015 was promulgated under provisions in subtitle D of RCRA that did not give EPA the authority to approve State permit programs.
- The WIIN Act of 2016 changed that by providing EPA the authority to approve State permit programs.
- We have been actively working with our Regions and State partners to understand their issues and to develop appropriate guidance.
- Below is background on the rule and a short summary of our efforts to date.

The CCR Rule and State Solid Waste Management Plans

- The CCR rule was published on April 17, 2015 and became effective on 10/14/2015.
- The CCR rule imposes minimum federal requirements directly on the facilities that dispose of CCR in landfills and surface impoundments (CCR units). The rule is also self-implementing, meaning that owners and operators of CCR units must comply with the regulatory requirements without any additional action by a state or federal regulator.
- The rule was promulgated under the authority available to EPA under subtitle D of RCRA for these wastes, which does not authorize States to adopt or implement the regulations or to develop a permit program that operates "in lieu of" the Federal program. In addition, the statute did not provide EPA with any enforcement authority.
- In order to address the CCR rule implementation challenges posed by the statutory limitations, EPA strongly recommended in the Preamble to the final rule that the states adopt regulations for CCR disposal units that are at least as stringent as the federal regulations and/or the revise their Solid Waste Management Plans (SWMPs) to demonstrate how CCR disposal units will be regulated in their state.
- EPA further noted that where EPA approved the SWMP, this signaled EPA's opinion that the state SWMP met the minimum federal criteria. The statute authorizes a state with an approved SWMP to extend regulatory compliance dates up to five years from the date of promulgation of the rule under certain circumstances. However, even with an approved SWMP, the state regulations still would not operate "in lieu of" the federal CCR regulations.
- States with SWMP approval include Kansas (10/2015), Virginia (partial approval 10/2016) and Indiana (3/2017).

WIIN Act of 2016

- Section 2301 amends Section 4005 of RCRA and provides EPA the authority to approve State permit programs and enforcement authority.
    - States may (but are not required to) develop and submit CCR permit program to EPA for approval.
    - Program does not have to be identical to CCR regulations, but must "require each coal CCR unit in the State to achieve compliance with either: (1) the Federal requirements or (2) other State criteria that are "at least as protective as" the Federal requirements.
    - Public notice and opportunity for comment required prior to EPA approval.
    - EPA may approve a program "in whole or in part".
    - EPA has 180 days from the date the State submits the evidence EPA determines to be needed to review the program to act on the application.
    - EPA must issue permits for CCR facilities in Indian Country, and, only if specific appropriations are granted, must issue permits for CCR facilities in states without an approved program.
    - Once a permit issued under an approved State Program or by EPA is in effect, it operates "in lieu of" the federal rule. Until that time, the federal CCR regulations apply.

Current EPA Activities

- Developing Tools to Implement the New Legislation
    - Delegations Package
    - Determine Allowable State Program Flexibilities
    - Developing FAQs
    - Coordinate with ORCR Tribal Team for Indian Country Facilities
    - Develop Draft Guidance for States (followed by Rulemaking if necessary)
    - Identify Enforcement Priorities
    - Develop Outreach and Training
        - Bi-weekly calls with Regions
        - One-on-one calls with individual Regions and their States
        - Working with ASTSWMO

- Draft CCR Permit Program Guidance for States
    - Plan is to initially develop the technical and administrative approach to reviewing/approving a permit program in the form of a guidance document
    - Then elevate the decision making to determine if regulations are necessary
    - Modeling draft guidance on a number of existing sources including part 239 and part 258
    - The guidance will outline the required elements of a state CCR permit program

Schedule

- Share with Regions/Discuss with ASTSWMO (week of April 24)
- Finalize (Summer 2017)

Message

From: Hilosky, Nick [Hilosky.Nick@epa.gov]
Sent: 3/7/2017 9:55:14 PM
To: Flynn, Mike [Flynn.Mike@epa.gov]
CC: Naples, Eileen [Naples.Eileen@epa.gov]; Reeder, John [Reeder.John@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Connors, Sandra [Connors.Sandra@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]
Subject: OLEM Briefing papers for the Administrator
Attachments: CCR one pager 3_7_17 final.docx; Ex. 5 Deliberative Process (DP) k; FFRRO PFAS site involvement 3-7-17.docx

Importance: High

Hi Mike,
Barry asked me to respond on his behalf. Attached is a briefing paper on CCR, as requested. In addition, although OLEM was not listed under the PFOA/PFAS item, we wanted to provide some supporting docs for that as well. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,
Nick

Nicholas J. Hilosky
Special Assistant
Office of Land and Emergency Management
US Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460
ph: 202-566-1942; fax: 202-566-0207
mobile: Ex. 6 Personal Privacy (PP)

From: Flynn, Mike
Sent: Monday, March 06, 2017 7:02 PM
To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Kavlock, Robert <Kavlock.Robert@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Threet, Derek <Threet.Derek@epa.gov>; Naples, Eileen <Naples.Eileen@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Reeder, John <Reeder.John@epa.gov>
Subject: Briefing papers for the Administrator

Wendy, Sarah, Barry, Mike, Bob,

As I discussed in today's Senior Staff meeting, Ryan requested that we have briefing papers ready for the Administrator when he returns to the office this Wednesday on the following topics:

OCSPP: TSCA Deadlines coming up (Wendy: I know you are also working on a paper on Chlorpyrifos for Ryan)
OAR: Status of meeting the November RVO's
OLEM: Status of guidance on how States submit State permit plans for Agency approval under CCR
ORD/OW/OCSPP/Regions: Status of Agency actions on PFOA and PFOS

Please provide your briefing papers to your AO special assistants by cob tomorrow (Tuesday) so we can pull them together for Ryan for Wednesday morning. Thanks in advance for the quick turnaround.

Bob – see my earlier email - please let me or Susan Burden know how quickly you can turn around a paper on PFOA/PFOS.

Thanks, Mike

Message

From: Flynn, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=735BF2D12A064B0998510511C5B4644B-MFLYNN]
Sent: 3/10/2017 6:08:50 PM
To: Naples, Eileen [Naples.Eileen@epa.gov]
Subject: FW: FYI - Briefing papers
Attachments: APPENDIX RFS 2018 Annual Rule update for Administrator 3.7.2017.v4.pptx; RFS Update 3 7 2017.docx; Near-Term TSCA Actions, final.docx; CCR one pager 3_7_17 final.docx

Eileen, I need a little help with these - will explain at our Specials meeting at 1:30. thx

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
202-564-4711

-----Original Message-----
From: Flynn, Mike
Sent: Thursday, March 09, 2017 11:28 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Schnare, David <schnare.david@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: FYI - Briefing papers

Samantha, Byron and David,

FYI I'm passing on briefing papers for the Administrator on three issues that Ryan asked for earlier this week. I provided to him late Tuesday - these include papers on:

- TSCA Deadlines coming up
- Renewable Fuel Standards (briefing paper has two parts -- the Word file and the PowerPoint file)
- Status of guidance on how States submit State permit plans for Agency approval under Coal Combustion Residuals (CCR) rule

Let me know if you have any questions.

Mike

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
202-564-4711

Message

From: Flynn, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=735BF2D12A064B0998510511C5B4644B-MFLYNN]
Sent: 3/9/2017 4:28:12 PM
To: Dravis, Samantha [dravis.samantha@epa.gov]; Schnare, David [schnare.david@epa.gov]; Brown, Byron [brown.byron@epa.gov]
Subject: FYI - Briefing papers
Attachments: APPENDIX RFS 2018 Annual Rule update for Administrator 3.7.2017.v4.pptx; RFS Update 3 7 2017.docx; Near-Term TSCA Actions, final.docx; CCR one pager 3_7_17 final.docx

Samantha, Byron and David,

FYI I'm passing on briefing papers for the Administrator on three issues that Ryan asked for earlier this week. I provided to him late Tuesday - these include papers on:

- TSCA Deadlines coming up
- Renewable Fuel Standards (briefing paper has two parts -- the Word file and the PowerPoint file)
- Status of guidance on how States submit State permit plans for Agency approval under Coal Combustion Residuals (CCR) rule

Let me know if you have any questions.

Mike

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
202-564-4711

Appointment

From: Bailey, Ethel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9B33DD651FA04119BE02B7B6B151FF91-BAILEY, ETHEL]
Sent: 3/13/2017 3:03:20 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]

Subject: ABA CLE Conference
Location: Morgan, Lewis & Bockius, LLP at 1111 Pennsylvania Avenue N.W.

Start: 5/18/2017 5:00:00 PM
End: 5/18/2017 7:00:00 PM
Show Time As: Busy

Ethel - Please mark this on my calendar for May 18, from 12-3 pm. Thanks.

John – Please put this into the system for tracking speeches.

Larry

From: Bruno, Kevin J. [mailto:kbruno@BlankRome.com]
Sent: Wednesday, March 08, 2017 1:04 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Dighe, Kris (ENRD) <Kris.Dighe@usdoj.gov>
Subject: RE: ABA CLE on May 18, 2017 - Washington DC

Thank you for the introduction, Kris.

Larry, it would be an honor and our pleasure to have you speak at the annual conference our ABA Section of Litigation Environmental & Energy Litigation Committee has been holding for the last four years. The program is scheduled to be held at the DC offices of Morgan Lewis on May 18, and will run from 1 pm to ~5:15 pm, with a cocktail reception to follow. As you can see from the attached brochure from last year's event, our practice has been to have the lead environmental enforcement counsel from USDOJ (until now, John Cruden) be one of our keynote speakers and to have that person address for ~60 minutes the anticipated DOJ enforcement initiatives in the environmental and energy areas. This year that spot will be handled by DOJ's Acting Assistant Attorney General for the Environment & Natural Resources Division, Jeff Wood. We have then followed that discussion with our 2nd keynote speaker from USEPA, which in the past has been Cynthia Giles. This is the spot you would fill and we would let you determine the topics you would like to cover. In that regard, you can expect that most of the audience will be well-experienced environmental and energy regulatory counsel and litigators.

With respect to our Committee, we have ~2,000 members nationwide and this event draws not only from that membership but also from the ~60,000 members of the

Section of Litigation, as well as members of SEER. I mention these numbers not because we expect hundreds of people to be attending, although we would not turn them away (we expect at least 100 people will attend, as well as members of the press), but because this particular event, and John Cruden and Cynthia Giles' remarks in particular, have been picked up each year and widely distributed within the ABA, by the Associated Press and by most of the major environmental news outlets and publications. As such, it would be expected that news of your attendance and remarks would be widely distributed, hopefully to an audience that you and EPA would like to reach.

Please let us know/confirm your availability to speak at this May 18 event whenever you get the chance, or if you have any questions please feel free to call or e-mail me.

Regards,

Kevin

Kevin J. Bruno | Blank Rome LLP
Partner and Chair, Environmental, Energy & Mass Torts Practice Group
The Chrysler Building
405 Lexington Avenue| New York, NY 10174-0208
Phone: Ex. 6 Personal Privacy (PP) | Fax: 212.885.5002 | Email: KBruno@BlankRome.com

From: Dighe, Kris (ENRD) [mailto:Kris.Dighe@usdoj.gov]
Sent: Wednesday, March 8, 2017 11:17 AM
To: Bruno, Kevin J. <kbruno@BlankRome.com>; Starfield.lawrence@Epa.gov
Subject: ABA CLE on May 18, 2017 - Washington DC

Good morning, gentlemen. Larry Starfield meet Kevin Bruno; Kevin, Larry.

Larry: Kevin will be able to provide more information about the program than I, as well as logistical details. We understand that you are a "probable" participant, but we do like to think optimistically.

Thanks,

Kris Dighe
Senior Counsel
Environmental Crimes Section
U.S. Department of Justice

From: Bruno, Kevin J. [mailto:kbruno@BlankRome.com]
Sent: Friday, March 03, 2017 10:55 AM
To: Abby L. Risner (alr@greensfelder.com) <alr@greensfelder.com>; Allan Kanner <a.kanner@kanner-law.com>; Angela M. Dorrell Green Esq. (agreen@psrb.com) <agreen@psrb.com>; Ann E. Prouty (aprouty@faegre.com) <aprouty@faegre.com>; Aron, Debra J. (debra.aron@navigantecconomics.com) <debra.aron@navigantecconomics.com>; Becky Raftery (braftery@bp.com) <braftery@bp.com>; Boyd, Meaghan Goodwin (meaghan.boyd@alston.com) <meaghan.boyd@alston.com>; Buddy Cox <wcox@lightfootlaw.com>; Catherine Riegle Finley <CRiegle@wm.com>; Charles Denton <CDENTON@BTLAW.COM>; Christopher Dean <cdean@mcdonaldhopkins.com>; Cisselon Nichols Hurd <Cisselon.Nichols@shell.com>; Coglianese, Matthew P. <mpcoglianese@arnstein.com>; Daniel J. Dunn

(dan.dunn@hoganlovells.com) <dan.dunn@hoganlovells.com>; Dave R. Erickson Esquire (derickson@shb.com) <derickson@shb.com>; David J. Scriven-Young <DScriven-young@pecklaw.com>; David Weinstein <weinsteind@gtlaw.com>; DeMoss, A. Nicole (nicole.demoss@alston.com) <nicole.demoss@alston.com>; Drapalski Joseph (joseph.drapalski@nortonrosefulbright.com) <joseph.drapalski@nortonrosefulbright.com>; Duke K. McCall III <duke.mccall@morganlewis.com>; Gail Wurtzler <Gail.Wurtzler@dgslaw.com>; Irv Freilich (ifreilich@gibbonslaw.com) <ifreilich@gibbonslaw.com>; Jack Edwards <jedwards@ajamie.com>; James Price <jprice@spencerfane.com>; Jeff Zimmerman [Ex. 6 Personal Privacy (PP)]; Jerry F. English <jenglish@lindabury.com>; Jim Ray <JRAY@RC.com>; jmpollock@foxrothschild.com; John DiChello (john.dichello@aecom.com) <john.dichello@aecom.com>; John Fogarty <Fogarty.Johnpc@epamail.epa.gov>; Jon Rohrer <jrohrer@rouxinc.com>; Jon Schuyler Brooks <jbrooks@phillipsnizer.com>; Julie Carey <julie.carey@navigant.com>; Karen Aldridge Aldridge Crawford Esq. (karen.crawford@nelsonmullins.com) <karen.crawford@nelsonmullins.com>; ken@anspachlawoffice.com; Bruno, Kevin J. <kbruno@BlankRome.com>; Dighe, Kris (ENRD) <KDighe@ENRD.USDOJ.GOV>; Margaret Witherup <mwitherup@gfrlaw.com>; Mark Myers <mmyers@williamskastner.com>; Megan Baroni (mbaroni@rc.com) <mbaroni@rc.com>; Michael R. Leslie (leslie@caldwell-leslie.com) <leslie@caldwell-leslie.com>; Nessa Horewitch Coppinger Esquire (ncoppinger@bdlaw.com) <ncoppinger@bdlaw.com>; Orell@StrategicPropertyAnalytics.com; Patrick McGrath <pmcgrath@navigantconsulting.com>; Peter R. Knight (pknight@rc.com) <pknight@rc.com>; Raftery, Becky (Rebecca.Raftery@uk.bp.com) <Rebecca.Raftery@uk.bp.com>; Ron Oran <ron.oran@strasburger.com>; Rudy R. Perrino <rperrino@wfbm.com>; Sandra Kearney Edwards <sedwards@fbm.com>; Sawula, Andrew N. (asawula@schiffhardin.com) <asawula@schiffhardin.com>; Shawn LaTourette <SLaTourette@gibbonslaw.com>; Stewart D. Fried (sfried@ofwlaw.com) <sfried@ofwlaw.com>; Ted Warpinski <taw@ffsj.com>; Thomas D. Lupo (TLupo@hinshawlaw.com) <TLupo@hinshawlaw.com>; Todd Drucker <tdrucker@jamsadr.com>; Tyler L. Weidlich <tweidlich@bakerdonelson.com>; Will R Taylor <wrtaylor@JonesDay.com>; William Kammer <wkammer@swsslaw.com>
Cc: Rudy R. Perrino (rperrino@wfbm.com) <rperrino@wfbm.com>; Karen Aldridge Crawford Esq. (karen.crawford@nelsonmullins.com) <karen.crawford@nelsonmullins.com>
Subject: FW: SAVE THE DATE: May 18, 2017 - Washington DC

Folks,
All of you should have received the Save The Date message below. Please try to attend and/or send this around to your colleagues. It will be a great program and we need it to be well attended. Thanks everyone!

Kevin

Kevin J. Bruno | Blank Rome LLP
Partner and Chair, Environmental, Energy & Mass Torts Practice Group
The Chrysler Building
405 Lexington Avenue| New York, NY 10174-0208
Phone: [Ex. 6 Personal Privacy (PP)] | Fax: 212.885.5002 | Email: KBruno@BlankRome.com

From: Environmental & Energy Litigation Committee [mailto:ltserve@americanbar.org]
Sent: Thursday, March 2, 2017 4:45 PM
To: Bruno, Kevin J. <kbruno@BlankRome.com>
Subject: SAVE THE DATE: May 18, 2017 - Washington DC

Trouble Viewing? View online.

Environmental and Energy Litigation Committee

Dear Committee Members:

SAVE THE DATE: May 18, 2017 -Washington DC

The ABA Environmental & Energy Litigation Committee will present a Regional CLE program at the Washington DC offices of Morgan, Lewis & Bockius with top officials from EPA and DOJ, as well as State, industry and NGO representatives, discussing how the new Trump administration will be impacting environmental compliance and enforcement. We are excited to begin the afternoon with Jeff Wood, Acting Assistant Attorney General for the Environment & Natural Resources Division of DOJ. Mr. Wood will be followed by a leading civil enforcement official from EPA, who will be updating us on the Agency's expected enforcement priorities. Following that discussion, we will be convening a panel that will include Ben H. Grumbles, Secretary of the Environment for the Maryland Department of the Environment, Leslie A. Hulse, Assistant General Counsel of the American Chemistry Council (invited, awaiting confirmation), Michael Wall, Co-Director, Litigation at the Natural Resources Defense Council and Derb S. Carter, Jr., Director, Chapel Hill Office of the Southern Environmental Law Center. The panelists will be discussing what lies ahead for States, industry and NGOs as we enter a rather uncertain future for Federal environmental compliance and enforcement programs. Finally, the program will close with a Supreme Court update and predictions by Robert V. Percival, Robert F. Stanton Professor of Law and Director of the Environmental Law Program at the University of Maryland Francis King Carey School of Law. Following the conclusion of the speakers' presentations, there will be an informal networking reception with drinks and hors d'oeuvres.

Look for more details on this May 18 Regional CLE, but in the meantime please block

out your calendar and plan to attend. Also, please circulate this announcement to your friends and colleagues.

For more information, contact Charlie Denton Ex. 6 Personal Privacy (PP) , Dave Erickson Ex. 6 Personal Privacy (PP), Duke McCall Ex. 6 Personal Privacy (PP) or Jim Price Ex. 6 Personal Privacy (PP).

Kevin Bruno
Blank Rome, LLP
Ex. 6 Personal Privacy (PP)
Karen A. Crawford
Nelson Mullins Riley & Scarborough LLP
Ex. 6 Personal Privacy (PP)
Rudy Perrino
WFBM, LLP
Ex. 6 Personal Privacy (PP)
Co-Chairs - Environmental and Energy Litigation Committee

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321 N Clark, Chicago, IL 60654-7598
800-285-2221 | 312-988-5522

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unlawful.

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****

Message

From: Stewart, Andrew [astewart@velaw.com]
Sent: 2/18/2017 5:29:05 PM
To: 'Hsiao, Peter' [PHsiao@mofo.com]; Jonas, Lori (ENRD) [Lori.Jonas@usdoj.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: justin.smith@usdoj.gov; 'rbarker@wyche.com' [rbarker@wyche.com]; Stewart, Andrew [astewart@velaw.com]
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

All:

I hope this note finds you well and wanted to touch base with a proposed format for our panel.

Please let me know your thoughts by email on the proposal below, if possible, by Friday, February 24th.

Overall Schedule/Structure for Panel

- An agenda for the spring meeting can be found at this link, if you click "Event Schedule" on the left hand side: http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=258007789&sc_cid=NR1703-C3
- Our panel is scheduled from 10:45 AM – 12:15 PM on Friday, March 31st
- Our panel will begin with a brief introduction by ABA/Andrew and overview of topic and format for panel (5-10 minutes)
- Each panelist will provide a brief presentation (three presentations, approx. 15 minutes each)
- Q&A session
  - Andrew to lead Q&A for remainder of time (the panel will develop the questions together so we know at least the "lead off" and "back pocket" questions)
  - Q&A session will also include audience questions; I will investigate logistics for receiving audience questions
  - I understand there is an app that allows audience members to "vote" on questions posed by the panel; I will circulate further information on this option

Format for Individual Presentations

- The ABA strongly encourages visuals for all of our presentations
- Each panelist to prepare a very small number of Power Point slides for their initial presentation (2-5 slides)

Specific Enforcement Topics to be Covered

- The panel will need to cover at least the following topics, per the ABA and how our panel has been advertised; however, we are not limited to these topics
  - EPA enforcement priorities
  - Next Generation Compliance
  - Individual accountability for corporate wrongdoing
  - Citizen suits
  - Intersection between civil and criminal enforcement

Next Steps

- I will follow-up so we all know what each person proposes to cover to ensure coordinated presentations
- As the date approaches, I will schedule a check-in conference call with the full panel
- I will develop a proposed list of questions for the Q&A portion that we can all review and comment on
- It might also be nice to meet up for a meal at the conference to catch up in person and go over any last-minute matters

As always, feel free to reach out to me by phone or email with any related questions or issues in the meantime. Thanks again, and I'm looking forward to working together on this panel.

Best,

Andrew

Andrew R. Stewart
Counsel

E astewart@velaw.com
W +1 [redacted]
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

From: Stewart, Andrew
Sent: Sunday, January 15, 2017 10:50 PM
To: 'bruce.gelber@usdoj.gov'; 'phsiao@mofo.com'; 'Starfield.lawrence@Epa.gov'
Cc: 'rbarker@wyche.com'
Subject: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE RESPOND TO PROPOSED TIMES

Happy new year! Thank you for agreeing to serve on the "Emerging Issues in Environmental Enforcement" panel on Friday, March 31st at the Spring 2017 ABA SEER conference in Hollywood. I'm excited to collaborate with such an expert and accomplished group for this panel.

As your moderator, I wanted to reach out to start the planning process for our topic, described as follows:

> *In the ever-changing environmental landscape, it can be difficult to stay abreast of environmental enforcement issues. Join us for a thought-provoking panel featuring federal government and private practice attorneys, who will explore recent trends in environmental enforcement at the federal and state levels, including enforcement priorities, the use of new technologies, in enforcement, individual accountability for corporate wrongdoing, the intersection between civil and criminal enforcement, and citizen suits. Attendees will learn how these trends will impact their clients with a focus on how to respond to enforcement actions and how to manage complex matters with both civil and criminal components.*

I look forward to strategizing with you all to make our panel discussion as lively and informative as possible. We'll need to decide up front: (i) how we want to use our time, including what specific topics each panelist will be prepared to cover; (ii) what questions would be best to spark interesting discussion on the panel after our presentations; (iii) whether we'll use any Power Point slides during the panel; and (iv) how we will develop the paper required for our panel.

Please let me know your availability for a **30-minute planning call** in the following time windows, all times EST:

- January 17: 9 AM – 12 PM; 1 – 5 PM
- January 18: 9 AM – 12 PM; 2 – 3 PM; 4 – 5 PM
- January 19: 9 AM – 12 PM; 1 – 5 PM

Thank you again, and I look forward to speaking with you all soon. Please don't hesitate to reach out in the meantime with questions about the panel.

Best,

-Andrew

CONFIDENTIALITY NOTICE: The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

Thank You.

Message

From: Hsiao, Peter [PHsiao@mofo.com]
Sent: 3/15/2017 1:05:45 AM
To: Stewart, Andrew [astewart@velaw.com]; Jonas, Lori (ENRD) [Lori.Jonas@usdoj.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: 'rbarker@wyche.com' [rbarker@wyche.com]
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL
Attachments: removed.txt

Thanks Andrew. I am generally available (with some minor exceptions) for a call on Friday, March 17, and Monday March 20. I am also available to meet in person anytime on the day of the event on Friday March 31, or the evening before.

Best regards,

Peter

Peter Hsiao | Partner | Morrison & Foerster LLP
707 Wilshire Boulevard, Suite 6000 | Los Angeles, California 90017-3543
p: Ex. 6 Personal Privacy (PP) | f: 213.892.5454
phsiao@mofo.com | www.mofo.com

From: Stewart, Andrew [mailto:astewart@velaw.com]
Sent: Tuesday, March 14, 2017 5:23 PM
To: Hsiao, Peter; Jonas, Lori (ENRD); Starfield, Lawrence
Cc: 'rbarker@wyche.com'; Stewart, Andrew
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

- External Email -

Greetings! We are now just over two weeks away from our ABA SEER panel, scheduled for 3/31 at 10:45 AM–12:15 PM.

I look forward to working with you all to finalize the format, topics, and potential questions that we can use for the Q&A time during our panel.

Please let me know your availability on March 17th and 20th for a call to discuss: what topics each person will cover in their 15-minute presentation time, how we will develop a small number of slides for the panel, and what are appropriate questions I can use for the Q&A session during our panel. I am also looking into the logistics of how audience questions would be presented to our panel, and questions asked about press coverage of our panel.

I've attached a draft proposed set of questions that I could use for the Q&A session of the panel. Note that I've drafted these questions just for our discussion purposes. I want to make sure we have a set of "back pocket" questions to get the Q&A session started, and that all panelists are comfortable with these questions. Please also suggest other questions you feel are important and propose to strike questions if you believe they are peripheral. I have tried to adhere to the topic description for our panel developed by the ABA.

I would also propose that we meet in person in LA before our panel, perhaps over a meal, if your schedule permits. **Please let me know your availability** to meet in person.

Thanks again for working together on this panel, and I look forward to seeing everyone in person soon.

Best,
-Andrew

From: Stewart, Andrew
Sent: Saturday, February 18, 2017 12:29 PM
To: 'Hsiao, Peter'; Jonas, Lori (ENRD); Starfield, Lawrence
Cc: Smith, Justin (ENRD); 'rbarker@wyche.com'; Stewart, Andrew
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

All:

I hope this note finds you well and wanted to touch base with a proposed format for our panel.

Please let me know your thoughts by email on the proposal below, if possible, by Friday, February 24th.

Overall Schedule/Structure for Panel

- An agenda for the spring meeting can be found at this link, if you click "Event Schedule" on the left hand side: http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=258007789&sc_cid=NR1703-C3
- Our panel is scheduled from 10:45 AM – 12:15 PM on Friday, March 31st
- Our panel will begin with a brief introduction by ABA/Andrew and overview of topic and format for panel (5-10 minutes)
- Each panelist will provide a brief presentation (three presentations, approx. 15 minutes each)
- Q&A session
  - Andrew to lead Q&A for remainder of time (the panel will develop the questions together so we know at least the "lead off" and "back pocket" questions)
  - Q&A session will also include audience questions; I will investigate logistics for receiving audience questions
  - I understand there is an app that allows audience members to "vote" on questions posed by the panel; I will circulate further information on this option

Format for Individual Presentations

- The ABA strongly encourages visuals for all of our presentations
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Specific Enforcement Topics to be Covered

- The panel will need to cover at least the following topics, per the ABA and how our panel has been advertised; however, we are not limited to these topics
  - EPA enforcement priorities
  - Next Generation Compliance
  - Individual accountability for corporate wrongdoing
  - Citizen suits
  - Intersection between civil and criminal enforcement

Next Steps

- I will follow-up so we all know what each person proposes to cover to ensure coordinated presentations
- As the date approaches, I will schedule a check-in conference call with the full panel
- I will develop a proposed list of questions for the Q&A portion that we can all review and comment on
- It might also be nice to meet up for a meal at the conference to catch up in person and go over any last-minute matters

As always, feel free to reach out to me by phone or email with any related questions or issues in the meantime. Thanks again, and I'm looking forward to working together on this panel.

Best,

Andrew

Andrew R. Stewart
Counsel

E astewart@velaw.com
W +1 Ex. 6 Personal Privacy (PP)
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

From: Stewart, Andrew
Sent: Sunday, January 15, 2017 10:50 PM
To: 'bruce.gelber@usdoj.gov'; 'phsiao@mofo.com'; 'Starfield.lawrence@Epa.gov'
Cc: 'rbarker@wyche.com'
Subject: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE RESPOND TO PROPOSED TIMES

Happy new year! Thank you for agreeing to serve on the "Emerging Issues in Environmental Enforcement" panel on Friday, March 31st at the Spring 2017 ABA SEER conference in Hollywood. I'm excited to collaborate with such an expert and accomplished group for this panel.

As your moderator, I wanted to reach out to start the planning process for our topic, described as follows:

> *In the ever-changing environmental landscape, it can be difficult to stay abreast of environmental enforcement issues. Join us for a thought-provoking panel featuring federal government and private practice attorneys, who will explore recent trends in environmental enforcement at the federal and state levels, including enforcement priorities, the use of new technologies, in enforcement, individual accountability for corporate wrongdoing, the intersection between civil and criminal enforcement, and citizen suits. Attendees will learn how these trends will impact their clients with a focus on how to respond to enforcement actions and how to manage complex matters with both civil and criminal components.*

I look forward to strategizing with you all to make our panel discussion as lively and informative as possible. We'll need to decide up front: (i) how we want to use our time, including what specific topics each panelist will be prepared to cover; (ii) what questions would be best to spark interesting discussion on the panel after our presentations; (iii) whether we'll use any Power Point slides during the panel; and (iv) how we will develop the paper required for our panel.

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- January 17: 9 AM – 12 PM; 1 – 5 PM
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Thank you again, and I look forward to speaking with you all soon. Please don't hesitate to reach out in the meantime with questions about the panel.

Best,

-Andrew

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Thank You.

==========

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.

Message

From: Stewart, Andrew [astewart@velaw.com]
Sent: 3/15/2017 12:23:14 AM
To: 'Hsiao, Peter' [PHsiao@mofo.com]; Jonas, Lori (ENRD) [Lori.Jonas@usdoj.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: 'rbarker@wyche.com' [rbarker@wyche.com]; Stewart, Andrew [astewart@velaw.com]
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL
Attachments: removed.txt; ABA SEER Enforcement Panel - Proposed Questions for Discussion Purposes Only.DOCX

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Sent: Saturday, February 18, 2017 12:29 PM
To: 'Hsiao, Peter'; Jonas, Lori (ENRD); Starfield, Lawrence
Cc: Smith, Justin (ENRD); 'rbarker@wyche.com'; Stewart, Andrew
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Best,

Andrew

Andrew R. Stewart
Counsel

E astewart@velaw.com
W +1 Ex. 6 Personal Privacy (PP)
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

From: Stewart, Andrew
Sent: Sunday, January 15, 2017 10:50 PM
To: 'bruce.gelber@usdoj.gov'; 'phsiao@mofo.com'; 'Starfield.lawrence@Epa.gov'
Cc: 'rbarker@wyche.com'
Subject: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE RESPOND TO PROPOSED TIMES

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Thank You.

Spring 2017 ABA SEER -- Emerging Issues in Environmental Enforcement Panel
Friday, March 31st 10:45 AM – 12:15 PM

ABA Description of Panel Topic

"In the ever-changing environmental landscape, it can be difficult to stay abreast of environmental enforcement issues. Join us for a thought-provoking panel featuring federal government and private practice attorneys, who will explore recent trends in environmental enforcement at the federal and state levels, including enforcement priorities, the use of new technologies in enforcement, individual accountability for corporate wrongdoing, the intersection between civil and criminal enforcement, and citizen suits. Attendees will learn how these trends will impact their clients with a focus on how to respond to enforcement actions and how to manage complex matters with both civil and criminal components."

Draft Proposed Questions for Q&A Session – for Discussion Among Panelists

These are potential questions to be discussed in planning for the panel that the moderator could ask during the Q&A session, *depending on what panelists intend to cover in their respective presentations and what is feasible to address at this time*.

- What are the current priority enforcement areas for OECA? For ENRD?
    - Are there any changes in priorities or enforcement policy (planned or underway) that can be highlighted at this time?
- Are there major pending cases that we should be watching?
- How does the federal government work with its state regulatory partners on enforcement actions?
    - How does this dynamic appear from the vantage of defense counsel?
- What is the appropriate role of federal enforcement of the environmental laws? State enforcement?
    - When is overfilling appropriate?
- How can regulated entities get out ahead of environmental compliance problems and enforcement exposure?
- Are there common mistakes companies make when faced with an enforcement action?
    - Do the panelists have any anecdotes to share to illustrate "dos" or "don'ts" regarding responding to enforcement actions and negotiating settlements?

FOR DISCUSSION ONLY

- Is it ever appropriate to "elevate" above an EPA or DOJ case team to senior officials in an enforcement action?

- How do DOJ and EPA work together on civil judicial referrals? How do they decide specific roles and responsibilities on cases and how early does DOJ get involved?

- How have technologies like infrared cameras and more desktop tools such as GIS influenced federal enforcement?

    - Are there ways these tools can help companies identify and fix noncompliance?

- Are there any developing trends to note regarding the use of these technologies in enforcement?

- Why should companies agree to a requirement in a settlement document, such as a Consent Decree, that is not specifically required in the applicable regulations (e.g., posting environmental information on a website, or conducting fence line monitoring not specifically required by applicable regulations)?

- Are there ways "Next Generation Compliance" practices and other mechanisms like Supplemental Environmental Projects can be used to build ties with local communities where regulated entities are located? Are there ways these practices can be expanded?

- Data, how it is generated and utilized, is a significant part of the enforcement ecosystem. Some suggest that suggest drones could potentially play a role in environmental compliance monitoring. Many regulated companies are concerned with more data being generated, and there can be concerns with QA/QC of data and how it will be used. Is more data necessarily better for compliance monitoring and enforcement? For regulated entities?

- Are diminished enforcement resources a concern for the regulated industry (e.g., level playing field is undermined by a smaller enforcement presence because some companies may "cut corners," harming those companies who remain in compliance)?

- Enforcement results, from looking at the most recently published enforcement results from OECA and ENRD, often swing due to a single settlement or prosecution in a given year. This is the proverbial "Black Swan" case. How will the enforcement offices at EPA and DOJ continue to address those types of the most significant environmental violations?

- Is there a constructive role for citizen suits to play?

    - How does the government decide when to intervene in citizen suits?

FOR DISCUSSION ONLY

- It may be too early to comment, but have there been any noticeable trends or developments in citizen suits?

- Some commentators have noted increasing use of technologies like mobile phone cameras to document what citizens might believe is an enforcement violation and then share that information with regulators. Are there concerns with having citizens play this role in terms of the quality of data and information and how it might affect enforcement activities? Is there an appropriate role here?

- How do government criminal and civil enforcement teams work together (e.g., how do they share information, coordinate, what policy and guidance applies)?

- How has the interaction between civil and criminal enforcement worked from the vantage of defense counsel?

  - What takeaways and practice pointers do you have from representing clients where there is potential criminal, as well as civil, liability?

- In recent years, there has been a focus on prosecuting individuals (versus organizational defendants) as high up the corporate hierarchy as the evidence supports, to achieve enhanced deterrence. Is there still a focus on prosecuting individuals for environmental crimes? Any recent cases that can be highlighted?

  - Are there common fact patterns where the criminal agents say, this looks like a suitable case for criminal processing?

- Are there areas, such as worker safety cases, where criminal provisions in environmental laws may be applied in more cases?

- Is there an appropriate role for the Freedom of Information Act (or state analogs) to be used by a company during an enforcement investigation? What should the considerations be for using FOIA during an ongoing enforcement matter?

- Are there opportunities to expand tools such as voluntary disclosure and expedited settlements, in ways that could streamline identifying and resolving noncompliance?

  - Is there a different and further expanded role for EPA's electronic disclosure system in 2017?

  - Are there other examples of enforcement tools (alternatives to traditional enforcement investigations) that could be expanded?

FOR DISCUSSION ONLY

ED_005064_00000906-00003

Message

From: Szaro, Deb [Szaro.Deb@epa.gov]
Sent: 3/30/2017 5:56:51 PM
To: Strauss, Alexis [Strauss.Alexis@epa.gov]; Chu, Ed [Chu.Ed@epa.gov]; Mccabe, Catherine [McCabe.Catherine@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Heard, Anne [Heard.Anne@epa.gov]; Kaplan, Robert [kaplan.robert@epa.gov]; Coleman, Sam [Coleman.Sam@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
CC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: FY18 OECA budget impacts for regions

I agree with Alexis.

From: Strauss, Alexis
Sent: Thursday, March 30, 2017 1:31 PM
To: Chu, Ed <Chu.Ed@epa.gov>; Szaro, Deb <Szaro.Deb@epa.gov>; Mccabe, Catherine <McCabe.Catherine@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: FY18 OECA budget impacts for regions

Ex. 5 Deliberative Process (DP)

Alexis

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

From: Chu, Ed
Sent: Thursday, March 30, 2017 10:11 AM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Szaro, Deb <Szaro.Deb@epa.gov>; Mccabe, Catherine <McCabe.Catherine@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: FY18 OECA budget impacts for regions

Thank you your suggestions – I hope this version works for all of us (and Larry). Larry, I will defer to you on the numbers from the binning exercise:

Ex. 5 Deliberative Process (DP)

Edward H. Chu | Regional Administrator (Acting)
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
(913) 551-7333
epa.gov | epa.gov/region7

From: Strauss, Alexis
Sent: Wednesday, March 29, 2017 12:59 PM
To: Chu, Ed <Chu.Ed@epa.gov>; Szaro, Deb <Szaro.Deb@epa.gov>; Mccabe, Catherine <McCabe.Catherine@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: FY18 OECA budget impacts for regions

Thanks Ed. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

From: Chu, Ed
Sent: Tuesday, March 28, 2017 9:22 PM
To: Szaro, Deb <Szaro.Deb@epa.gov>; Mccabe, Catherine <McCabe.Catherine@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FY18 OECA budget impacts for regions

Colleagues,

Based on your input on our call with OECA yesterday and input from EDs and RCs today, here's a short paragraph that I hope captures the impacts that we discussed. I am copying Larry – please feel free to suggest any changes as you see fit.

Ex. 5 Deliberative Process (DP)

Edward H. Chu | Regional Administrator (Acting)
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
(913) 551-7333
epa.gov | epa.gov/region7

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 3/13/2017 5:13:37 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]
Subject: RE: OECA Big Picture Questions and Answer to Question 1 on Need for OECA as the NPM
Attachments: Centralized OECA top reasons draft as of 3 13 17.docx

Larry:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I fixed a few typos in your version , and made two additions:

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Starfield, Lawrence
Sent: Monday, March 13, 2017 10:49 AM
To: Hindin, David <Hindin.David@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>
Subject: FW: OECA Big Picture Questions and Answer to Question 1 on Need for OECA as the NPM

David,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Hindin, David
Sent: Wednesday, March 08, 2017 12:45 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Silberman, Jon <Silberman.Jon@epa.gov>
Subject: OECA Big Picture Questions and Answer to Question 1 on Need for OECA as the NPM

Larry and Dave:

Ex. 5 Deliberative Process (DP)

Attached is a revised email for Dave C to send out:

DRAFT EMAIL FROM DAVE

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/24/2017 10:23:11 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]
Subject: Current OECA Power Point - Version 7
Attachments: OECA Overview Briefing DRAFT 2-24-17 v. 7.pptx

Updates: made formatting, capitalization, photo and other spacing adjustments throughout.

Additional edits from the noon version highlighted below (they are not in different colors on the PP).

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/28/2017 9:04:39 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: FW: Briefing for the Administrator tomorrow
Attachments: OECA Overview Briefing 3-1-17.pptx

From: Shiffman, Cari
Sent: Tuesday, February 28, 2017 3:59 PM
To: Chu, Ed <Chu.Ed@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Briefing for the Administrator tomorrow

From: Shiffman, Cari
Sent: Tuesday, February 28, 2017 2:28 PM
To: Chu, Ed <Chu.Ed@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Briefing for the Administrator tomorrow

Unfortunately I am unable to e-mail the final powerpoint at the moment as outlook is not currently letting any large files through. I will try again in a few hours. I am happy to print and deliver a copy to you if you want to take a look this afternoon. Please let me know.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Tuesday, February 28, 2017 11:44 AM
To: OECA Office Directors <OECA_Office_Directors@epa.gov>; Chu, Ed <Chu.Ed@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Benitez-Clark, Rowena <benitez-clark.rowena@epa.gov>; Bailey, Ethel <Bailey.Ethel@epa.gov>
Subject: Briefing for the Administrator tomorrow

Our OECA introductory "overview briefing" for the Administrator will be tomorrow at 9:30 am Eastern time. I want to keep our numbers small, but also show the scope of our programs and the national nature of our work. So I'm asking DRA Ed Chu, ED Kathleen Johnson, and RC Eric Schaaf to join the ODs, Dave and me by video. I'll have a call-in line for ODs who are not in the office.

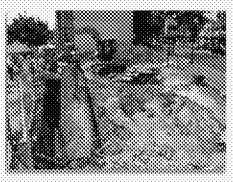
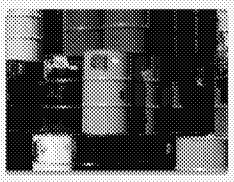
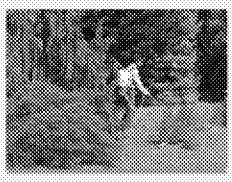
Since we only have a total of 40 minutes, please keep any remarks exceedingly brief.

We'll circulate the power point presentation this afternoon. (Tina, please set up the video lines and audio line.)

Thanks.

Larry

Sent from my Windows Phone

National Compliance and Enforcement Program

EPA's Office of Enforcement and Compliance Assurance (OECA)

Overview Briefing
March 1, 2017

Why Federal Enforcement and Compliance Assurance are Important

- There are serious environmental and health challenges that Federal laws address
- Laws are not effective unless enforced
- We provide an important complement to state DEQs
- EPA is the only authority for many environmental violations (e.g., where States lack delegation or EPA directly implements, as in Indian country)
- Universe of regulated parties is so large that strong deterrence is critical

Rule of law matters.

OECA's Role at EPA

- **Ensure compliance with Congressionally-passed laws and regulations**
  - Address violations that pose the greatest threat to human health and the environment
  - Fairly and equitably enforce the environmental laws
  - Ensure a level playing field for businesses that follow the rules
  - Develop databases, consistent policies, and national priorities

Our goal is compliance – enforcement is one tool

OECA's Role at EPA

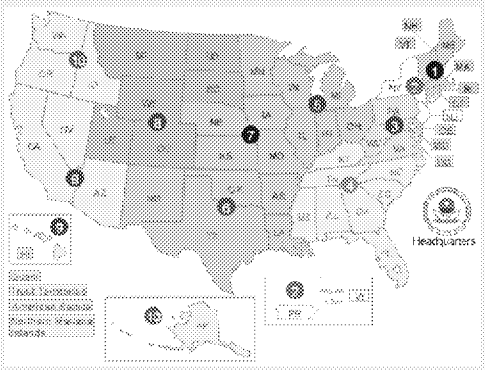
- **Help the regulated community** understand what they need to do to comply with the laws and regulations
  - Work with programs to craft regulations that are practical to implement and promote compliance
  - Provide online resources and tools to help regulated entities, especially small businesses, understand their obligations

National Compliance Challenges

- More violations than EPA and States can address
- High levels of noncompliance among largest sources
- New, dispersed sources (e.g., stormwater)
- Declining budgets
- Pollution not visible to the naked eye

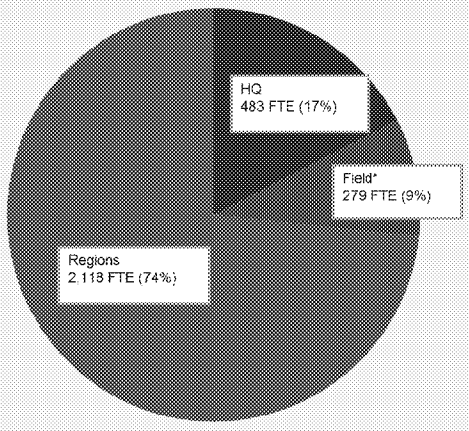
How We Accomplish Our Mission: Strong Partnerships with States and Tribes

- States bring the large majority of enforcement cases
- Joint planning with state and tribal partners to ensure consistency and efficiency
- Provide information management tools to States and Tribes



How We Accomplish Our Mission: Coordination with Regional Offices

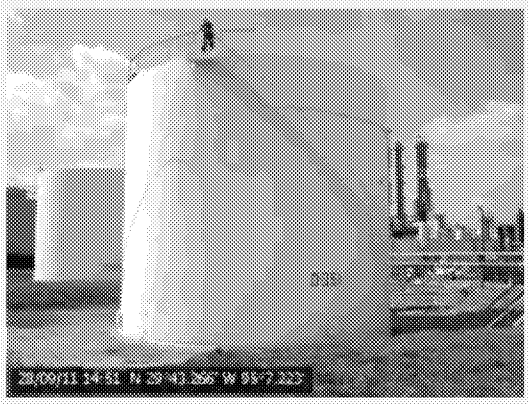
FY 2016 OECA FTE (2,880 FTE)



- OECA's workforce includes attorneys, engineers, special agents, and environmental scientists

*Field Personnel include: criminal investigators, NEIC staff, the Mobile Sources, and Good Laboratory Practices branches

Compliance Monitoring: Building State/Local Capacity

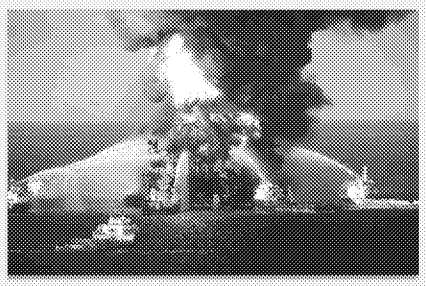


- Training for State and EPA inspectors
- Advanced monitoring equipment
- Smart Mobile Tools for inspectors

Civil Enforcement

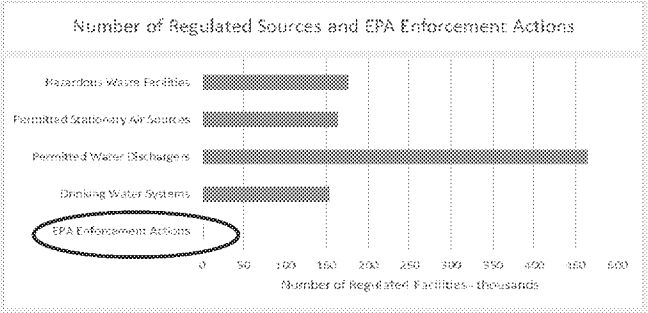
- Conduct inspections to assess compliance and environmental threats
- Joint planning with States and Tribes
  - Avoid duplication, ensure consistency, and maintain a level playing field
- Pursue judicial and administrative cases

Example: **BP Deepwater Horizon**



Civil Enforcement Actions

- EPA takes enforcement actions against only a small percentage of regulated parties
  - Most involve direct implementation by EPA, facilities in multiple States, or States joining as co-plaintiffs

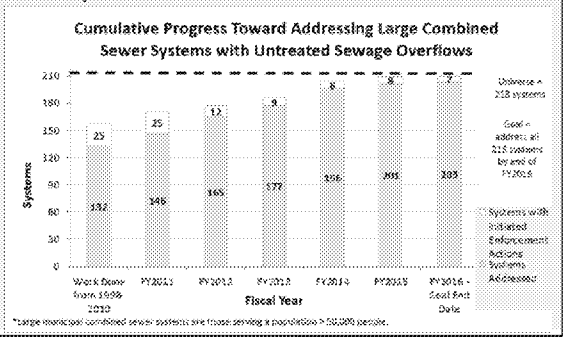


- EPA strategically brings cases that have the maximum health and deterrent effects

National Enforcement Initiatives (NEIs)

- NEIs address (1) national environmental problems where there is (2) significant non-compliance and where focused (3) federal enforcement efforts can make a difference
  - E.g., the municipal infrastructure NEI addressed billions of gallons of raw sewage
  - Air toxics NEI reduced hazardous air pollutants by 3.75 million pounds over 5 years
- Every 3 years, we seek State/industry/public input on potential NEIs

- Reducing air pollution from the largest sources
- Reducing toxic air pollution that affects community health
- Reducing volatile air pollution from facilities managing hazardous waste
- Ensuring energy extraction activities comply with environmental laws
- Keeping raw sewage + contaminated stormwater out of our nation's waters
- Preventing animal waste from contaminating surface and ground water
- Reducing risks of accidental releases at industrial + chemical facilities
- Keeping industrial pollutants out of the nation's waters



*Large municipal combined sewer systems are those serving a population > 50,000 people.

Criminal Enforcement

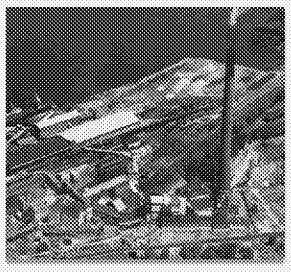
- All major environmental statutes include a provision for criminal enforcement
- EPA HQ staff investigates environmental crimes and works with DOJ, U.S. Attorneys, and States to prosecute cases
  - Very few States have a robust environmental crimes unit
- EPA's National Enforcement Investigations Center laboratory conducts forensic investigations

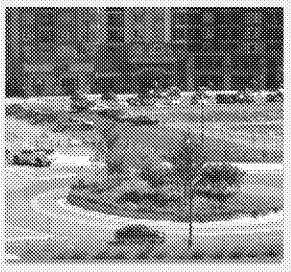
Example: **Freedom Industries**

Enforcement of Cleanup Actions

- Protect communities by ensuring that polluters pay for clean up of their contamination
- Recover federal cleanup funds from responsible parties to save taxpayer dollars
- Promote cleanup + redevelopment of contaminated properties

Example: **Asarco Tacoma Smelter**



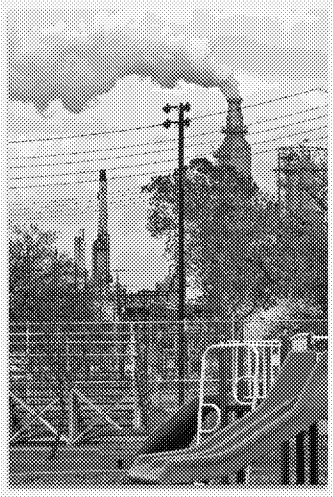


Federal Facilities Enforcement

- Ensure federal agency facilities follow the same standards as other members of the regulated community
  - Assist States with enforcement
  - Limited penalty authority; no judicial enforcement

Example: **Cleanup of Gorst Creek Landfill**

Environmental Justice



As EPA's lead for environmental justice, we:

- Work with EPA program offices and Regions to help address pollution in overburdened communities
- Build local collaborations and link with state and federal resources to help solve community problems
- EJ 2020 action agenda: help make overburdened and disadvantaged communities healthier/more sustainable

Federal Activity and International Engagement

National Environmental Policy Act (NEPA)

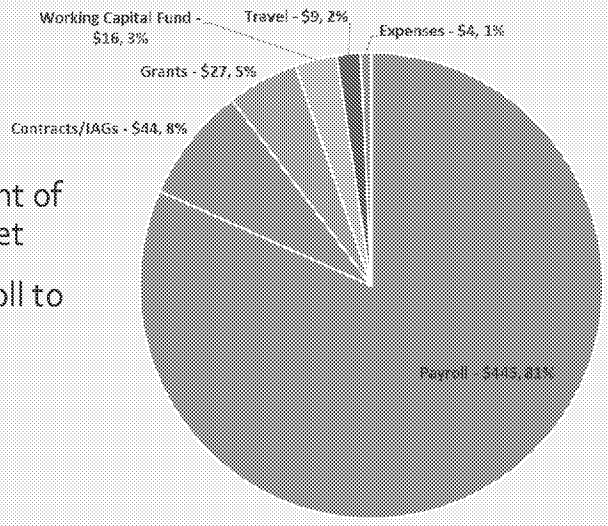
- Provide expert assistance to other agencies preparing environmental impact statements
- Offer recommendations to strengthen analysis and reduce process delays

International

- Manage the import/export of hazardous waste with foreign governments
- Build international enforcement capacity

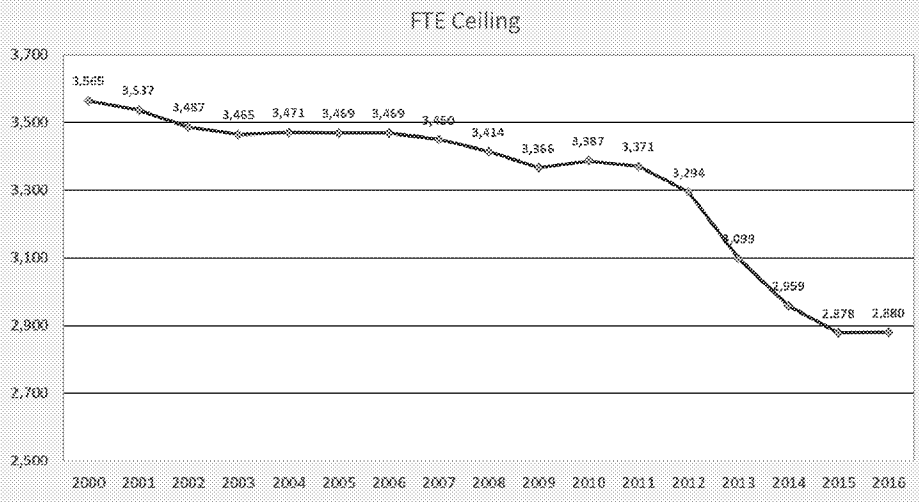
OECA's FY 2016 Budget by Broad Category ($545M)

- OECA accounted for 7 percent of EPA's FY 2016 enacted budget
- Majority of funds go to payroll to conduct compliance and enforcement work



OECA FTE History

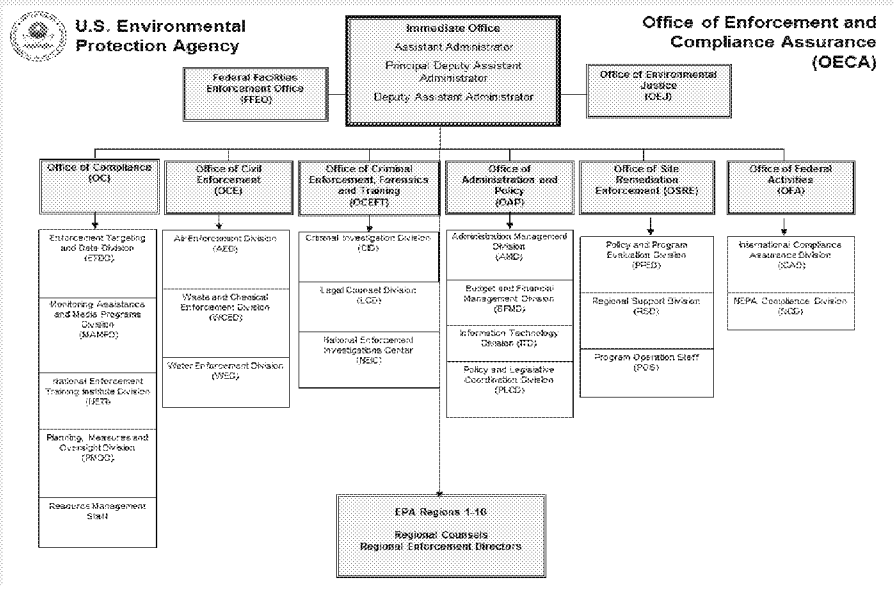
In the last 16 years, OECA has seen a steady decline in its FTE ceiling – from 3,565 in 2000 to 2,880 in 2016



Next Steps

- **Topics on which policy direction will be needed**:
  - Administrator's priorities
    - National Enforcement Initiatives
  - NEPA review – how best to advise federal agencies on adequacy of GHG analysis
  - Controversial policy areas: NSR/PSD cases, CWA 404/wetlands cases
  - Key sectors: oil and gas; agriculture
- **Topics on which additional briefing may be helpful:**
  - Need for Federal enforcement in States
  - Unique value of OECA as the national program manager for enforcement and compliance assurance
  - Work performed under enforcement settlements (SEPs, mitigation, community service) – not "sue-and-settle"
  - Expanding the Compliance Assurance Toolbox through innovation and collaboration with States
  - Enhance role in regulatory development to focus on crafting rules that are practical to implement effectively

The OECA Organization



Message

From: Bailey, Ethel [Bailey.Ethel@epa.gov]
Sent: 3/13/2017 3:01:27 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Senn, John [Senn.John@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: ABA CLE on May 18, 2017 - Washington DC

ok

From: Starfield, Lawrence
Sent: Friday, March 10, 2017 4:55 PM
To: Bailey, Ethel <Bailey.Ethel@epa.gov>; Senn, John <Senn.John@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: FW: ABA CLE on May 18, 2017 - Washington DC

Ethel - Please mark this on my calendar for May 18, from 12-3 pm. Thanks.

John – Please put this into the system for tracking speeches.

Larry

From: Bruno, Kevin J. [mailto:kbruno@BlankRome.com]
Sent: Wednesday, March 08, 2017 1:04 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Dighe, Kris (ENRD) <Kris.Dighe@usdoj.gov>
Subject: RE: ABA CLE on May 18, 2017 - Washington DC

Thank you for the introduction, Kris.

Larry, it would be an honor and our pleasure to have you speak at the annual conference our ABA Section of Litigation Environmental & Energy Litigation Committee has been holding for the last four years. The program is scheduled to be held at the DC offices of Morgan Lewis on May 18, and will run from 1 pm to ~5:15 pm, with a cocktail reception to follow. As you can see from the attached brochure from last year's event, our practice has been to have the lead environmental enforcement counsel from USDOJ (until now, John Cruden) be one of our keynote speakers and to have that person address for ~60 minutes the anticipated DOJ enforcement initiatives in the environmental and energy areas. This year that spot will be handled by DOJ's Acting Assistant Attorney General for the Environment & Natural Resources Division, Jeff Wood. We have then followed that discussion with our 2nd keynote speaker from USEPA, which in the past has been Cynthia Giles. This is the spot you would fill and we would let you determine the topics you would like to cover. In that regard, you can expect that most of the audience will be well-experienced environmental and energy regulatory counsel and litigators.

With respect to our Committee, we have ~2,000 members nationwide and this event draws not only from that membership but also from the ~60,000 members of the Section of Litigation, as well as members of SEER. I mention these numbers not because we expect hundreds of people to be attending, although we would not turn them away (we expect at least 100 people will attend, as well as members of the press), but because this particular event, and John Cruden and Cynthia Giles' remarks in particular, have been picked up each year and widely distributed within the ABA, by the Associated Press and by most of the major environmental news outlets and publications. As such, it would be expected that news of your attendance and remarks would be widely distributed, hopefully to an audience that you and EPA would like to reach.

Please let us know/confirm your availability to speak at this May 18 event whenever you get the chance, or if you have any questions please feel free to call or e-mail me.

Regards,

Kevin

Kevin J. Bruno | Blank Rome LLP
Partner and Chair, Environmental, Energy & Mass Torts Practice Group
The Chrysler Building
405 Lexington Avenue| New York, NY 10174-0208
Phone: Ex. 6 Personal Privacy (PP) | Fax: 212.885.5002 | Email: KBruno@BlankRome.com

From: Dighe, Kris (ENRD) [mailto:Kris.Dighe@usdoj.gov]
Sent: Wednesday, March 8, 2017 11:17 AM
To: Bruno, Kevin J. <kbruno@BlankRome.com>; Starfield.lawrence@Epa.gov
Subject: ABA CLE on May 18, 2017 - Washington DC

Good morning, gentlemen. Larry Starfield meet Kevin Bruno; Kevin, Larry.

Larry: Kevin will be able to provide more information about the program than I, as well as logistical details. We understand that you are a "probable" participant, but we do like to think optimistically.

Thanks,

Kris Dighe
Senior Counsel
Environmental Crimes Section
U.S. Department of Justice

From: Bruno, Kevin J. [mailto:kbruno@BlankRome.com]
Sent: Friday, March 03, 2017 10:55 AM
To: Abby L. Risner (alr@greensfelder.com) <alr@greensfelder.com>; Allan Kanner <a.kanner@kanner-law.com>; Angela M. Dorrell Green Esq. (agreen@psrb.com) <agreen@psrb.com>; Ann E. Prouty (aprouty@faegre.com) <aprouty@faegre.com>; Aron, Debra J. (debra.aron@naviganteconomics.com) <debra.aron@naviganteconomics.com>; Becky Raftery (braftery@bp.com) <braftery@bp.com>; Boyd, Meaghan Goodwin (meaghan.boyd@alston.com)

<meaghan.boyd@alston.com>; Buddy Cox <wcox@lightfootlaw.com>; Catherine Riegle Finley <CRiegle@wm.com>; Charles Denton <CDENTON@BTLAW.COM>; Christopher Dean <cdean@mcdonaldhopkins.com>; Cisselon Nichols Hurd <Cisselon.Nichols@shell.com>; Coglianese, Matthew P. <mpcoglianese@arnstein.com>; Daniel J. Dunn (dan.dunn@hoganlovells.com) <dan.dunn@hoganlovells.com>; Dave R. Erickson Esquire (derickson@shb.com) <derickson@shb.com>; David J. Scriven-Young <DScriven-young@pecklaw.com>; David Weinstein <weinsteind@gtlaw.com>; DeMoss, A. Nicole (nicole.demoss@alston.com) <nicole.demoss@alston.com>; Drapalski Joseph (joseph.drapalski@nortonrosefulbright.com) <joseph.drapalski@nortonrosefulbright.com>; Duke K. McCall III <duke.mccall@morganlewis.com>; Gail Wurtzler <Gail.Wurtzler@dgslaw.com>; Irv Freilich (ifreilich@gibbonslaw.com) <ifreilich@gibbonslaw.com>; Jack Edwards <jedwards@ajamie.com>; James Price <jprice@spencerfane.com>; Jeff Zimmerman [redacted]; Jerry F. English <jenglish@lindabury.com>; Jim Ray <JRAY@RC.com>; jmpollock@foxrothschild.com; John DiChello (john.dichello@aecom.com) <john.dichello@aecom.com>; John Fogarty <Fogarty.Johnpc@epamail.epa.gov>; Jon Rohrer <jrohrer@rouxinc.com>; Jon Schuyler Brooks <jbrooks@phillipsnizer.com>; Julie Carey <julie.carey@navigant.com>; Karen Aldridge Aldridge Crawford Esq. (karen.crawford@nelsonmullins.com) <karen.crawford@nelsonmullins.com>; ken@anspachlawoffice.com; Bruno, Kevin J. <kbruno@BlankRome.com>; Dighe, Kris (ENRD) <KDighe@ENRD.USDOJ.GOV>; Margaret Witherup <mwitherup@gfrlaw.com>; Mark Myers <mmyers@williamskastner.com>; Megan Baroni (mbaroni@rc.com) <mbaroni@rc.com>; Michael R. Leslie (leslie@caldwell-leslie.com) <leslie@caldwell-leslie.com>; Nessa Horewitch Coppinger Esquire (ncoppinger@bdlaw.com) <ncoppinger@bdlaw.com>; Orell@StrategicPropertyAnalytics.com; Patrick McGrath <pmcgrath@navigantconsulting.com>; Peter R. Knight (pknight@rc.com) <pknight@rc.com>; Raftery, Becky (Rebecca.Raftery@uk.bp.com) <Rebecca.Raftery@uk.bp.com>; Ron Oran <ron.oran@strasburger.com>; Rudy R. Perrino <rperrino@wfbm.com>; Sandra Kearney Edwards <sedwards@fbm.com>; Sawula, Andrew N. (asawula@schiffhardin.com) <asawula@schiffhardin.com>; Shawn LaTourette <SLaTourette@gibbonslaw.com>; Stewart D. Fried (sfried@ofwlaw.com) <sfried@ofwlaw.com>; Ted Warpinski <taw@ffsj.com>; Thomas D. Lupo (TLupo@hinshawlaw.com) <TLupo@hinshawlaw.com>; Todd Drucker <tdrucker@jamsadr.com>; Tyler L. Weidlich <tweidlich@bakerdonelson.com>; Will R Taylor <wrtaylor@JonesDay.com>; William Kammer <wkammer@swsslaw.com>

Cc: Rudy R. Perrino (rperrino@wfbm.com) <rperrino@wfbm.com>; Karen Aldridge Crawford Esq. (karen.crawford@nelsonmullins.com) <karen.crawford@nelsonmullins.com>

Subject: FW: SAVE THE DATE: May 18, 2017 - Washington DC

Folks,

All of you should have received the Save The Date message below. Please try to attend and/or send this around to your colleagues. It will be a great program and we need it to be well attended. Thanks everyone!

Kevin

Kevin J. Bruno | Blank Rome LLP
Partner and Chair, Environmental, Energy & Mass Torts Practice Group
The Chrysler Building
405 Lexington Avenue | New York, NY 10174-0208
Phone: [redacted] | Fax: 212.885.5002 | Email: KBruno@BlankRome.com

From: Environmental & Energy Litigation Committee [mailto:ltserve@americanbar.org]
Sent: Thursday, March 2, 2017 4:45 PM
To: Bruno, Kevin J. <kbruno@BlankRome.com>
Subject: SAVE THE DATE: May 18, 2017 - Washington DC

Trouble Viewing? View online.

Environmental and Energy Litigation Committee

Dear Committee Members:

SAVE THE DATE: May 18, 2017 -Washington DC

The ABA Environmental & Energy Litigation Committee will present a Regional CLE program at the Washington DC offices of Morgan, Lewis & Bockius with top officials from EPA and DOJ, as well as State, industry and NGO representatives, discussing how the new Trump administration will be impacting environmental compliance and enforcement. We are excited to begin the afternoon with Jeff Wood, Acting Assistant Attorney General for the Environment & Natural Resources Division of DOJ. Mr. Wood will be followed by a leading civil enforcement official from EPA, who will be updating us on the Agency's expected enforcement priorities. Following that discussion, we will be convening a panel that will include Ben H. Grumbles, Secretary of the Environment for the Maryland Department of the Environment, Leslie A. Hulse, Assistant General Counsel of the American Chemistry Council (invited, awaiting confirmation), Michael Wall, Co-Director, Litigation at the Natural Resources Defense Council and Derb S. Carter, Jr., Director, Chapel Hill Office of the Southern Environmental Law Center. The panelists will be discussing what lies ahead for States, industry and NGOs as we enter a rather uncertain future for Federal environmental compliance and enforcement programs. Finally, the program will close with a Supreme Court update and predictions by Robert V. Percival, Robert F. Stanton Professor of Law and Director of the Environmental Law Program at the University of Maryland Francis King Carey School of Law. Following the conclusion of the speakers' presentations, there will be an informal networking reception with drinks and hors d'oeuvres.

Look for more details on this May 18 Regional CLE, but in the meantime please block out your calendar and plan to attend. Also, please circulate this announcement to your friends and colleagues.

For more information, contact Charlie Denton (Ex. 6 Personal Privacy (PP)), Dave Erickson (Ex. 6 Personal Privacy (PP)), Duke McCall (Ex. 6 Personal Privacy (PP)) or Jim Price (Ex. 6 Personal Privacy (PP)).

Kevin Bruno
Blank Rome, LLP
Ex. 6 Personal Privacy (PP)
Karen A. Crawford
Nelson Mullins Riley & Scarborough LLP
Ex. 6 Personal Privacy (PP)
Rudy Perrino
WFBM, LLP
Ex. 6 Personal Privacy (PP)
Co-Chairs - Environmental and Energy Litigation Committee

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321 N Clark, Chicago, IL 60654-7598
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****

Message

From: Hsiao, Peter [PHsiao@mofo.com]
Sent: 2/28/2017 5:52:24 PM
To: Jonas, Lori (ENRD) [Lori.Jonas@usdoj.gov]; Stewart, Andrew [astewart@velaw.com]
CC: justin.smith@usdoj.gov; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH
Attachments: removed.txt

Thank you Lori. I look forward to working with your and Jeff, and melding our contributions into a cohesive presentation.

Best regards,

Peter

Peter Hsiao | Partner | Morrison & Foerster LLP
707 Wilshire Boulevard, Suite 6000 | Los Angeles, California 90017-3543
p: Ex. 6 Personal Privacy (PP) | f: 213.892.5454
phsiao@mofo.com | www.mofo.com

From: Jonas, Lori (ENRD) [mailto:Lori.Jonas@usdoj.gov]
Sent: Tuesday, February 28, 2017 7:33 AM
To: Hsiao, Peter; Stewart, Andrew
Cc: Smith, Justin (ENRD); Starfield, Lawrence
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

- External Email -

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Lori Jonas
LPS
514-4080

From: Hsiao, Peter [mailto:PHsiao@mofo.com]
Sent: Thursday, February 23, 2017 11:58 PM
To: Jonas, Lori (ENRD) <LJonas@ENRD.USDOJ.GOV>; Stewart, Andrew <astewart@velaw.com>
Cc: Smith, Justin (ENRD) <JSmith2@ENRD.USDOJ.GOV>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

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I hope we can get together by phone in advance, or in person here in beautiful Los Angeles, before our presentation. I am honored to be part of this panel and very much look forward to working with all of you.

Best regards,

Peter

Peter Hsiao | Partner | Morrison & Foerster LLP
707 Wilshire Boulevard, Suite 6000 | Los Angeles, California 90017-3543
p: Ex. 6 Personal Privacy (PP) | f: 213.892.5454
phsiao@mofo.com | www.mofo.com

From: Jonas, Lori (ENRD) [mailto:Lori.Jonas@usdoj.gov]
Sent: Thursday, February 23, 2017 6:14 AM
To: Stewart, Andrew
Cc: Smith, Justin (ENRD); Hsiao, Peter
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

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was approved by the court after the 2016 fiscal year), over $14 billion more will go to protecting con-sumers, remediating the environment, and achieving full compliance with the Clean Air Act. ENRD also saved the taxpayers over $12.3 billion by defeating monetary claims against the United States or reaching litigated or negotiated resolutions for substantially less than was sought in such suits. The Division achieved a favorable outcome in 95% of our cases, resulting in cleaner air, land, and water in the United States.

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Please keep me in the loop as this progresses. I am hoping to meet with Jeff in the near future to see what he'd like to cover. So, if we know what the other panelists hope to cover, that would help. Thanks! Lori

---

From: Stewart, Andrew [mailto:astewart@velaw.com]
Sent: Saturday, February 18, 2017 2:07 PM
To: Jonas, Lori (ENRD) <LJonas@ENRD.USDOJ.GOV>
Cc: Smith, Justin (ENRD) <JSmith2@ENRD.USDOJ.GOV>; 'Hsiao, Peter' <PHsiao@mofo.com>
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

Lori:

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I seem to recall there is a similar DOJ case results presentation. If so, would you be able to send a copy?

Thanks in advance,

Andrew

From: Stewart, Andrew
Sent: Saturday, February 18, 2017 12:29 PM
To: 'Hsiao, Peter'; Jonas, Lori (ENRD); Starfield, Lawrence
Cc: Smith, Justin (ENRD); 'rbarker@wyche.com'; Stewart, Andrew
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

All:

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  - Individual accountability for corporate wrongdoing
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Next Steps

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As always, feel free to reach out to me by phone or email with any related questions or issues in the meantime. Thanks again, and I'm looking forward to working together on this panel.

Best,

Andrew

Andrew R. Stewart
Counsel

E astewart@velaw.com
W +1 Ex. 6 Personal Privacy (PP)
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

From: Stewart, Andrew
Sent: Sunday, January 15, 2017 10:50 PM
To: 'bruce.gelber@usdoj.gov'; 'phsiao@mofo.com'; 'Starfield.lawrence@Epa.gov'
Cc: 'rbarker@wyche.com'
Subject: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE RESPOND TO PROPOSED TIMES

Happy new year! Thank you for agreeing to serve on the "Emerging Issues in Environmental Enforcement" panel on Friday, March 31st at the Spring 2017 ABA SEER conference in Hollywood. I'm excited to collaborate with such an expert and accomplished group for this panel.

As your moderator, I wanted to reach out to start the planning process for our topic, described as follows:

> *In the ever-changing environmental landscape, it can be difficult to stay abreast of environmental enforcement issues. Join us for a thought-provoking panel featuring federal government and private practice attorneys, who will explore recent trends in environmental enforcement at the federal and state levels, including enforcement priorities, the use of new technologies, in enforcement, individual accountability for corporate wrongdoing, the intersection between civil and criminal enforcement, and citizen suits. Attendees will learn how these trends will impact their clients with a focus on how to respond to enforcement actions and how to manage complex matters with both civil and criminal components.*

I look forward to strategizing with you all to make our panel discussion as lively and informative as possible. We'll need to decide up front: (i) how we want to use our time, including what specific topics each panelist will be prepared to cover; (ii) what questions would be best to spark interesting discussion on the panel after our presentations; (iii) whether we'll use any Power Point slides during the panel; and (iv) how we will develop the paper required for our panel.

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Thank you again, and I look forward to speaking with you all soon. Please don't hesitate to reach out in the meantime with questions about the panel.

Best,

-Andrew

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Thank You.

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.

==========

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Message

From: Jonas, Lori (ENRD) [Lori.Jonas@usdoj.gov]
Sent: 2/28/2017 3:32:58 PM
To: Hsiao, Peter [PHsiao@mofo.com]; Stewart, Andrew [astewart@velaw.com]
CC: justin.smith@usdoj.gov; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH
Attachments: removed.txt

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Peter Hsiao | Partner | Morrison & Foerster LLP
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Andrew R. Stewart
Counsel

E astewart@velaw.com
W +1 Ex. 6 Personal Privacy (PP)
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

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Sent: Sunday, January 15, 2017 10:50 PM
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Thank You.

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Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 3/13/2017 12:30:14 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Tomiak, Robert [tomiak.robert@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]
Subject: RE: Letter from Sen. Sasse
Attachments: Compliance and Enforcement Collaboration as of Jan 24.pptx; National Compliance Assurance Program - Question 1 Answer as of March 8.docx

Caroline:

Here is a more recent paper on the value of OECA as the NPM, which we have not shared widely yet. Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) I also have a slide deck on collaboration with states that is attached, and Dave Cozad and I have plans for getting more specific information on state EPA enforcement collaboration.

Happy to meet with you later today.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Emmerson, Caroline
Sent: Saturday, March 11, 2017 1:21 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: Re: Letter from Sen. Sasse

Larry,

I will contact David and Rob on Monday and set up a meeting to discuss this matter further.

Thanks,

Caroline

Sent from my iPhone

On Mar 11, 2017, at 1:04 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> Caroline,
>
> Ex. 5 Deliberative Process (DP)
>
> Please check with them and then let's get together to discuss.

Thanks.

Larry

Sent from my Windows Phone

From: Emmerson, Caroline
Sent: 3/10/2017 11:14 AM
To: Starfield, Lawrence; Cozad, David; Badalamente, Mark
Subject: FW: NEW DATE/TIME: letter from Senator Sasse

Regarding the Senator Sasse letter that I sent you last night. Per OCIR's message below, political leadership has agreed to a response approach:

Ex. 5 Deliberative Process (DP)

I will attend the Tuesday meeting about this letter and advise you of the results.

Thanks,

Caroline

From: Emmerson, Caroline<mailto:Emmerson.Caroline@epa.gov>
Sent: 3/9/2017 5:55 PM
To: Starfield, Lawrence<mailto:Starfield.Lawrence@epa.gov>; Cozad, David<mailto:Cozad.David@epa.gov>
Cc: Badalamente, Mark<mailto:Badalamente.Mark@epa.gov>
Subject: FYI: Letter from Sen. Sasse

Larry and Dave,

Please see the attached letter from Senator Sasse (R-NE) that requests the Administrator to prioritize 10 areas in his
first 100 days. Two of the areas concern OECA:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I will set up a time with you next week to discuss this matter further.

Thanks,

Caroline

<17-000-5104.pdf>

Message

From: Swack, David [Swack.David@epa.gov]
Sent: 3/23/2017 6:39:44 PM
To: Barnet, Henry [Barnet.Henry@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; Knight, Kelly [knight.kelly@epa.gov]
CC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]
Subject: Next Steps on FY 18
Attachments: Template for FY 2018 Activities.docx; FY 18 Pres Bud - FTE Changes 3-23-17.xlsx; FY 2018 Pres Bud Nonpay 3-23-17.xlsx

Office Directors,

As we've discussed, OCFO has provided the final account level resource information that will be the basis of our upcoming FY 18 President's Budget. The OCFO transmittal also provides AA-ships an opportunity to describe the impacts of the funding levels at an account level, specifically in terms of work that will be performed in FY 18 and activities that will not be performed relative to work being done under current funding. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

To give you a sense of your funding levels provided in the President's budget, we've developed a preliminary allocation of FTE and non-pay dollars by account and organization (see attached). This is a draft allocation and is subject to additional adjustments as we develop the budget, but the numbers should be sufficient for you to describe the impact to your various accounts. For the non-pay dollars, we have provided a comparison to both the initial FY 16 Phase 1 enacted budget and the subsequent, adjusted final FY 16 operating plan. Ex. 5 Deliberative Process (DP)

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From the President's "skinny budget":

"Avoids duplication by concentrating EPA's enforcement of environmental protection violations on programs that are not delegated to States, while providing oversight to maintain consistency and assistance across State, local and tribal programs."

With regard to Superfund,

"The agency would prioritize the use of existing settlement funds to clean up hazardous waste sites and look for ways to remove some of the barriers that have delayed the program's ability to return sites to the community."

With regard to State categorical grants,

"These lower levels are in line with the broader strategy of streamlining environmental protection. This funding level eliminates or substantially reduces Federal investment in State environmental activities that go beyond EPA's statutory requirements."

Ex. 5 Deliberative Process (DP)

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 4/14/2017 9:16:31 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]; LaBoda, Sarah [LaBoda.Sarah@epa.gov]; Gargas, Toni [Gargas.Toni@epa.gov]
Subject: RE: Draft ED/RC Agenda for April 19 Call

Please find the updated draft agenda for the ED/RC call on Wednesday. After you have had a chance to review, I will send it out.

Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference
April 19, 2017, 2:00-3:30 pm Eastern Time
Headquarters: WJC South Room 3216
Call-In: Ex. 6 Personal Privacy (PP), ID: Ex. 6 Personal Privacy (PP)

DRAFT AGENDA

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Wednesday, April 12, 2017 4:45 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Draft ED/RC Agenda for April 19 Call

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

(202) 564-2440 (office)
(202) 564-8179 (direct)
Ex. 6 Personal Privacy (PP) (cell)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Shiffman, Cari
Sent: Wednesday, April 12, 2017 2:23 PM
To: Cozad, David <Cozad.David@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: Draft ED/RC Agenda for April 19 Call

Dave,

As I mentioned, we haven't really received any agenda items for next week's call. I've reached out to all the OECA offices and Toni/Sarah have reached out to all the Regions.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 6/1/2017 4:27:09 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Layne, Kenda [Layne.Kenda@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Miles, Erin [Miles.Erin@epa.gov]; DePaul, Kimberley [DePaul.Kimberley@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Murphy, Stacy [Murphy.Stacy@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; LaBoda, Sarah [LaBoda.Sarah@epa.gov]; Gargas, Toni [Gargas.Toni@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; DeLeon, Rafael [Deleon.Rafael@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Fisher, Mike [Fisher.Mike@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Senn, John [Senn.John@epa.gov]; Caraballo, Mario [Caraballo.Mario@epa.gov]; Patterson, Kenneth [Patterson.Kenneth@epa.gov]; Gardner, Monica [Gardner.Monica@epa.gov]; Singletary, DeAndre [Singletary.DeAndre@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Threet, Derek [Threet.Derek@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]
CC: Knopes, Christopher [Knopes.Christopher@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]; Mckeever, Michele [Mckeever.Michele@epa.gov]; Mason, Michael [Mason.Michael@epa.gov]
Subject: State Regional Collaboration
Attachments: Master Narratives of Regional- State Collaboration as of May 22.docx; Table on Enforcement Planning with States as of May 22 2017.docx

As discussed at the OD meeting this morning, here are the two documents we compiled on state regional collaboration. The table shows a summary of the processes by region, and the narratives are more specific to show programmatic collaboration and work sharing. We shared an earlier version of the narratives with the Administrator in our briefing with him on role of EPA enforcement in states on April 10th. Thanks to Region 7 for their assistance in updating these documents.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 5/22/2017 10:10:48 PM
To: Badalamente, Mark [Badalamente.Mark@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; DeLeon, Rafael [Deleon.Rafael@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Layne, Kenda [Layne.Kenda@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Lewis, Sheila [Lewis.Sheila@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Long, Brian [Long.Brian@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]; Milton, Laura [Milton.Laura@epa.gov]
Subject: RE: Materials for tomorrow's OD/DOD offsite
Attachments: Functional statement OCE January 2017.docx

OCE's functional statement changed in October 2016 as a result of our recent reorganization. Attached is our current functional statement.

Rosemarie

From: Badalamente, Mark
Sent: Monday, May 22, 2017 11:48 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Layne, Kenda <Layne.Kenda@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Lewis, Sheila <Lewis.Sheila@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Long, Brian <Long.Brian@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Milton, Laura <Milton.Laura@epa.gov>
Subject: Materials for tomorrow's OD/DOD offsite

Attached are an agenda and materials for tomorrow's offsite. The agenda is designed to help structure our discussion around how to address a potentially significant budget reduction, as well as finding efficiencies and focusing on our priority work. Don't be daunted by the length of the agenda – I do not expect us to get through everything in a single 2-hour meeting.

The last item is a compilation of the FTE information everyone submitted. I made some adjustments to make the submissions uniform (some offices tweaked the template, which made rolling the data up OECA-wide a little challenging. Please take a look at your tabs in the spreadsheet and let me know by the need of the day if you would like to make any changes to your numbers. In particular, several of you included a line for secretarial support – so I've added that category, so you may want to consider adjusting your allocations accordingly. Just send me an email with the numbers you would like changed, and I will update the spreadsheet.

Thanks!

****
Mark Badalamente
Acting Deputy Assistant Administrator for Management
Senior Resource Official (SRO)
Senior Information Official (SIO)
Office of Enforcement and Compliance Assurance

US Environmental Protection Agency
William Jefferson Clinton Building
Room 3235 South

Office: 202-564-4673
Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Singletary, DeAndre [Singletary.DeAndre@epa.gov]
Sent: 6/1/2017 11:41:57 AM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]
Subject: FW: SEMM Regions Only Discussion
Attachments: June 2017 SEMM DRAFT Agenda (5-24-17 DRAFT) .docx; Regions only SEMM Agenda draft 5 30 2017.docx

Larry / Dave

Just for awareness, I have attached the draft of the Regions Only session that I sent to the EDs / RCs (attachment 2). I have requested comments by COB tomorrow. Note that we have you and Dave joining the discussion at 5 that evening.

Once we solidify this agenda, the plan is to work with session leads on any pre-work that needs to occur to ensure fruitful discussion.

Feel free to provide any thoughts that you might have.

Thanks.

Regards,

DeAndré D. Singletary, Director
Enforcement Coordination Office
US EPA Region 7
11201 Renner Blvd
Lenexa, KS 66219
(913) 551-7373

Disclaimer:
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From: Singletary, DeAndre
Sent: Tuesday, May 30, 2017 3:12 PM
To: Studlien, Susan <Studlien.Susan@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Beers, Samantha <beers.samantha@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Payne, James <payne.james@epa.gov>; Singletary, DeAndre <Singletary.DeAndre@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Opekar, Kimberly <Opekar.Kimberly@epa.gov>; Chalfant, Mark <Chalfant.Mark@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Gargas, Toni <Gargas.Toni@epa.gov>
Subject: SEMM Regions Only Discussion

Good Afternoon Colleagues –

The SEMM is approximately one month out and we are very close to a final agenda. On the latest draft agenda, we have approximately 1.5 hours on the morning of the 21st for a Regions-only session. In order to maximize our time, as Lead Region, I would propose that we start the Regions Only discussion late in the afternoon on June 20th instead. Toni has polled the Regions and it appears that most EDs and several RCs would be available to attend a Regions Only session starting at 3:00pm and going until about 5:00pm. Larry Starfield and Dave Cozad can join us towards the end of this session if people are in favor of having it. We could then use the next morning's Regions only time to prep for a RA/DRA out-briefing or begin the SEMM earlier since the agenda is packed with meaty topics.

Ex. 5 Deliberative Process (DP)

These are just my thoughts and I am open to other suggestions for making the most of our limited time together. Please let me know if you are agreeable to this approach or if you have additional thoughts/suggestions. I have attached a draft Regions Only agenda for your review. Please send any comments or thoughts you may have to Toni, Sarah and I by COB Friday June 2.

Thank you for your time and attention.

Regards,

DeAndré D. Singletary, Director
Enforcement Coordination Office
US EPA Region 7
11201 Renner Blvd
Lenexa, KS 66219
(913) 551-7373

Disclaimer:
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Message

From: Johnson, Kathleen [Johnson.Kathleen@epa.gov]
Sent: 5/22/2017 9:50:05 PM
To: Breen, Barry [Breen.Barry@epa.gov]; Cleland-Hamnett, Wendy [Cleland-Hamnett.Wendy@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Shapiro, Mike [Shapiro.Mike@epa.gov]
CC: Grevatt, Peter [Grevatt.Peter@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Beers, Samantha [Beers.Samantha@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Kowalski, Ed [Kowalski.Edward@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Walts, Alan [walts.alan@epa.gov]
Subject: FW: Revised paper on Underfunded Programs
Attachments: Underfunded programs paper revised April 7 17.docx

Dear Colleagues,

Please find attached a memo from Larry Starfield to the Enforcement Division Directors and Regional Counsels forwarding the latest version of the underfunded programs paper. As you know, this has been a work in progress over the past several months. Based on a number of comments, the document has changed substantially from previous versions and we encourage your review. This version presents analysis and options, but does not proceed to implementation at this time. As you can see from Larry's note, we may expand this effort to analyze additional programs as well. Thank you for your continued interest and input into this process.

On behalf of the SANE committee:
Kathleen H. Johnson
Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

From: Starfield, Lawrence
Sent: Tuesday, May 9, 2017 2:53 PM
To: Studlien, Susan <Studlien.Susan@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Singletary, DeAndre <Singletary.DeAndre@epa.gov>; Opekar, Kimberly <Opekar.Kimberly@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Payne, James <payne.james@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Gargas, Toni <Gargas.Toni@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>
Subject: Revised paper on Underfunded Programs

EDs/RCs:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Larry

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Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 3/10/2017 9:35:53 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]
Subject: RE: Role of federal enforcement - main message and binning analysis

I scheduled time for us to check in next Friday, March 17 on status of our analysis and what we might be able to share at the one page level with the Administrator. The fuller, more detailed analysis with charts and graphs will take until next week, but good to get everyone together next Friday to see where we are at, and get everyone's insights.

Dave:
Call me if you have time as I think we need to implement your new idea on more details on individual state regional work planning sooner to support the new bin of "Actions Coordinated with States".

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Starfield, Lawrence
Sent: Friday, March 10, 2017 12:44 PM
To: Hindin, David <Hindin.David@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>
Subject: RE: Role of federal enforcement - main message and binning analysis

David,

Ex. 5 Deliberative Process (DP)

Larry

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From: Hindin, David
Sent: Friday, March 10, 2017 12:25 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Cozad, David <Cozad.David@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>
Subject: Role of federal enforcement - main message and binning analysis
Importance: High

Larry:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Caveats:

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Starfield, Lawrence
Sent: Wednesday, March 08, 2017 5:38 PM
To: Studlien, Susan <Studlien.Susan@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Singletary, DeAndre <Singletary.DeAndre@epa.gov>; Opekar, Kimberly <Opekar.Kimberly@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Payne, James <payne.james@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Gargas, Toni <Gargas.Toni@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; OECA Office Directors <OECA_Office_Directors@epa.gov>
Subject: federal role
Importance: High

EDs/RCs:

Ex. 5 Deliberative Process (DP)

Thanks.

Larry

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Larry

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I

Message

From: Badalamente, Mark [Badalamente.Mark@epa.gov]
Sent: 5/22/2017 6:48:19 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Swack, David [Swack.David@epa.gov]
Subject: RE: OECA clean cleared narratives for your record
Attachments: EPM EJ compare.docx; EPM NEPA compare.docx; EPM CRIMINAL compare.docx; EPM COMPLIANCE compare.docx; EPM CIVIL compare.docx; SF SUPERFUND FED FAC compare.docx; SF SUPERFUND ENFORCEMENT compare.docx; SF FORENSICS compare.docx; SF CRIMINAL compare.docx; SF COMPLIANCE compare.docx; SF EJ compare.docx; STAG TOXICS compare.docx; ST FORENSICS compare.docx; OIL COMPLIANCE compare.docx; OIL CIVIL compare.docx; STAG PESTICIDES compare.docx; LUST CIVIL compare.docx

Attached are "compare document" versions of all of our narratives.

From: Starfield, Lawrence
Sent: Friday, May 19, 2017 4:38 PM
To: Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: RE: OECA clean cleared narratives for your record

Mark,

I read these and would like to see exactly how they changed our wording. For a subset of key program papers -- Civil enf, compl monit, SF enf, fed fac's, crim enf, NEIC, NEPA, and EJ (not Oil, not grants, not SF other than SF Enforcement) -- could Swack's team - or Cari -- do a "compare documents" to show the changes from the submitted narratives to the final?

Also, I'd like to know the per cent reduction represented by the cuts in those key programs, both in terms of FTE and nonpay.

Do-able? Thanks.

Larry

Sent from my Windows Phone

From: Badalamente, Mark
Sent: 5/19/2017 9:36 AM
To: Starfield, Lawrence
Subject: FW: OECA clean cleared narratives for your record

Narratives.

From: Swack, David
Sent: Friday, May 19, 2017 9:28 AM
To: Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: FW: OECA clean cleared narratives for your record

From: Delmonico, Lisa
Sent: Thursday, May 18, 2017 1:23 PM

To: Jody Barringer [redacted]; Paul Winters [redacted]; Gamache, Christopher D. EOP/OMB

Ex. 6 Personal Privacy (PP)

Cc: Nguyen, Khanh <Nguyen.Khanh@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; James, Christina <james.christina@epa.gov>; Strickland, Francine <Strickland.Francine@epa.gov>; Swack, David <Swack.David@epa.gov>; Warren, JohnM <Warren.JohnM@epa.gov>
Subject: OECA clean cleared narratives for your record

Jody, Paul and Chris,

Thanks so much for your review of OECA's narratives. I know you have a lot of them and you all reviewed them so efficiently and quickly. Thanks for making this part of the process such smooth sailing. Your professionalism, patience and flexibility was greatly appreciated.

Lisa

Lisa Delmonico, PMP
Program Analyst
OFCO-OB-TFAA
Delmonico.lisa@epa.gov
202-564-7037

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 5/22/2017 6:15:32 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Hindin, David [Hindin.David@epa.gov]
Subject: RE: Susan Bodine

Will do. Thanks

From: Starfield, Lawrence
Sent: Monday, May 22, 2017 12:40 PM
To: Hindin, David <Hindin.David@epa.gov>
Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Susan Bodine

Yes, great idea. Let's push for that, Caroline, at the appropriate time.

Larry

From: Hindin, David
Sent: Monday, May 22, 2017 12:39 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Susan Bodine

Thanks. For the last AA, we had opportunity to meet with her prior to her nomination hearing to give her 101 briefings on OECA. The briefings did not get into any material that was not public. I think this would be especially valuable now if we could suggest that.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Starfield, Lawrence
Sent: Monday, May 22, 2017 12:20 PM
To: Hindin, David <Hindin.David@epa.gov>
Subject: FW: Susan Bodine
Importance: High

David,

Here is the list that was sent to us, FYI.

Larry

Sent from my Windows Phone

From: Lyons, Troy
Sent: 5/17/2017 5:59 PM
To: Starfield, Lawrence

Cc: Palich, Christian; Shimmin, Kaitlyn; Jackson, Ryan
Subject: Susan Bodine

Lawrence,

I hope this email finds you well.

As you know, Susan Bodine has been nominated by President Trump to serve as the AA for the Office of Enforcement and Compliance Assurance. OCIR will lead the Susan's confirmation process; however, we will work closely with OCEA to assist.

One of the first steps we need to do is to compile a briefing book for Susan. There will be many components and I will need your team's help in compiling information regarding OCEA; specifically:

1. Background/Mission of OCEA
2. Highlights/Hot Spots for OCEA
3. Delegations and lines of authority from regions to HQ
4. Some regional counsel report to oeca and some to OGC
5. State review framework info
6. NPM guidance
7. Enforcement priorities

I appreciate your assistance in this process and look forward to working with you.

Troy M. Lyons
Associate Administrator
Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
Ex. 6 Personal Privacy (PP)

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 5/3/2017 7:04:31 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]
Subject: RE: Organizational History of Enforcement and Compliance at EPA HQ
Attachments: Organizational History of Enforcement and Compliance at EPA Headquarters (May 3, 2017).docx

Larry,

As requested, here is an update on the organizational history of enforcement and compliance at EPA headquarters.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari
Sent: Thursday, April 27, 2017 8:51 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: Organizational History of Enforcement and Compliance at EPA HQ

Larry,

With great assistance from the library, David, and Gary and all of their historical documents, here is a timeline of all the various reorganizations of the enforcement and compliance office at EPA headquarters. I also included a flow chart that may assist with understanding the various changes. Please let me know if you have any questions or would like further detail on one of the reorganizations.

Thanks,

Cari Shiffman, Special Assistant
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Office of Enforcement and Compliance Assurance
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Message

From: Badalamente, Mark [Badalamente.Mark@epa.gov]
Sent: 5/22/2017 3:48:24 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; DeLeon, Rafael [Deleon.Rafael@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Layne, Kenda [Layne.Kenda@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Lewis, Sheila [Lewis.Sheila@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Long, Brian [Long.Brian@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]; Milton, Laura [Milton.Laura@epa.gov]
Subject: Materials for tomorrow's OD/DOD offsite
Attachments: Agenda for 5-23 offsite.docx; oeca-orgchart.pdf; oeca-functional-statement.pdf; OMB analytical framework.docx; OECA ALL.xlsx

Attached are an agenda and materials for tomorrow's offsite. The agenda is designed to help structure our discussion around how to address a potentially significant budget reduction, as well as finding efficiencies and focusing on our priority work. Don't be daunted by the length of the agenda – I do not expect us to get through everything in a single 2-hour meeting.

The last item is a compilation of the FTE information everyone submitted. I made some adjustments to make the submissions uniform (some offices tweaked the template, which made rolling the data up OECA-wide a little challenging. Please take a look at your tabs in the spreadsheet and let me know by the need of the day if you would like to make any changes to your numbers. In particular, several of you included a line for secretarial support – so I've added that category, so you may want to consider adjusting your allocations accordingly. Just send me an email with the numbers you would like changed, and I will update the spreadsheet.

Thanks!

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Mark Badalamente
Acting Deputy Assistant Administrator for Management
Senior Resource Official (SRO)
Senior Information Official (SIO)
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Office of Enforcement and Compliance Assurance
Functional Statement

IMMEDIATE OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE

Assistant Administrator

- The Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) serves as the National Program Manager for the Agency's enforcement and compliance assurance program.
- The AA/OECA is the principal advisor to the Administrator on matters concerning enforcement and compliance, and provides the direction and review of all administrative and judicial activities in the civil and criminal enforcement and compliance monitoring and assurance programs.

OECA Immediate Office Management and Leadership

- The OECA Immediate Office leads enforcement personnel throughout all ten Regions and manages eight offices at EPA Headquarters: Federal Facilities Enforcement Office, Office of Administration and Policy, Office of Compliance, Office of Civil Enforcement, Office of Criminal Enforcement, Forensics and Training, Office of Environmental Justice, Office of Federal Activities, Office of Site Remediation and Enforcement.

OECA Work with EPA Program Offices

- OECA engages with the Agency's program offices on the enforcement aspects of proposed regulations, policies, procedures, legislation and other matters.

Administrative and Judicial Enforcement

- OECA manages both administrative and judicial activities in the civil enforcement and compliance programs, as well as the criminal program.
- OECA manages the Agency's civil and criminal administrative and judicial enforcement case dockets, and works with the Regions and the Department of Justice (DOJ) to actively develop and resolve enforcement cases in furtherance of national policy.
- OECA participates in, or directs management of, cases with national or precedential significance.
- OECA consults with OGC on matters of first impression regarding the interpretation of EPA's legal authorities.
- The AA/OECA has the lead in selecting and managing Regional Counsels in Regions 2-7, 9-10 (in full consultation with the General Counsel, and the Regional Administrator). OECA consults with OGC and the Regional Administrators on the management of Regional Counsels in Regions 1 and 8.

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Next Generation Compliance

- OECA leads EPA's Next Generation Compliance initiative (Next Gen), which is a strategy to increase compliance with environmental regulations through advances in pollutant monitoring, information technology, and transparency.
- As part of Next Gen, OECA works with the Agency's program offices to design regulations and permits that will more effectively reduce pollution.
- OECA is promoting the use of advanced emissions/pollutant detection technology so that regulated entities, the government, and the public can more easily see pollutant discharges, environmental conditions, and noncompliance.
- OECA is helping the Agency shift toward electronic reporting to help make environmental reporting more accurate, complete, and efficient while helping EPA and co-regulators better manage information, improve effectiveness and transparency.
- OECA is expanding transparency by making information more accessible to the public.
- OECA is developing and using innovative enforcement approaches (e.g., data analytics and targeting) to achieve more widespread compliance.
- More information is available on the Next Generation Compliance Internet site at and the Next Generation Compliance SharePoint site.

Communications

- OECA develops national policies and procedures in connection with legal and other general enforcement and compliance assurance issues, and communicates with Congress, other executive agencies, and the public regarding enforcement and compliance assurance activities.
- OECA works with the other offices within EPA as well as other federal agencies, such as the Department of Justice, to publicize enforcement and compliance activities.
- OECA executes social media and internal communications strategies to advance enforcement and compliance objectives.

OFFICE OF ADMINISTRATION AND POLICY

Reports to the Immediate Office of the Assistant Administrator and is responsible for providing the full range of necessary administrative support services, including budget, contracts, grants, human resources, administrative, information technology and management (including records management), in addition ensuring consistency and addressing emerging cross-cutting policy, legislative, and regulatory issues that arise in EPA's enforcement and compliance assurance programs through the direction of the Budget and Financial Management Division, Administrative Management Division, Information Technology Division, and Policy and Legislation Coordination Division;

The Office of Administration and Policy (OAP) Immediate Office performs the following functions: Oversees and coordinates EPA Inspector General and Government Accountability Office audits and Federal Managers' Financial Integrity Act (FMFIA) reporting;

- Reviews all internal OECA reorganization and delegation of authority proposals for consistency with Agency and OECA requirements and objectives.

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- Coordinates OECA's review of all Agency Green Border review proposals developed outside of OECA.

- Conducts evaluations designed to improve the planning and implementation of OECA's administrative policies, procedures and programs; and

- Provides employment law advisory functions to OECA, including:

    - advising OECA managers on labor relations, employee relations, and equal employment opportunity (EEO) matters;
    - interpreting EEO and labor & employee relations laws, rules and regulations;
    - serving as liaison to the Office of General Counsel (OGC), Offices of Regional Counsels, the Labor and Employee Relations Office, and the Office of Civil Rights regarding OECA employment matters;
    - assisting managers in the prevention, resolution and settlement of employment complaints; and
    - in coordination with OGC and the Offices of Regional Counsel, represents the Agency before third parties, such as the Merit Systems Protection Board (MSPB).

- Manages OECA's Continuity of Operations Plan (COOP) to ensure that OECA has sufficient resources and capabilities to continue performing its essential functions under emergency conditions.

The Budget and Financial Management Division reports to the OAP Director and performs the following functions:

- Provides coordination and guidance in the development of OECA's annual request for resources, annual planning and operating budgets for all OECA appropriations, and workload analyses and models for resource estimation and distribution.

- Coordinates and develops Congressional testimony relating to OECA budget issues;

- Serves as OECA liaison to the Office of the Chief Financial Officer (OCFO);

- Conducts financial reporting and analysis for OECA; and

- Provides coordination and guidance on Agency and OECA grants and contracts management policy issues and undertakes periodic reviews to ensure that sound extramural management practices are being implemented.

The Administrative Management Division reports to the OAP Director and performs the following functions:

- Serves as OECA liaison to OARM for human resources, facilities and property management issues.

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- Implements and supports OECA's program offices in all OECA personnel management functions, including:

    - the Performance Appraisal and Recognition System,
    - Performance awards,
    - Payroll advocacy issues;
    - Training needs;
    - SES resource issues; and
    - Processing personnel requests from OECA Offices and Regional Counsels, consistent with OECA Human Resource (HR) policies and guidance.

- Implements and supports OECA's program offices in all OECA facilities and property management functions, including: property inventory and tracking and building and facilities management and reporting.

- Coordinates and oversees development of OECA Occupant Emergency Planning.

The Information Technology Division reports to the OAP Director and performs the following functions:

- Provides direct IT/IM support (including records management) to each of OECA's program offices;

- Coordinates with the OECA IO Communications Director on OECA publications and web content (inter and intra-net) including:

    - Publishing and distribution of enforcement alerts; and
    - Representing OECA on OPA web content council;
    - Organizing and maintaining the Agency's enforcement microsite

- Maintains OECA's internet and intranet infrastructure, in coordination with OECA IO Communications Director and OECA program office Web masters.

- Supports the OECA Information Security Official with responsibility for:

    Physical security and outreach;
    Encryption; and
    User support

- Serves as OECA Quality Assurance Manager.

The Policy and Legislative Coordination Division reports to the OAP Director and performs the following functions:

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- Coordinates cross-cutting policy and develops policy at the request of OECA IO.

- Coordinates OECA legislative review comments; including: serving as liaison to OCIR and developing and publishing periodic legislative activities report(s).

- Coordinates and develops Congressional Testimony for OECA programmatic (not budget) issues.

- Coordinates OECA regulatory review comments by: representing OECA on EPA's Regulatory Steering Committee; advising OECA IO on level of participation needed; soliciting appropriate office participation or coverage; and screening rules with no OECA participation.

- Compiles and disseminates Weekly Enforcement Reports.

- Serves as OECA EJ Coordinator, including: developing OECA EJ action plan, progress reports, and highlights; manages OECA's Environmental Justice Action Council; Environmental Justice Coordinators Council, and solicits, recommends and reviews EJ award nominees

OFFICE OF ENVIRONMENTAL JUSTICE. The Office of Environmental Justice (OEJ) reports to the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA) through the Principal Deputy Assistant Administrator for OECA. OEJ supports the Administrator, OECA, the other Agency Program Offices, and the Regions on all environmental justice activities including:

- Advising the Agency on the environmental risk information developed outside the Agency and on the impacts of environmental programs on racial minority and low-income populations;
- Establishing an Agency justice program;
- Coordinating with environmental justice interagency and intra-agency working groups;
- Tracking implementation of the Agency's environmental justice strategy, and preparing periodic progress reports;
- Administering a minority academic institutions (MAI) program;
- Enhancing MAI interaction with the Agency through technical assistance and technology transfer;
- Enhancing environmental justice outreach, training and education programs for public and other groups through conferences, symposia and meetings;
- Providing minority and low-income communities with technical and financial assistance for community/economic development activities to address environmental justice;
- Serving as a centralized clearinghouse and dissemination point for justice information to EPA staff and the public-developing environmental justice training for EPA managers and staff;
- Providing interagency coordination of justice programs;

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- Supporting consultation among Agency and outside justice organizations-supporting key research and environmental risk reduction projects; and
- Working with OECA program offices to ensure that environmental justice concerns are considered in all enforcement and compliance assurance activities.

FEDERAL FACILITIES ENFORCEMENT OFFICE. The Federal Facilities Enforcement Office (FFEO), under the supervision of a Director, reports to the AA/OECA, through a Deputy AA/OECA.

Federal facilities are required to comply with various statutes, regulations and executive orders administered by EPA. The office coordinates OECA's federal facility enforcement, compliance assurance and compliance assistance efforts for those requirements and has the lead role for communications with Congress, other agencies, states and other stakeholders on these matters.

In particular, FFEO:

- manages the resolution of enforcement disputes with other agencies;
- tracks federal facilities compliance;
- coordinates and participates in the negotiation and issuance of compliance orders and agreements and negotiation of interagency agreements with other agencies for environmental compliance and cleanup;
- coordinates with and oversees regional efforts;
- coordinates OECA's involvement with various interagency task forces and groups; and
- develops national federal facility enforcement and compliance policy and guidance.

OFFICE OF COMPLIANCE

IMMEDIATE OFFICE OF THE OFFICE OF COMPLIANCE. The Office of Compliance (OC), under the supervision of a Director, reports to the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA). OC serves as the principal advisor to the AA/OECA on the implementation and oversight of activities related to compliance with EPA's environmental laws, including: the Clean Air Act (CAA); Clean Water Act (CWA); Oil Pollution Act (OPA); Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); and the Toxic Substances Control Act (TSCA) including the Asbestos Hazard Emergency Response Act (AHERA) and the Residential Lead-Based Paint Hazard Reduction Act.

The Office of Compliance (OC) serves as the national technical expert, in coordination with the Agency program offices, on all matters relating to media program compliance activities and is responsible for designing and implementing compliance assurance programs, including environmental problem and/or sector oriented programs. OC works with other OECA offices, programs, regions, states and tribes to address and enhance regulatory compliance among all segments of the regulated community. OC is the OECA lead for compliance and enforcement strategic planning and targeting processes and provides policy and interpretive guidance, direction and oversight to Regional, State and Tribal enforcement programs on national enforcement initiatives and program priorities. OC establishes inspection priorities and policies;

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supports compliance monitoring in Regions, States and Tribes; and targets compliance assistance initiatives along sector and media lines; develops, implements and assesses accurate measures of compliance with and enforcement of environmental statutes; manages data collection, quality assurance, analysis and use of national compliance and enforcement data; integrates and modernizes data systems in order to provide compliance and enforcement information for program management and performance purposes and makes information available to the public. OC is also responsible for the provision of training to enforcement personnel through the National Enforcement Training Institute (NETI).

The Office of Compliance works closely with other OECA offices and also coordinates closely with the Office of Solid Waste and Emergency Response (OSWER); Office of Water (OW); Office of Chemical Safety and Pollution Prevention (OCSPP); Office of Air and Radiation (OAR); Office of the Chief Financial Officer (OCFO); Office of Environmental Information (OEI); the EPA Regional Offices; States; and Tribal governments. OC represents compliance assurance perspectives to other offices and represents OECA on task forces, workgroups and at meetings where issues relating to compliance and enforcement programs are under consideration. OC also represents the Agency's position on compliance activities with external groups, including States, Indian Tribes, other Agencies, Office of Management and Budget, Congress, Department of Justice, media, industry and public interest groups.

OC is responsible for making specific Clean Air Act applicability determinations, while applicability determinations for other statutes reside within the appropriate Agency program office. Representing OECA on Agency rulemaking workgroups, OC will ensure rules are enforceable, with adequate reporting requirements. OC also looks to ensure Next Generation Compliance is built into EPA rules, with provisioning such as e-reporting, use of advanced monitoring technologies, and innovative enforcement considered in the rule making process.

RESOURCE MANAGEMENT STAFF. The Director of the Resource Management Staff reports directly to Director and Deputy Director of the Office of Compliance. The Resource Management Staff is responsible for establishment and oversight of all personnel and administrative operations and policies for OC; oversight and support of infrastructure aspects of the work place; assurance for the Office's compliance with the Federal Managers Financial Integrity Act (FMFIA); formulation and execution of the OC budget; recruitment and retention of human resources, facilities and infrastructure management; contract and grant management activities.

THE BUDGET TEAM. Led by a Team Leader, the Budget Team will perform budget formulation, execution and payroll functions at both the OC Office level and in support of the OC divisions.

PLANNING, MEASURES, AND OVERSIGHT DIVISON. The Director of the Planning, Measures, and Oversight Division (PMOD) reports directly to the Director of the Office of Compliance. The PMOD leads the planning and results measurement functions for OECA's compliance and civil enforcement programs; develops and implements a framework of routine, nationally consistent oversight of state and EPA directly implemented enforcement and

compliance programs, and develops policy and monitors enforcement on Indian lands. PMOD contains two branches as described below.

NATIONAL PLANNING AND MEASURES BRANCH. The National Planning and Measures Branch (NPMB) reports directly to the Director of the Planning, Measures and Oversight Division. The Branch manages the process for developing OECA's portions of the Agency's Strategic Plan, including the creation of OECA's performance goals, objectives and annual targets. NPMB coordinates the development of new measures to augment or replace current performance measures, conducts studies to identify ways to assess environmental consequences of pollutants and to develop and test new measurement techniques and methodologies. NPMB coordinates activities to identify and select national enforcement priorities and initiatives for the federal compliance assurance program and assists in the selection and management of new national initiatives. The Branch coordinates the development and publication of the annual NPM guidance to help EPA regions prioritize their compliance assurance work and manages the annual commitment system (ACS). The Branch collects information from regions and EPA databases that is used to report EPA compliance assurance performance. The Branch works with other offices to develop and provide annual narrative information on the achievements and highlights of the compliance assurance program. The Branch negotiates measures language, targets, and baselines with OMB. The Branch gathers program performance information and enters this information into the appropriate databases. NPMB develops and publishes guidance on how to calculate outcomes from enforcement actions. The Branch also reviews regional calculations of outcomes to assure nationally consistent application of the guidance.

STATE AND TRIBAL PERFORMANCE BRANCH. The State and Tribal Performance Branch (STPB) reports directly to the Director of the Planning, Measures and Oversight Division. The Branch serves as the liaison to the state environmental agencies, such as ECOS and state media associations (ACWA, NACAA, ASTSWMO). STPB oversees development and implementation of a comprehensive framework of routine, nationally consistent oversight of state and EPA direct implementation enforcement programs that lead to measurable improvement in program performance. The State Review Framework also includes reviews of the regions' direct implementation (DI) of programs that have not been authorized for state implementation; and identifies and resolves prevalent or persistent national program performance issues. The Branch provides substantive advice and counsel to the Assistant Administrator, the Deputy Assistant Administrator, the OC Office Director, other OECA offices, program offices and the regions on all EPA-wide and OECA-specific Indian country enforcement and compliance assurance law and policy matters. This involves the review of policies, guidance, legislation, and other material or documents that may affect Indian country. STPD coordinates federal Indian law and policy issues within OECA and works directly with the EPA Regions, Program Offices, the American Indian Environmental Office (AIEDO), the Office of the General Counsel, the Office of the Inspector General, the Department of Justice, the Department of Interior, other federal agencies and Indian tribes. STPD reviews environmental justice issues arising in Indian country and provides

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guidance on how to integrate these issues within the context of EPA's federal Indian law practice. The Branch develops approaches to ensuring compliance in Indian country by working within OECA and the EPA Regions on current and emerging Indian country enforcement and compliance assurance matters as well as implementing core and national OECA and EPA priorities. Also, the Branch reviews all proposed civil enforcement actions against tribally-owned/operated facilities and coordinates Indian country enforcement matters within OECA, AIEO and OGC.

NATIONAL ENFORCEMENT TRAINING INSTITUTE. NETI, under the supervision of a Division Director who reports directly to the Office Director, provides comprehensive, multi-statute, civil and criminal environmental enforcement and compliance training for Federal, state, local, and tribal lawyers, inspectors, investigators, and technical experts, consistent with the statutory mission set forth in the Pollution Prosecution Act of 1990. NETI identifies and prioritizes multi-media and media-specific enforcement and compliance training needs for EPA Headquarters, Regional Offices, state, local, tribal, and other governmental authorities; and develops and/or tailors appropriate and sufficient training programs to meet those training needs. NETI delivers traditional classroom training, develops and utilizes new electronic and remote training tools, such as satellite, interactive video, e-learning that is SQORM and 508 compliance, and Webinars to maximize the cost-effectiveness of NETI training programs and services. NETI develops and fosters partnerships with EPA Offices, and other Federal, state, local, tribal, and other governmental authorities and their representative organizations to better and more efficiently fulfill the NETI mission. NETI develops and implements internal, external, and online communication systems to increase awareness of NETI programs and services. The Director of NETI manages the OECA Legal Intern Program.

ENFORCEMENT TARGETING AND DATA DIVISION. The Enforcement Targeting and Data Division (ETDD), under the supervision of a Director, who reports directly to the Office Director, provides information management services across OECA and the regions. This includes the operation, maintenance, enhancement, integration and modernization of compliance and enforcement information systems, making compliance data publicly available and acting as liaison to other EPA program offices on compliance and enforcement data issues related to their own data systems. ETDD incorporates risk reduction, environmental justice and pollution prevention techniques consistent with Agency priorities within its program management responsibilities.

The Division is responsible for the development and execution of targeting analyses to help assure that the Office of Enforcement and Compliance Assurance, EPA Regional Offices, and states are establishing and implementing enforcement programs in a timely and efficient manner. The Division is responsible for the annual and periodic collection and analysis of data to assess the Agency's enforcement and compliance performance. Additionally, the Division provides FOIA support and tracking for the Office.

ETDD works closely with the other Divisions in the Office of Compliance and other program offices within OECA in the management of compliance and enforcement information retrieval systems and works in concert with other programs (OSWER, OW, OAR, OCSPP, OEI) in the

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development, maintenance and enhancement of jointly held information systems. The Division is responsible for coordinating with the Information Management Officer and all other OECA offices on all information management functions related to program information and enforcement database management. ETDD is also responsible for data systems integration and modernization of all compliance and enforcement data systems.

The Division reviews and recommends to the Director, Office of Compliance, comments and input on proposed regulations, programs and policies impacting the Division's programs. It also represents the concerns and interests of its compliance programs to other EPA Offices, States, Tribal governments, other agencies, and Congress, as well as industry, public interest and environmental groups.

INTEGRATION, TARGETING AND ACCESS BRANCH. The Integration, Targeting and Access Branch (ITAB) develops strategic and tactical targeting tools to assist the regions, states, and tribes in their compliance and enforcement activities. The Branch is responsible for the development, maintenance and operation of data integration and public access information tools, such as the Integrated Data for Enforcement Analysis (IDEA) system, and its web-based interfaces, the Online Targeting Information System (OTIS) for state and EPA use, and the Enforcement and Compliance History Online (ECHO) system for public use. The functions of the Branch are split across two teams.

DATA INTEGRATION TEAM. This Team is responsible for the maintenance and operation of OECA's primary data integration efforts, pulling compliance and enforcement information from multiple media data systems across EPA. This Team compiles data runs and statistics for OC staff to utilize in their analyses and reports

TARGETING AND PUBLIC ACCESS TEAM. This Team is responsible for the development, maintenance and operation of web-based interfaces for Compliance and enforcement date. The Team develops targeting tools and analyses on a systematic, media-specific basis that work for a specific environmental problem. The Team leads OC cross-divisional "targeting teams" for each media program that develop analyses to determine potential non-compliance problems that contribute to environmental impairment, and work cooperatively with OCE and OCEFT. The Team responds to requests to assist regions and states in identifying specific facilities that might have violations related to specific initiatives. They develop online, web-based tools; provide training on targeting; develop best practices to assist in building capacity for targeting at the regional and state levels; and develop capacity for GIS services that can allow users to identify targets via mapping applications including EPA's Geoplatform. The Team plays the lead role in OECA in enhancing public access to compliance and enforcement information, including the development and operation of electronic tools (such as the ECHO website) to provide the public with access to EPA and state enforcement and compliance information.

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DATA SYSTEMS AND INFORMATION MANAGEMENT BRANCH. This Branch operates, maintains and provides technical and user support for various existing legacy data systems for Agency compliance and enforcement data. DSIMB is responsible for modernization of the legacy systems, including the development, implementation and support of these modernized systems, such as the Integrated Compliance Information System (ICIS). The Branch is responsible for reaching out to the diverse and numerous users of its data systems to ensure that the systems are designed, developed and implemented consistent with user and program needs. DSIMB develops and implements procedures to compile annual and periodic data on the outcomes and results of the enforcement and compliance program. The Branch develops reports on the annual and periodic performance of the enforcement and compliance program at the national, regional and state levels. The Branch also develops and coordinates implementation of a data quality strategy. The functions of the Branch are split across three Sections.

MEDIA SYSTEMS SECTION. This Section operates, maintains, enhances and provides technical and user support for the legacy data systems for Agency compliance and enforcement data.

ICIS CUSTOMER SUPPORT SECTION. This Section supports all customers of the Integrated Compliance Information System. The Section supports current users, prospective users, and all stakeholders of the ICIS system. The Section is comprised of two Teams:

ICIS REPORTING TEAM. This Team is responsible for maximizing the useability of ICIS by designing userfriendly reports and data retrieval capabilities. The Reporting Team is responsible for the quarterly and end-of-year reporting and analyses for the compliance and enforcement program. These numbers and analyses are utilized in a number of ways by the other members of OC in compiling statistics and other analyses on regional, state and program performance.

ICIS TRAINING & USER SUPPORT TEAM. This Team works with users of ICIS on an ongoing basis and designs, develops, and conducts the training necessary for effective use of the system. This Team coordinates closely with the ICIS Reporting Team and the ICIS Operations, Maintenance & Modernization Section to ensure that user communications are always timely and correct.

ICIS OPERATIONS, MAINTENANCE & MODERNIZATION SECTION. This Section is responsible for the operations and maintenance of ICIS, and for modernization of the compliance and enforcement program's legacy systems, including the design and development of the ICIS components for these systems as they are modernized.

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MONITORING, ASSISTANCE AND MEDIA PROGRAMS DIVISION. The Director of the Monitoring, Assistance and Media Programs Division (MAMPD) reports directly to the Director of the Office of Compliance. The Division integrates the use of compliance monitoring and assistance to promote and improve compliance with the Clean Water Act (CWA) [National Pollutant Discharge Elimination System (NPDES) Section 402, Oil Pollution Act (OPA) and Spill Prevention Control and Countermeasures (SPCC) Section 311, Section 404 [Wetlands], the Safe Drinking Water Act (SDWA), the Stationary Source Clean Air Act (CAA) programs New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Section 601 Stratospheric Ozone, and 112(r) Prevention of Accidental Releases], the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Resource Conservation and Recovery Act (RCRA), and the Toxic Substances Control Act (TSCA). The Division provides multi-faceted support to EPA, state, local, and tribal enforcement programs in implementing its responsibilities. The Division leads the development and oversight of cross-cutting national compliance monitoring and assistance policies and guidance.

The MAMPD ensures nationally consistent implementation of regulations, policies, and guidance for environmental statutes; provides program leadership to advance OECA compliance and enforcement goals and the mission of EPA and state, tribe and local programs; provides virtual compliance assistance information to educate state, tribe, and local entities, the regulated community and the public on environmental compliance; provides the public with access to compliance and enforcement information; designs and implements compliance assistance and compliance monitoring programs to increase the technical capacity of regional, state, local and tribal compliance personnel (e.g., inspectors, compliance officers, etc.); and conducts laboratory inspections and data audits.

In addition, the Division supports the development of enforceable regulations including innovative approaches, and adequate compliance monitoring enforcement provisions; provides information on the specific application of national compliance policies; represents the concerns and interests of compliance programs to other EPA offices, Congress, states, tribes, and other government agencies, as well as industry, public interest groups, and environmental groups; develops compliance materials and tools for the regions, states, tribes, local agencies, and the regulated community; provides technical expertise on compliance for both the core and national initiatives, ensures national consistency through the oversight of regional and state media program implementation; works on technological tools to modernize the process of conducting and reporting inspections, develops and maintains trained and credentialed inspectors per EPA Order 3500.1 to provide support to regions, states, local agencies and tribes on the technical aspects of compliance inspections, particularly in support of EPA's civil enforcement program.

COMPLIANCE POLICY STAFF. The Director of the Compliance Policy Staff (CPS) reports directly to the, Monitoring, Assistance and Media Programs Division Director. CPS develops and provides oversight on cross-cutting national compliance monitoring and assistance policies and guidance to enhance the use and integration of compliance monitoring and assistance tools across EPA, state, local and tribal governments. The staff develops policies that effectively address issues that impact cross media national compliance monitoring and assistance programs. CPS works with the Division's Branches to identify and help address media-wide and emerging issues that can be best

addressed by developing national multi-media compliance assistance and/or compliance monitoring policies, guidance, tools and strategies. CPS maintains EPA Order 3500.1 (Training Requirements) and EPA Order 3510 (Credentials). CPS establishes national policy for the issuance of EPA credentials, tracks credentials issued by regions and other HQs' offices, and collects and reports data on those credentials. CPS implements and oversees agreements on credentials between regions and states and tribes seeking credentials. CPS is charged with overall coordination of the implementation of national expectations for conducting inspections. CPS develops and operates mechanisms to communicate information to inspectors. CPS serves as the OECA lead to coordinate and promote the use of electronic data flows and technology by inspectors in the field to increase the efficiency of inspection and evaluation programs. In addition, the Policy Staff manages OC's Compliance Assistance Centers by managing the grant process and working with grantees to develop and maintain the centers. CPS periodically analyzes compliance issues to identify new Center candidates. CPS coordinates among grantees, collaborates with other partners (e.g., program offices, other providers) to distribute Agency information on compliance. Additionally, CPS supports the development of Agency-wide sector or topic based Web portals where center development is not an option. CPS maintains OC's compliance assistance web pages.CPS collaborates with partners and stakeholders within and outside the government as appropriate to advance its programs. The Division uses new information tools to foster collaboration and more transparent communication with the public.

WATER BRANCH. The Director of the Water Branch reports directly to the Monitoring, Assistance and Media Programs Division Director. The Water Branch promotes and improves compliance with the Clean Water Act (CWA), Oil Pollution Act, and the Safe Drinking Water Act (SDWA), through the integration of compliance monitoring and assistance. It provides multi-faceted support to EPA, state and tribal water enforcement programs. Specifically, the Branch supports the development of enforceable regulations, ensures adequate compliance monitoring provisions, participates in rule workgroups, provides comments on proposed legislation, and coordinates with other Agency offices as appropriate for all Agency water programs. The Branch provides information on the specific application of national compliance monitoring and assistance policies as they relate to the Agency's water programs. The Branch represents the concerns and interests of its water compliance monitoring and compliance assistance programs to other EPA offices, Congress, states, tribes, and other government agencies, as well as industry, public interest groups, and environmental groups. The Branch develops water-related compliance monitoring and compliance assistance materials and tools. The Branch manages and maintains its water program-specific compliance monitoring and assistance web pages to include new tools and information. The Branch coordinates with the CPS to link its program specific assistance information to the appropriate Compliance Assistance Centers, and to link its program specific compliance monitoring programs to the appropriate compliance monitoring (inspection) web pages. The Branch ensures nationally consistent core and national priority water programs through oversight of regional and state program implementation. The Branch provides oversight through a variety of mechanisms including, but not limited to, support of the State Review Framework (SRF), the National Program Manager's (NPM) Guidance, and

the Annual Commitment System (ACS), as appropriate. The Branch provides technical expertise on compliance monitoring and assistance for both core program and national initiatives for the water program. The Branch works to incorporate the latest technology into the processes of conducting and reporting inspections. The Branch develops statute and water program-specific national policies, guidance, and monitoring strategies to assist the regions, states, tribes, and local agencies in implementing their environmental programs. The Branch provides water-specific input in the development of cross-media (or multi-media) compliance monitoring and compliance assistance policies. The Branch develops and maintains a cadre of trained, credentialed inspectors to provide support to regions, states local agencies, tribes and headquarters offices. As requested, these personnel may conduct inspections, develop and present inspector training, provide oversight of regional, state, tribal and local inspection programs, and perform other fact-finding activities. These inspectors will use their experience and expertise to inform and impact the regulatory development process. They will work closely with OC's targeting group, following up in the field on potential new national priority areas. Branch inspectors conduct and provide training on water compliance inspections, record searches, structured interviews, computer-based information retrieval and new rules for regional, state, local and tribal compliance personnel. The Branch collaborates with partners and stakeholders within and outside the government as appropriate to advance its programs. The Branch uses new information tools to foster collaboration and more transparent communication with the public.

AIR BRANCH. The Director of the Air Branch reports directly to the Monitoring, Assistance, and Media Programs Division Director. This Branch focuses its compliance assurance efforts on the Stationary Source CAA programs [New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Section 601 Stratospheric Ozone, and 112(r) Prevention of Accidental Releases]. The Branch works with regions, states, tribes, and local agencies to develop CAA strategies, initiatives, and emerging programs. The Branch supports the development of enforceable CAA regulations, provides comments on proposed legislation, participates on Agency workgroups, and coordinates with other Agency offices as appropriate. In addition, the Branch: provides information and responds to questions on CAA programs and regulations through regulatory interpretations, applicability determinations, and alternative monitoring decisions, and provides a publicly accessible repository of all such decisions; represents the concerns and interests of the CAA compliance monitoring and assistance programs; develops CAA compliance monitoring and assistance materials and tools; coordinates with CPS office to link its program-specific assistance information to the appropriate Compliance Assistance Centers, and to link its compliance monitoring programs to the appropriate compliance monitoring (inspection) web pages; ensures nationally consistent CAA core and national initiative programs through oversight of region, state, tribe, and local agency program implementation; and provides technical expertise on CAA compliance monitoring and assistance. The Branch develops and maintains a cadre of trained, credentialed inspectors to provide support to regions, states local agencies, tribes and headquarters offices. Upon request, these personnel may conduct inspections, develop and present inspector training, provide oversight of regional, state, tribal and local inspection

programs, and perform other fact-finding activities. In addition, the Air Branch implements and manages the Federal Wood Heater NSPS Program and manages the CAA Information Collection Request (ICR) process.

PESTICIDES, WASTE & TOXICS BRANCH. The Director of the Pesticides, Waste and Toxics Branch (PWTB) reports directly to the Monitoring, Assistance, and Media Programs Division Director. The PWTB promotes and improves compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Resource Conservation and Recovery Act (RCRA), the Toxic Substances Control Act (TSCA) and agriculture programs. The Branch provides multi-faceted support to EPA and state hazardous waste, pesticides and toxic substances compliance programs. It oversees environmental compliance programs for all media for agricultural production, including crops, livestock, forestry, agricultural chemicals, irrigation, lawn care, and pest control. The Branch provides technical expertise on FIFRA, RCRA, and TSCA compliance monitoring and compliance assistance for both the core and national initiatives and ensures nationally consistent programs for each media through oversight of regional, state, tribe, and local program implementation. The Branch supports the development of enforceable FIFRA, RCRA and TSCA regulations to ensure adequate compliance monitoring provisions and provides comments on proposed legislation language. The Branch provides information and responds to questions on its statutory programs and the agriculture program, including the applicable regulations and policies. Branch represents the concerns and interests of its compliance monitoring and assistance programs to other EPA offices, Congress, states, tribes, and other government agencies, as well as industry, public interest, and environmental groups. The Branch develops compliance monitoring and assistance materials and targeting tools and provides media-specific input in the development of or multi-media compliance monitoring and assistance policies. The Branch manages and maintains its program specific compliance monitoring and assistance web pages to include new tools and information. The Branch coordinates with the CPS to link its program specific assistance information to the appropriate Compliance Assistance Centers, and to link its program specific compliance monitoring programs to the appropriate compliance monitoring (inspection) web pages. The Branch develops national FIFRA, RCRA and TSCA policies, guidance documents, and monitoring strategies to assist the regions, states, tribes, and local agencies in the implementation of their environmental programs. The Branch develops and maintains a cadre of trained, credentialed inspectors to provide support to regions, states local agencies, tribes and headquarters offices. As requested, these personnel may conduct inspections, develop and present inspector training, provide oversight of regional, state, tribal and local inspection programs, and perform other fact-finding activities. Inspectors use their experience and expertise to inform and impact the regulatory development process. They work closely with the Office's targeting group, following up in the field on potential new national priority areas. Inspectors conduct and provide training on FIFRA, RCRA and TSCA compliance inspections and evaluations, record searches, structured interviews, computer-based information retrieval, and new rules for regional, state, local and tribal compliance personnel. The Branch works to incorporate the latest technology into the processes of conducting and reporting inspections, and delivering compliance assistance for the regions, states, tribes, local. In addition, the Branch: administers the FIFRA

state/tribal cooperative agreement program and manages the Pesticide Enforcement and TSCA Grant Programs; administers the pesticide producer establishment registration and production reporting program under Section 7 of FIFRA; maintains and operates the National Agriculture Center to provide information on compliance with environmental requirements that impact agriculture, facilitate coordination and communication on agricultural issues among headquarters and the regions and serve as the gateway to EPA's information on agriculture to stakeholders outside of EPA; and collaborates with partners and stakeholders within and outside the government as appropriate to advance its programs. The Branch uses new information tools to foster collaboration and more transparent communication with the public.

GOOD LABORATORY PRACTICES SECTION. This Section, under the supervision of a Section Chief, who reports to the PWTB Branch Chief, is responsible for implementing the Agency's Good Laboratory Practices (GLP) compliance monitoring program through laboratory inspections and data audits to assure the quality and integrity of test data submitted under TSCA and FIFRA. The Section also represents EPA in international activities on GLP compliance monitoring, including providing training to international GLP inspectors.

OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS, AND TRAINING (OCEFT) FUNCTIONAL STATEMENT

OCEFT, under the supervision of a Director and Deputy Director, is a Headquarters Office, which reports to the Assistant Administrator for Enforcement and Compliance Assurance (OECA). OCEFT investigates significant environmental crimes cases, develops and employs state of the art forensic science to environmental enforcement cases, and provides policy and legal advice on criminal enforcement and forensics issues to OECA management.

IMMEDIATE OFFICE

- The Planning, Analysis, and Communications (PAC) Staff, under the supervision of a Director, is responsible for developing and updating OCEFT's strategic operating plan and serves as the principal contact point on all media-related and OCEFT-wide communications issues for both internal and external clients.
- The Professional Integrity and Quality Assurance (PIQA) Staff, under the supervision of a Special Agent in Charge, is responsible for the integrity, economy, and efficiency of OCEFT's operations.
- The Resource Management Staff (RMS), under the supervision of a Director, provides financial, human resources, and administrative support for OCEFT.
- The Protection Services Detail, under the Supervision of a Special Agent in Charge, provides protection services for the physical security of EPA's Administrator. **LEGAL COUNSEL DIVISION**. The Legal Counsel Division (LCD), under the supervision of a Director and a Deputy Director, is responsible for providing legal support and guidance on all legal and policy matters pertaining to criminal enforcement of environmental requirements.

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- Provides legal services to OCEFT client divisions in environmental and criminal law, expert witness preparation, litigation of environmental enforcement cases, information law, and personnel law.
- Serves as advocate for OCEFT's programmatic interests in matters involving the Department of Justice (DOJ), EPA's Office of General Counsel (OGC), EPA program and civil enforcement offices, and other law enforcement agencies.
- Participates in the development of statutes and regulations.
- Provides legal training to CID Special Agents, NEIC scientists, EPA attorneys, and EPA's federal, state, local, tribal, and international partners to enhance the overall effectiveness of environmental crime enforcement.
- Responds to inquiries from Congress and members of the public.

CRIMINAL INVESTIGATION DIVISION. The Criminal Investigation Division (CID), under the supervision of a Director and a Deputy Director, conducts criminal investigations of violations of federal and state environmental statutes and associated ancillary statutes, refers cases to DOJ and/or state prosecutors, and provides full investigative support during prosecution.

- Develops policies and procedures to ensure timely, appropriate, and legal enforcement responses to violations.
- Coordinates with offices and divisions inside EPA, as well as outside environmental and law enforcement agencies regarding investigations and case development activities.
- CID plans, develops, and coordinates investigative activities and oversees all operational aspects of criminal investigations
- The Investigations Branch (1) serves as a liaison with state, tribal, and local law enforcement and regulatory representatives, as well as other federal partners such as INTERPOL and the Financial Crimes Enforcement Network (FINCEN) within the U.S. Department of Treasury; (2) monitors and coordinates all sampling and analytical requests made by CID and determines forensic resource needs; (3) reviews, analyzes, and evaluates the development and production of cases; (4) identifies, collects, and analyzes information gathered from a variety of public, commercial, and government sources; (5) provides CID Agents with on-site search and seizure support involving computer or other electronically stored evidence, and (6) conducts complex analyses of computer data.
- The Operations Branch is responsible for providing comprehensive administrative and logistical support to CID Headquarters and offices located throughout the country, including developing an operating plan, managing all CID property/equipment/facilities/communication and IT needs, processing human resources-related paperwork, and overseeing the medical monitoring program.
- The Training Branch is responsible for the development and delivery of training for CID Special Agents and their state, local, tribal, and international counterparts, as including liaison and training activities conducted in concert with OECA's and EPA's international divisions/offices, as well as with external partners such as the Department of State.

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NATIONAL ENFORCEMENT INVESTIGATIONS CENTER. The National Enforcement Investigations Center (NEIC), under the supervision of a Director and a Deputy Director, serves as the principal source of science and technical expertise providing support for criminal and civil investigations having national impact on EPA and state regulatory programs for air, water, toxics, pesticides, radiation, and solid waste pollution control.

- Plans, develops, and provides scientific and technical support for investigations conducted on a national basis and provides technology transfer mechanisms, including training for OCEFT components, as well as state, local, and other federal offices and agencies, on scientific and technical approaches to environmental enforcement.
- Provides expertise and guidance to all OECA components in the development of multimedia compliance and enforcement strategies and national priorities, and national expertise to Headquarters and Regional Offices of EPA and DOJ in evaluating a broad range of waste disposal and emission problems, monitoring technology, and remedial programs.
- Provides quality scientific and technical support to criminal, civil, and administrative compliance and enforcement determinations, including defensible reports on the findings of field investigations, recommendations for follow-up enforcement action, and technical advice and/or recommendations on the control, abatement, and resolution of pollution problems.
- Conducts field and laboratory measurement activities for compliance determinations and case preparations, and assists in assessing and developing information, evidence and technical testimony in support of EPA enforcement programs.
- The Field Branch is responsible for providing an array of investigative services, including single facility and multimedia compliance monitoring investigations and process and control technology assessments.
- The Laboratory Branch is responsible for maintaining an environmental forensic laboratory, developing and improving analytical techniques, and providing nationwide specialty expertise on techniques, methods, and procedures, laboratory instrumentation and analytical techniques, and associated health effects for sources of pollution.
- The Information Technology Branch is responsible for providing information technology services, including basic technical, business, and legal information from Agency and commercial databases, link analysis, graphics for trial exhibits, electronic data analysis, ability-to-pay determinations, and financial analyses, as well as asset determinations.

OFFICE OF FEDERAL ACTIVITIES. The Office of Federal Activities (OFA), under the supervision of a Director, reports to the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA). The Director acts as the national program manager for three major programs assigned to the Office. These include the review of other agencies' environmental impact statements (EISs) and other major actions under the authority of the National Environmental Policy Act (NEPA) and §309 of the Clean Air Act; EPA compliance with the

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National Environmental Policy Act (NEPA) and related laws, directives, and Executive Orders concerning special environmental areas and cultural resources; and coordination of OECA's international enforcement and compliance and environmental impact assessment programs.

OFA also serves as the principal point of contact and liaison with other federal agencies and provides consultation and technical assistance to those agencies relating to EPA's areas of expertise and responsibility. OFA administers the filing and information system for all federal environmental impact statements under agreement with the Council on Environmental Quality (CEQ) and serves as liaison with the CEQ on this function and related matters of NEPA program administration. The Office provides a central point of information for EPA and the public on environmental impact assessment techniques and methodologies as well as for the international community, on the conduct of environmental enforcement and compliance assurance activities.

NEPA COMPLIANCE DIVISION. The NEPA Compliance Division (NCD) develops and recommends national programs and internal policies, strategies and procedures for the following:

- review of other agencies' EISs and other major actions for environmental compliance pursuant to §309 of the Clean Air Act and the CEQ NEPA implementing regulations
- preparation of EISs on EPA activities
- compliance with crosscutters, including
    - the Endangered Species Act
    - the National Historic Preservation Act
    - ecological initiatives

In addition, the Division performs the following national-level functions related to implementing its NEPA and CAA responsibilities:

- Headquarters-level liaison with federal agencies to resolve problems
- Focal point for regional and headquarters contacts on matters related to the EPA comments on federal agency regulations
- Developer and administrator for the official public filing and information system for all Federal EISs and serves as liaison with CEQ on this function and related matters of NEPA program administration
- EPA focal point for improving capabilities in interdisciplinary environmental analysis
- Central point of information for the public on EISs and environmental impact assessment techniques and methodologies
- International capacity-building leader for Environmental Impact Assessment (EIA), including managing the review of EIAs of non-governmental activities in Antarctica
- Administrator for NEPASSIST, an online support tool for NEPA practitioners

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INTERNATIONAL COMPLIANCE ASSURANCE DIVISION. The International Compliance Assurance Division (ICAD) provides direction and coordination for OECA's international activities through the following responsibilities:

- Coordinates strategy and budget implementation of OECA's international activities
- Serves as OECA's principal point of contact with the Office of International and Tribal Affairs for enforcement and compliance program activities

ICAD has direct international responsibilities for:

- providing focused enforcement and compliance support for EPA's international agenda in areas such as implementing the North American Free Trade Agreement (NAFTA)
- providing technical assistance to enhance environmental enforcement and compliance in countries throughout the world
- advising other EPA offices on enforcement and compliance aspects of programs to meet the United States' obligations under international environmental agreements
- providing direction for OECA activities under U.S. laws involving international issues
- providing counsel, in coordination with the Office of General Counsel (OGC), on enforcement aspects of international agreements relating to trade and environmental protection
- in consultation with OGC, coordinating with the State Department, Bureau of Customs and Border Protection, and other EPA offices on the international aspects of enforcing U.S. environmental laws.

ICAD, on behalf of the U.S., also controls the transboundary movements of hazardous waste under the Resource Conservation and Recovery Act (RCRA) and its implementing regulations, and under applicable international agreements. ICAD's responsibilities include:

- consenting or objecting to imports and transits of hazardous waste, and acknowledging the consent or communicating the objection of the receiving country to a proposed U.S. exporter of such waste
- preparing periodic reports on the review of consent or objection of imports/exports, that are provided to senior managers on related policy issues.
- monitoring compliance with applicable legal requirements based on available data, as resources permit
- referring apparent violations to EPA Regional Offices for appropriate enforcement action
- tracking movements of hazardous waste as described in notifications of intent to import or export, manifests and tracking documents, and annual

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reports
- utilizing and maintaining the Waste International Import Export Tracking System (WIETS) for tracking purposes

OFFICE OF CIVIL ENFORCEMENT. The Office of Civil Enforcement (OCE), under the supervision of an Office Director, reports to the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA). OCE is responsible to the AA/OECA for developing, managing, and resolving civil judicial and administrative enforcement actions; determining the appropriate enforcement responses to violations of environmental laws and developing litigation policies on self-auditing and self disclosure of violations; developing, jointly with the Office of Compliance, and implementing enforcement case initiatives that support OECA priorities; tracking and monitoring administrative and judicial initiatives that support OECA priorities; tracking and monitoring administrative and judicial cases through the use of dockets and other data bases; reviewing citizen suits and assisting in the preparation of amicus and other briefs in support of beneficial citizen suits and appeals; acting as liaison on enforcement issues with the Regional offices, the Department of Justice, the Congress, the EPA program offices, and other offices within OECA; providing technical assistance and recommendations on legislative proposals; developing enforcement policy and guidance; reviewing Federal and State regulations for enforceability and developing Federal enforcement regulations; managing contracts for litigation support and investigations; providing legal and technical support for judicial appeals; and arguing nationally significant administrative appeals before the Environmental Appeals Board. OCE is also responsible for providing support and review of enforcement actions developed by the EPA Regions developing and litigating national enforcement actions; providing oversight of EPA Regional and State enforcement actions; and providing expert counsel on civil enforcement within OECA and to other EPA offices Congress, States, other government agencies, and the public. On rulemaking issues, OCE will generally; have the lead for rules that determine jurisdiction, establish enforcement authorities, or prescribe rules of practice or procedure. OCE is also the civil enforcement lead for OECA's Environmental Justice (EJ) Program. OCE ensures that OECA considers and addresses EJ concerns in all civil enforcement matters.

The Office consists of three media specific enforcement divisions for Air, Water, and a combined division for RCRA, and Pesticides and Toxics. A fourth Division -- the Special Litigation and Projects Division, provides a prominent multimedia enforcement capacity to ensure a whole facility, ecosystem and population-based approach to case initiation, support and resolution. OCE and its enforcement divisions incorporate risk reduction, environmental equity and pollution prevention techniques consistent with Agency priorities within its program management responsibilities.

AIR ENFORCEMENT DIVISION. The Air Enforcement Division (AED), under the supervision of a Division Director, is responsible for the development and implementation of judicial and administrative enforcement activities under the Clean Air Act (CAA) and the Noise Control Act. AED ensures the enforceability of rules promulgated under the Clean Air Act, including the 1990 Amendments. The Division provides national direction, leadership and

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consistency in case selection, development, resolution and appeal of civil judicial and administrative enforcement actions pursuant to its statutory authorities.

MOBILE SOURCE BRANCH, AED is solely responsible for enforcing the CAA provisions related to emissions from motor vehicles, heavy truck engines, nonroad engines, and motor vehicle fuels contained in Title II of the Act. Unlike almost all other environmental enforcement programs, there is no regional or state involvement. AED is responsible for enforcing against the prohibited acts found in section 203 (a) (pertaining to emissions from motor vehicle and heavy truck engines) and in regulations promulgated under section 213 (d) (pertaining to emissions from nonroad engines), including investigating possible violations, assessing administrative penalties, negotiating resolutions of those violations, and commencing administrative actions under section 205(a) and (c) of the CAA, referring civil actions under section 205(b) involving civil penalties larger than $200,000 and/or significant injunctive relief under section 204 of the CAA (and other injunctive relief provisions contained in the CAA and other statutes) to the Department of Justice, and working with the Department of Justice to resolve those civil actions. AED is responsible for enforcing the fuels provisions found in section 211 of the CAA and the regulations thereunder, including investigating possible violations, assessing administrative penalties, negotiating resolutions of those violations, and commencing administrative actions under sections 211(d)(i) and 205(c) of the CAA, referring civil actions under section 205(b) involving civil penalties larger than $200,000 and/or significant injunctive under section 211(d)(2) (and other injunctive relief provisions contained in the CAA and other statutes) to the Depart of Justice, and working with the Department of Justice to resolve those actions. In investigating possible violations, AED is responsible for targeting, conducting inspections with its own inspectors or through its contractors, and providing technical, scientific and engineering support in the development and pursuit of enforcement actions.

Through its Mobile Source Branch, AED is also responsible for ensuring the enforceability of the rules and regulations promulgated under Title II of the CAA. AED provides a focal point for coordination of air enforcement issues with the Department of Justice, the Office of General Counsel, the Offices of other Assistant Administrators, and other offices.

The functional statement for the AA/OECA and the offices and divisions under the control of AA/OECA do not include certain quasi-enforcement responsibilities under Title II of the CAA carried out by OAR's Office of Mobile Sources, with legal assistance from the Office of General Counsel. Specifically, the AA/OAR, and the Director of the Office of Mobile Sources retain authority for assembly-line testing under section 206(b) and non-conformity determinations under section 207(c) of the CAA, including administrative hearing related to such actions, inspection targeting and national program technical expertise.

STATIONARY SOURCE BRANCH, AED is the focal point of EPA expertise on all enforcement aspects of the programs related to the stationary source provisions of the

CAA. AED has lead responsibility for enforcement-related rulemakings and participates in other rulemaking and regulatory interpretation workgroups. AED develops national enforcement policies, penalty policies, guidance, and outreach, and focuses on high-profile enforcement initiatives and innovative programs. The Division develops settlement policies and other policies and activities encouraging pollution prevention, technological innovation, environmental auditing, and environmental justice. AED is responsible for reviewing Citizen Suits and Amicus Briefs under the Clean Air Act.

Through its Stationary Source Branch, AED serves as legal enforcement counsel on stationary source Clean Air Act issues across the Office of Enforcement and Compliance Assurance sector and other Headquarters programs, and for Regions and States. The Division works closely with the other Divisions in the Office of Civil Enforcement in areas of multi-media case management, and develops and coordinates enforcement initiatives involving the Clean air Act. The Division works with the other Offices and Divisions in the Office of Enforcement and Compliance Assurance in the areas of strategic planning, prioritization, and development of enforcement initiatives.

The Division reviews and recommends to the Director, Office of Civil Enforcement, action on proposed regulations, programs and policies affecting the Division's programs. It represents the concerns and interests of the Air Enforcement Division to other EPA Offices, States, Regions, the regulated community, and public interest and environmental groups.

Finally, through its Stationary Source Branch, AED is responsible for coordinating the development of nationally significant cases, and works with the Department of Justice and affected Regions and States to prosecute and resolve those cases. AED also has the enforcement lead within EPA for Title VI (Stratospheric Ozone), Title IV (Acid Deposition), and the emission requirements applicable to woodstoves.

SPECIAL LITIGATION AND PROJECTS DIVISION. The Special Litigation and Projects Division (SLPD), under the supervision of a Division Director, is responsible for developing, managing and promoting cross-media and novel enforcement approaches to address complex, emerging and significant environmental problems. In particular, the Division identifies emerging environmental problems and develops, implements and manages national cross-media enforcement cases with the potential to yield significant public health or environmental results, emphasizing whole-facility, sector-based and/or geographical approaches to environmental noncompliance.

The Division functions as the primary liaison within OCE for other EPA offices, the Department of Justice (DOJ) and other organizations on cross-media and cross-cutting enforcement cases and issues. The Division supplies legal, technical and policy support to the EPA Regions, states and tribes in developing and prosecuting cross-media and other nationally significant enforcement cases. Nationally significant enforcement cases may include those which are precedential in nature, multi-regional, in support of a national enforcement priority, or require national expertise,

particularly cases involving emerging and significant environmental problems or precedential liability theories. The Division also analyzes and provides comments on the civil enforcement implications of cross-cutting and cross-media legislation and testimony, in coordination with OECA's Office of Administration and Policy.

In coordination with the Regions, other OCE Divisions, EPA Program offices, the National Enforcement Investigations Center (NEIC) and DOJ, as appropriate, the Division also develops and manages certain targeted enforcement efforts (e.g., Concentrated Animal Feeding Operations, multi-regional Audit Policy cases, and cases involving tribally-owned or operated facilities in Indian Country) and identifies emerging, significant environmental problems that may be solved using a range of compliance incentive and enforcement tools.

The Division manages the use of innovative enforcement tools (such as the Audit Policy and the Supplemental Environmental Projects (SEP) Policy) and the development and support of models and cross-media enforcement policies (e.g., models to calculate the economic benefit resulting from avoiding or delaying compliance and a violator's ability to pay) and the promulgation of rules adjusting civil penalties for inflation. These tools, policies and rules are used by EPA Regions, states, tribes and other regulatory partners in enforcement actions across all media. The Division also provides support to all of OCE in the areas of financial management, contracts, facilities and human resources management and website management.

The Division is comprised of three branches: (1) the Litigation and Cross-Cutting Policy Branch; (2) the Litigation and Audit Policy Branch; and (3) the Resource Management Branch.

LITIGATION AND CROSS-CUTTING POLICY BRANCH. The Litigation and Cross-Cutting Policy Branch supplies legal, technical and policy support to EPA Regions, states and tribes in developing and prosecuting cross-media enforcement cases and nationally significant enforcement cases. Although the Litigation and Cross-Cutting Policy Branch may be involved in cases involving facilities located anywhere in the country, it has particular focus on Regions 1 through 5, and has Regional primary points of contact within the Branch that are specifically assigned to each of these Regions. The Litigation and Cross-Cutting Policy Branch also manages implementation issues that arise under the SEP Policy, serves as the lead within OCE for enforcement issues involving tribally-owned or operated facilities on Indian Country, resolves cases arising from self-disclosed violations pursuant to the Audit Policy, and handles half of the Division's targeted and sector-based cases and initiatives. The Branch is also responsible for managing the development and support of models and cross-media enforcement policies (e.g., models to calculate the economic benefit resulting from avoiding or delaying compliance and a violator's ability to pay) and the promulgation of rules adjusting civil penalties for inflation. Included within the Branch is the Civil Investigator Team, which conducts investigations in direct support of OCE, as well as all EPA and DOJ civil enforcement offices. Physically co-located with NEIC in Denver, Colorado, the Civil Investigator Team provides investigative support nationwide, including identifying, locating and interviewing witnesses; obtaining critical documentary and photographic evidence; determining corporate structure and relationships; and identifying assets of defendant companies and individuals. In addition to its cross-media and nationally

significant enforcement cases and specific policy responsibilities, the Branch reviews federal and state cross-program policies for consistency and ensures that single-media enforcement programs and policies are developed and implemented in a logically consistent manner across media enforcement programs.

LITIGATION AND AUDIT POLICY BRANCH. The Litigation and Audit Policy Branch supplies legal, technical and policy support to EPA Regions, states and tribes in developing and prosecuting cross-media enforcement cases and nationally significant enforcement cases. Although the Litigation and Audit Policy Branch may be involved in cases involving facilities located anywhere in the country, it has particular focus on Regions 6 through 10, and has Regional primary points of contact within the Branch that are specifically assigned to each of these Regions. The Litigation and Audit Policy Branch also manages the implementation of the Audit Policy, resolves cases arising from self-disclosed violations pursuant to the Audit Policy, and handles half of the Division's targeted and sector-based cases and initiatives. In addition to its cross-media and nationally significant enforcement cases and specific policy responsibilities, the Branch reviews federal and state cross-program policies for consistency and ensures that single-media enforcement programs and policies are developed and implemented in a logically consistent manner across media enforcement programs.

RESOURCE MANAGEMENT BRANCH. The Resource Management Branch is responsible for managing and providing administrative services, budget formulation and resource allocation, financial management, human resource services and website management for OCE. The Branch establishes and oversees personnel, facilities and administrative operations and policies for OCE. The Branch coordinates and manages OCE's contracts and oversees its budget execution, and is responsible for development of OCE's annual operating plan. The Branch is also responsible for managing OCE's website and, working with other OCE divisions, for communicating OCE's accomplishments through the internet.

The Division incorporates risk reduction, environmental justice, and pollution prevention techniques consistent with Agency priorities.

WATER ENFORCEMENT DIVISION. The Water Enforcement Division (WED), under the supervision of a Division Director, is responsible for pursuing deterrence of noncompliance by the development and implementation of judicial and administrative enforcement activities under the Clean Water Act, the Safe Drinking Water Act, the Marine Protection, Research and Sanctuaries Act, and the Oil Pollution Act. In partnership with other OECA offices and the Regions, WED facilitates coordinated, necessary and effective enforcement of these statutes by EPA, by state agencies pursuant to EPA authorization, and by citizen enforcers.

WED provides national direction, leadership, and consistency in the development of enforcement priorities, case selection, development, resolution, and appeal of civil judicial and administrative enforcement actions pursuant to these statutory authorities; in development of regulations, guidance and policy associated with civil judicial and administrative enforcement of these

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authorities; and in reauthorization and amendment of the enforcement provisions of these statutes. WED participates actively in programmatic regulation and policy development and implementation activities to insure that the regulations and policies developed by the Office of Water have adequate enforcement mechanisms.

The Division has the Agency lead in identification, development, and litigation of certain nationally significant cases; the Division recommends to the AA/OECA the referral, settlement and appeal of nationally and Regionally developed administrative and civil judicial cases. The Division provides technical, scientific, and engineering support, through experts or contracts, to the development and pursuit of enforcement actions, participates in and manages case negotiations, prepared litigation and settlement documents, and leads or supplements the development and presentation of the Government's case in administrative and court proceedings and on administrative or judicial appeal.

The Division provides a focal point for coordination on water enforcement issues with the Department of Justice, the Office of General Counsel, the Offices of other Assistant Administrators, and other offices. In conducting its responsibilities, the Division represents OECA and Agency concerns and interests to other government offices and external groups, and the Division represents OECA on work groups and task forces.

WED has two branches, each with specific areas of responsibility.

> **THE INDUSTRIAL BRANCH**, WED, has responsibility for administrative and judicial cases, policy development, regulatory matters, and coordination for industrial NPDES, Oil Pollution Act, Clean Water Act Section 404, Safe Drinking Water Act Underground Injection Control, and Marine Protection Research and Sanctuaries Act matters. The Industrial Branch provides legal and technical expertise in the areas of its responsibility and serves as the primary point of contact with the Regions, the Office of Water, Department of Justice and other federal and state agencies. The Industrial Branch also maintains records of citizen actions under Section 505 of the CWA and serves as the quality assurance contact for the Office of Regulatory Enforcement.
>
> **THE MUNICIPAL BRANCH**, WED, is responsible for administrative and judicial cases, policy development, regulatory matters, and coordination for municipal NPDES, pretreatment, the Safe Drinking Water Act Public Water System Supervision Program, and the Marine Protection, Research and Sanctuaries Act matters. The Branch develops national water policy on Clean Water Act pretreatment and wet weather issues, such as combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs) and develops drinking water enforcement policy. The Municipal Branch provides legal and technical expertise in its areas of responsibility and is a contact point for the Regions, the Office of Water and the Department of Justice and other federal and State agencies.

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WASTE AND CHEMICAL ENFORCEMENT DIVISION. The Waste and Chemical Enforcement Division (WCED) is the national program manager for the following regulatory enforcement programs:

- Resource Conservation and Recovery Act (RCRA),
- Federal Insecticide, Fungicide and Rodenticide Act (FIFRA),
- Toxics Substances Control Act (TSCA), including the Asbestos Hazard Emergency Response Act (AHERA),
- Residential Lead-Based Paint Hazard Reduction Act,
- Emergency Planning and Community Right to Know Act (EPCRA),
- Clean Air Act Section 112(r), and
- CERCLA 103.

The Division provides national direction for enforcement activities arising under these regulatory programs, including developing and litigating civil and administrative enforcement cases, and providing technical, legal, and policy support on Regional civil judicial and administrative enforcement actions. The Division identifies, develops, and implements national priorities; and provides guidance and support to the Regions when implementing those priorities. WCED is also responsible for participating with other offices in developing enforceable regulations and policies that will ensure compliance with these programs. The Division assesses, analyzes, and recommends action on enforcement issues; and provides scientific and engineering support through staff experts and contract resources. WCED represents the concerns and interests of these enforcement programs to other EPA offices and external groups; and represents OECA in meetings and on task forces requiring knowledge relating to these programs. The Division interfaces with the Department of Justice and other Federal agencies, states and tribes, and national organizations affected by the Division's enforcement.

The Waste and Chemical Enforcement Division ensures that nationally significant issues in administrative and civil judicial cases are managed, litigated, and resolved in a manner consistent with national policy. Working with the Regional offices, the Department of Justice, and the Office of General Counsel, the Division ensures that all appeals of enforcement actions in these programs are briefed and argued effectively and in a manner that promotes the interests of these enforcement programs. The Division promotes the use of multi-media enforcement policies (e.g., the Audit policy, the SEP policy) in these enforcement programs. The Division identifies the need for, and assumes a lead role in, developing media-specific enforcement policy and guidance documents for these programs. The Division is also responsible for advising the Assistant Administrator on the enforcement implications of legislative developments of these enforcement programs. In addition, the Division is responsible for working with other offices to provide training and technical assistance on enforcement matters related to the statutes within the Division's purview. The Waste and Chemical Enforcement Division is responsible for developing national enforcement policy on the use of the Agency's authorities to address imminent and substantial endangerments. Finally, the Division manages the administrative and contracts work that supports the responsibilities of this Division. The Division carries out the above functions through three branches:

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WASTE ENFORCEMENT BRANCH. The focuses on all RCRA civil enforcement issues other than those associated with RCRA Subtitle I, including any enforcement response and civil penalty policies. The Branch maintains expertise in and coordinates the use of imminent and substantial endangerment authorities (e.g. RCRA section 7003, CAA section 303, SDWA section 1431) across all statutes and all Regions. This Branch also maintains expertise in financial assurance for the Division. In addition, the Branch is responsible for state issues, such as Subtitle D, authorization, and oversight. This Branch is responsible for identifying national program priorities in the solid and hazardous waste programs, and establishing appropriate national program measures.

PESTICIDES AND TANKS ENFORCEMENT BRANCH. The focuses on all FIFRA and Underground Storage Tank (RCRA Subtitle I) civil enforcement issues, including any enforcement response and civil penalty policies. The Branch also maintains expertise in bankruptcy issues for the Division. This Branch supports the data entry and retrieval needs of the Division. This Branch is responsible for identifying national program priorities in the FIFRA and the Underground Storage Tank Program, and establishing appropriate national program measures.

CHEMICAL RISK AND REPORTING ENFORCEMENT BRANCH. The focuses on all TSCA, LPB Hazard Reduction Act, CAA 112(r), CERCLA 103, and EPCRA civil enforcement issues, including any enforcement response and civil penalty policies. The Branch also maintains expertise on inspection issues for the Division. In addition, this Branch is responsible for identifying national program priorities in the TSCA, CAA 112(r), CERCLA 103, and EPCRA programs, and establishing appropriate national program measures.

OFFICE OF SITE REMEDIATION ENFORCEMENT. The Office of Site Remediation Enforcement (OSRE), under the supervision of a Director and Deputy Director, serves as the principal adviser to the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) on matters relating to the conduct of cleanup enforcement activities. OSRE consists of two divisions, the Regional Support Division and the Policy and Program Evaluation Division, as well as the Program Operations Staff. The Office is responsible for managing a national program of remediation enforcement under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Oil Pollution Act (OPA), and the Agency's Underground Storage Tanks (UST) program.

- The Office serves as EPA's lead for developing guidance and policies for all cleanup-enforcement programs. This includes the review of appropriate program guidances, as well as evaluating the impact of the policies, the development of program strategies, long term and yearly goals, and the formulation and implementation of budgets and plans to support implementation of strategies and goals. OSRE participates in regulation development and review on matters relating to cleanup enforcement.

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- Nationally significant or precedential cases are developed or managed in cooperation with Regional offices and the U.S. Department of Justice (DOJ). The Office provides case support and conducts reviews of selected civil enforcement litigation referrals from Regional and media program offices and assures consistency of individual cases with procedural requirements and established policies. In conjunction with Regional or Assistant Administrators, as appropriate, and the DOJ, the Office prepares overall litigation strategies, provides technical and litigation expertise, and reviews settlements for adherence to national policy and adequacy of results, and provides advice on settlements as necessary.

- The Office serves as the national expert for all matters relating to cleanup enforcement, including compliance monitoring and enforcement. The Office provides a central point of contact and information for regions. The regional liaisons and analysts serve to keep the regions informed of policy developments, share the experiences of other regions in order to translate areas of success, and monitor and support the regions in meeting the established program priorities.

- OSRE coordinates closely with the regions; the Office of Solid Waste and Emergency Response (OSWER); the AA/OECA's Immediate Office; OECA's Office of Civil Enforcement (OECA/OCE); and OECA's Office of Compliance (OECA/OC); and other EPA offices as necessary. It represents the interests of the cleanup enforcement programs to other offices of the Agency and normally is represented on task forces, work groups and at meetings where issues relating to these programs are under consideration. In coordination with the AA/OECA's Immediate Office and OECA's Office of Administration and Policy (OECA/OAP), represents the remediation enforcement program to external organizations, including the Office of Management and Budget (OMB), Congress, DOJ and other Federal agencies, the media, public interest and industry groups, State and local governments, their associations, and the public.

PROGRAM OPERATIONS STAFF. The Program Operations Staff (POS) is responsible for managing and providing budget and administrative support to OSRE and the national cleanup enforcement program. POS formulates program budget requests, develops and manages OSRE's annual operating budget and, in coordination with PPED, allocates and oversees Regional contract support funding in conjunction with annual workplanning activities. POS is responsible for all human resources support functions, including payroll and FTE management and personnel action development. The staff coordinates and manages OSRE's mission support contract and the Agency's Interagency Agreement with the Department of Justice to fund activities undertaken in support of the Superfund enforcement program. POS also serves as the lead for records management and for Freedom of Information Act (FOIA) and controlled correspondence assigned to OSRE.

POLICY AND PROGRAM EVALUATION DIVISION. The Policy and Program Evaluation Division (PPED) under the supervision of a Director and Deputy Director, manages policy and guidance development and coordination, national and regional

program evaluation activities, and special programs support under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), the Oil Pollution Act (OPA), and the Underground Storage Tank (UST) program. This mission is conducted in close coordination and interaction with other organizational units within OECA's Office of Site Remediation Enforcement (OSRE), other Offices in the Office of Enforcement and Compliance Assurance, Regional Offices, other EPA Offices, and external organizations including Congress, federal agencies, states, Indian Tribes, and the regulated community.

- The Division develops enforcement policy and guidance in support of all aspects of the remediation component of these statutory programs including CERCLA, RCRA Subpart F, RCRA §§ 3008, 3013, 7003, OPA implementation, and the Agency's Underground Storage Tanks (UST) program as well as various interrelated administrative programs including the Agency's environmental justice, Next Generation Compliance and Making a Visible Difference in Communities initiatives, state and tribal coordination, ecosystems protection, and waste minimization.

- The Division incorporates centers of expertise to support policy and guidance development, implementation, training, and evaluation of response enforcement and remediation programs.

- PPED also conducts strategic planning in support of intermediate and long-term goals and objectives in these programs, and establishes priorities and targets for annual accomplishments in participation with other offices in OSRE.

- PPED participates in program workgroups and reviews technical guidance for enforcement concerns. The Division also facilitates the revitalization and reuse of sites of federal interest by providing liability clarification to prospective purchasers.

- The Division is responsible for conducting trends analyses to assist in the evaluation of the status and accomplishments in these programs, and to forecast future program directions, taking into account a variety of considerations including those of the public, Congress, the regulated community, OSWER, OECA and other stakeholders in EPA's site response programs. The Division also performs selected national and regional evaluations and assessments to monitor and document the progress of implementation of policies and guidance in these programs.

- The Division recommends the need for revision of policies and guidance, and development of information systems, focusing on aspects of the program necessary to accomplish its mission.

REGIONAL SUPPORT DIVISION. The Regional Support Division (RSD), under the supervision of a Director and Deputy Director, provides the primary point of contact for the regions with respect to contemplated civil and administrative enforcement actions under the Comprehensive Environmental

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Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), the Oil Pollution Act (OPA), and the Agency's Underground Storage Tanks (UST) program.

- RSD, which is responsible for ensuring compliance and enforcement of applicable EPA remediation statutes and regulations, provides case support and analysis of legal issues, conducts reviews of selected civil enforcement litigation and referrals from Regional and media program offices and assures consistency of individual cases with procedural requirements and established policies.

- In conjunction with Regional Administrators or Assistant Administrators, as appropriate, and the Department of Justice, the Division prepares overall litigation strategies, provides litigation support, and reviews settlements for adherence to national policy and adequacy of results. In selected cases, the Division will participate in, or manage, negotiations, preparation of litigation documents, discovery and settlement agreements, and development and presentation of the government's case in court.

- The Division includes regional liaisons providing a central point of contact and information for regions. The regional liaisons serve to keep the regions informed of policy and case developments, to share the experiences of other regions in order to translate areas of success, and to monitor and support the regions in meeting the established program priorities.

- The Division staff identifies and analyzes compliance and enforcement issues, proposes alternate actions to appropriate authorities, and provides technical support for enforcement actions through staff scientific and engineering experts.

- The Regional Support Division maintains close interaction with the Program Evaluation and Policy division, identifying policy or guidance needs, develops policy and guidance, and provides feedback on the impact of policies and guidances.

- The Division provides a focal point at Headquarters for oversight of site-specific enforcement activity, and maintains liaison with the program offices, especially OSWER, the Office of General Counsel, other OECA and EPA offices, the Department of Justice, and external organizations, including Congress, federal agencies, States, Indian Tribes and the regulated community.

ED_005064_00001170-00031

Message

From: Miles, Erin [Miles.Erin@epa.gov]
Sent: 3/22/2017 10:44:16 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]
Subject: RE: Meeting requests

Will do.

Ex. 5 Deliberative Process (DP)

And note I did stagger the due dates for the meetings out over the next few weeks.

-----Original Message-----
From: Starfield, Lawrence
Sent: Wednesday, March 22, 2017 6:33 PM
To: Miles, Erin <Miles.Erin@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>
Subject: RE: Meeting requests

Thanks, Erin. These look good. A few modest changes.

On Fiat, let's give a sense that this is another motor vehicle engine "defeat device" case, similar to VW. Check with Phill on wording.

On NEIs, please revise to say: "OECA is seeking direction on its current enforcement priorities, and whether the Administrator would like to change areas of emphasis."

On a centralized OECA, please revise to say: "OECA will provide the Administrator with analysis on how a centralized enforcement and compliance program can best help the Administrator to achieve his goals."

On the CDs/cases, please revise as follows:

"Title of the Meeting: Review of Compliance Agreements in the Enforcement Context and Data on the Breakdown of Enforcement Cases
Purpose: To provide the Administrator with background on the nature of settlement agreements in enforcement, and the breakdown between air, water and waste enforcement cases."

Thanks.

Larry

Sent from my Windows Phone

-----Original Message-----
From: "Miles, Erin" <Miles.Erin@epa.gov>
Sent: 3/22/2017 4:36 PM
To: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
Cc: "Cozad, David" <Cozad.David@epa.gov>
Subject: Meeting requests

Here are meeting requests for the other 4 topics for your review. Are we still going to request a briefing on the CD/case breakdown topic?

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 5/22/2017 1:40:56 AM
To: Badalamente, Mark [Badalamente.Mark@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: Fw: OECA Reorg Discussion On Tuesday.
Attachments: Principles to Guide Decisionmaking on Restructuring OECA OCE input with OC additions.docx

Mark and Larry:

Ex. 5 Deliberative Process (DP)

Happy to chat if that would be helpful as you craft an agenda for our Tuesday meeting.

DAVID A. HINDIN
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300, Office EPA Clinton South 5142

From: Hindin, David
Sent: Thursday, April 20, 2017 7:20 PM
To: Shinkman, Susan; Badalamente, Mark; OECA Office Directors
Cc: Starfield, Lawrence; Cozad, David; Milton, Laura
Subject: RE: Follow-up to Friday's meeting - OC input on OECA merged into OCE document.

I think Susan's big picture principles is a helpful approach as we start down this road. I took the liberty of adding my thoughts to Susan's document rather than creating another document for everyone to read and Mark to have to integrate.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Shinkman, Susan
Sent: Wednesday, April 19, 2017 12:20 PM
To: Badalamente, Mark <Badalamente.Mark@epa.gov>; OECA Office Directors < Ex. 6 Personal Privacy (PP) >
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Milton, Laura <Milton.Laura@epa.gov>
Subject: RE: Follow-up to Friday's meeting

Attached is OCE's input on VERA/VSIP and restructuring

From: Badalamente, Mark
Sent: Monday, April 17, 2017 8:15 AM
To: OECA Office Directors < Ex. 6 Personal Privacy (PP) >
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Milton, Laura <Milton.Laura@epa.gov>
Subject: Follow-up to Friday's meeting

Thanks again to those who were able to participate on Friday. I'm attaching the 2 additional documents I handed out at the meeting – OMB's "Analytical Framework" for conducting reform/reorg analysis and the list or recommended data sources for support development of the Agency reform plans.

Here's a summary of what we covered and what needs to happened next:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

****

Mark Badalamente
Acting Deputy Assistant Administrator for Management
Senior Resource Official (SRO)
Senior Information Official (SIO)
Office of Enforcement and Compliance Assurance

US Environmental Protection Agency
William Jefferson Clinton Building
Room 3235 South
Office: 202-564-4673
Mobile: Ex. 6 Personal Privacy (PP)

From: Badalamente, Mark
Sent: Friday, April 14, 2017 8:15 AM
To: Badalamente, Mark <Badalamente.Mark@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: FW: tomorrow's OD discussion

In addition to what I sent you yesterday, I'm attaching the press release from an even the Administrator held yesterday to release his "Back-to-Basics agenda. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Badalamente, Mark
Sent: Thursday, April 13, 2017 4:43 PM
To: OECA Office Directors < Ex. 6 Personal Privacy (PP) >; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Milton, Laura <Milton.Laura@epa.gov>
Subject: tomorrow's OD discussion

Office Directors:

Here's some background materials for our meeting tomorrow morning. The first item is a suggested list of topics and a rough framework to guide our discussion. The remaining items are for background purposes – a historical look at our

FTE levels, our org chart and a set of functional statements. Finally, I'm including yesterday's OMB memo on "Reforming the Government and Reducing the Federal Workforce."

As I said this morning, tomorrow is just a starting discussion. My hope is that we can agree on some areas we'd like to focus on more closely and some next steps. Larry would like to have a half or full day off-site in the near future, so I'd like to have a couple of options developed beforehand. In addition, I'll fill you in what I know on the guidance we will soon receive on EPA's implementation of the April 12th memo, and the immediate tasks that we will have to do as a result, which we will also talk about tomorrow.

Please treat this meeting and the materials, particularly the budget chart, with utmost discretion.

Thanks!

****
Mark Badalamente
Acting Deputy Assistant Administrator for Management
Senior Resource Official (SRO)
Senior Information Official (SIO)
Office of Enforcement and Compliance Assurance

US Environmental Protection Agency
William Jefferson Clinton Building
Room 3235 South
Office: 202-564-4673
Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 3/29/2017 12:04:04 PM
To: Badalamente, Mark [Badalamente.Mark@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Swack, David [Swack.David@epa.gov]; Warren, JohnM [Warren.JohnM@epa.gov]
Subject: FW: FY18 OECA budget impacts for regions

Some good wording from the Lead Region on impacts. To consider.

Sent from my Windows Phone

From: Chu, Ed
Sent: 3/29/2017 12:21 AM
To: Szaro, Deb; Mccabe, Catherine; Rodrigues, Cecil; Heard, Anne; Kaplan, Robert; Coleman, Sam; Thomas, Deb; Strauss, Alexis; Pirzadeh, Michelle
Cc: Starfield, Lawrence
Subject: FY18 OECA budget impacts for regions

Colleagues,

Based on your input on our call with OECA yesterday and input from EDs and RCs today, here's a short paragraph that I hope captures the impacts that we discussed. I am copying Larry – please feel free to suggest any changes as you see fit.

Ex. 5 Deliberative Process (DP)

Edward H. Chu | Regional Administrator (Acting)
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
(913) 551-7333
epa.gov | epa.gov/region7

Message

From: Stewart, Andrew [astewart@velaw.com]
Sent: 3/28/2017 8:44:25 PM
To: 'Hsiao, Peter' [PHsiao@mofo.com]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Wood, Jeffrey (ENRD) [Jeffrey.Wood@usdoj.gov]
CC: Jonas, Lori (ENRD) [Lori.Jonas@usdoj.gov]; justin.smith@usdoj.gov; Senn, John [Senn.John@epa.gov]
Subject: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - LOGISTICS, ANSWERS TO PANEL QUESTIONS, AND SLIDES
Attachments: ABA SEER Emerging Issues in Evtl Enforcement - STEWART Slides.PPTX

Importance: High

All:

I look forward to seeing everyone later this week in LA.

First, I wanted to touch base first with answers from the ABA on remaining questions folks have posed.

- Press: We have four media sources registered thus far, from Law360, E&E News, Inewsource, and Bloomberg BNA.
- Audience Questions: Standing microphones will be available for audience members to ask questions, time permitting.
- Use of Slides: It is not an issue for a panelist to use slides during the presentation that we do not include in the official materials available online.
- Remote Control: We have confirmed that there will be a remote control to advance the slides.
- Lavaliere Mics: The ABA is still confirming that we will have these.

Second, I have information on Thursday's dinner and the panel breakfast on Friday.

- Dinner on Thursday, 3/30, will be at 7:30 PM at Off Vine, 6263 Leland Way, which offers American bistro. I will circle back when I have a complete list of guests who will be joining us.
- Breakfast on Friday, 3/31, will be at 7:45 AM at a location TBD. I will follow-up with you on the location.

Third, attached are the draft slides I plan to use for the introduction. I plan to move very quickly though these slides and read a passage from "Cleaning up America" about the various dimensions of enforcement to offer historical context. In my opening remarks, I will remind the audience that there are limits to what our government panelists can address, given the timing of the panel and transition.

Please let me know if you have any questions or concerns. Safe travels!

Best,

-Andrew

Andrew R. Stewart
Counsel

E astewart@velaw.com
W +1 [redacted]
F +1.202.315.3392

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2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

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Thank You.

Defending Liberty
Pursuing Justice

American Bar Association
Section of Environment, Energy, and Resources
46th Spring Conference
Los Angeles, California
March 31, 2017

Emerging Issues in Environmental Enforcement

Andrew R. Stewart, Vinson & Elkins LLP (Moderator)

Peter Hsiao, Partner, Morrison & Foerster LLP

Lawrence E. Starfield, Acting Assistant Administrator,
Office of Enforcement and Compliance Assurance,
U.S. Environmental Protection Agency

Jeffrey H. Wood, Acting Assistant Attorney General,
Environment and Natural Resources Division,
U.S. Department of Justice

Defending Liberty
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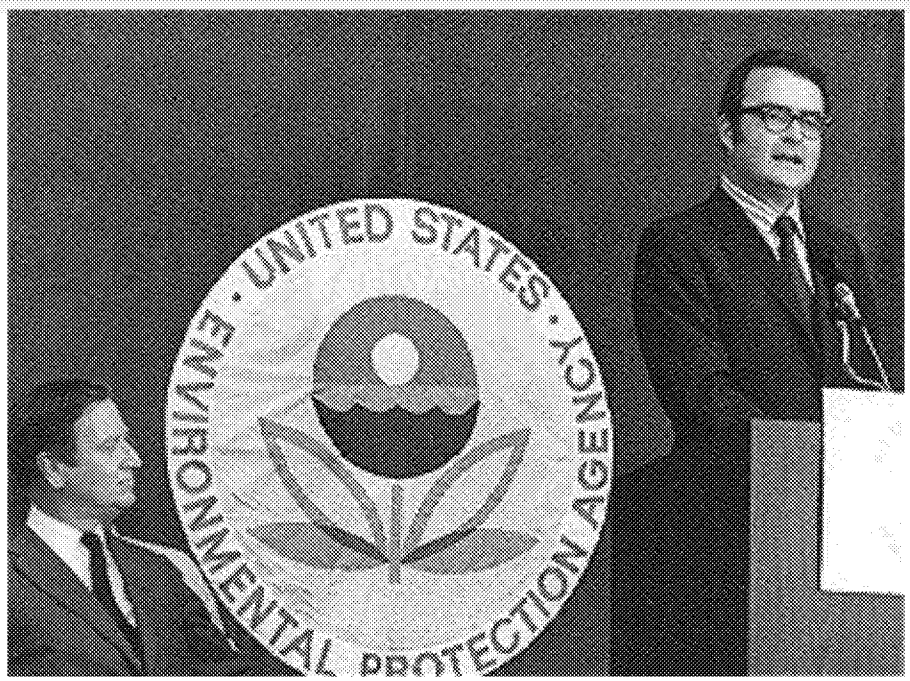

U.S. EPA

First EPA Administrator William Ruckelshaus introducing successor Russell Train

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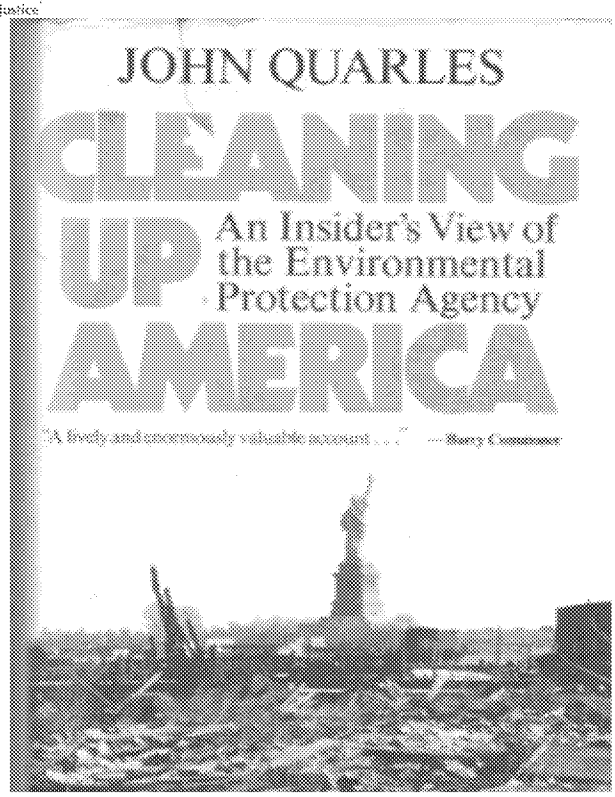

A little bit of enforcement history

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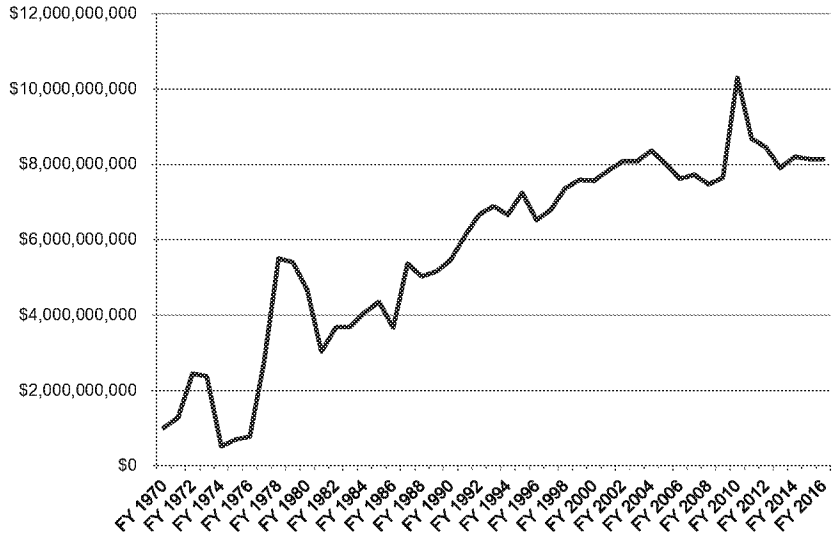
EPA Budget Since 1970



https://www.epa.gov/planandbudget/budget

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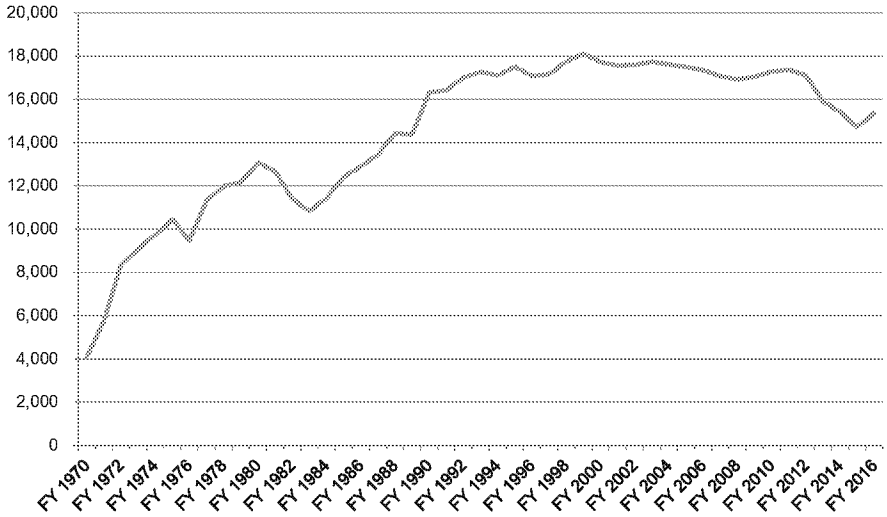
EPA Workforce Since 1970



https://www.epa.gov/planandbudget/budget

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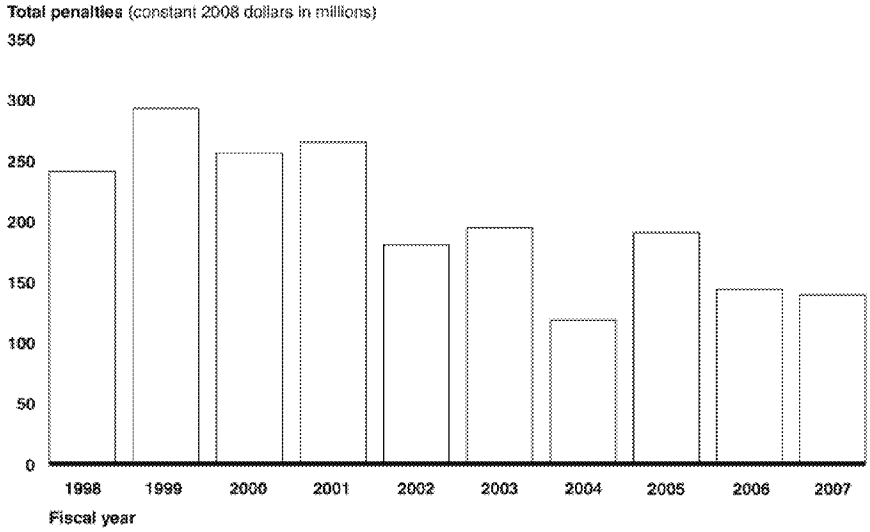
Pursuing Justice

Environmental Enforcement

What are we Measuring?

Defending Liberty
Pursuing Justice

Figure 2: Total Inflation-Adjusted Assessed Penalties, Fiscal Years 1998 through 2007, Less Default Cases



Source: GAO analysis based on EPA data.

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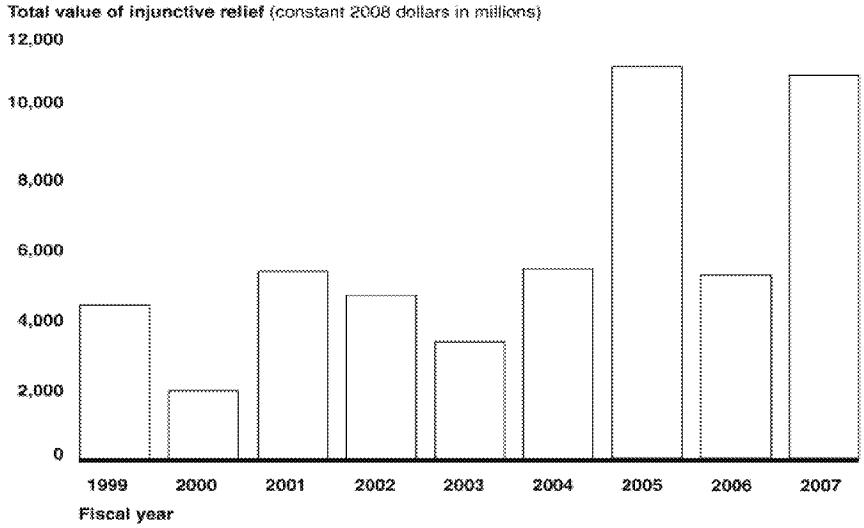
Figure 3: Total Inflation-Adjusted Value of Estimated Injunctive Relief, Fiscal Years 1999 through 2007



Source: GAO analysis based on EPA data

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Pursuing Justice

Enforcement "Ecosystem"

- Federal and state roles in enforcement
- Enforcement priorities
- Use of new technologies
- Government resources
- Citizen suits
- Roles of civil and criminal enforcement

Message

From: Coe, Mary [Coe.Mary@epa.gov]
Sent: 3/9/2017 1:15:31 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: Re: federal role

Looks like you guys did a great job under tight time constraints. Please don't hesitate to let us know how we can help with the various fire drills you are experiencing.

Mary C

Sent from my iPhone

On Mar 8, 2017, at 5:38 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

EDs/RCs:

Ex. 5 Deliberative Process (DP)

Along those lines, we were asked yesterday to provide OCFO with examples of enforcement and compliance work "that has to be done at the federal level." We did not have a lot of time to pull this together, but I think the team that worked on this did a really nice job. I wanted to share their work product with you, FYI.

We can touch on this during tomorrow's ED/RC "flash" call at 4:30 pm Eastern if you have questions or suggestions.

Thanks.

Larry

Ex. 5 Deliberative Process (DP)

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Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

I

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 4/7/2017 1:12:37 AM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Gardner, Monica [Gardner.Monica@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]
CC: Palmer, Daniel [Palmer.Daniel@epa.gov]; Klaus, Dan [Klaus.Dan@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Kadish, Rochele [Kadish.Rochele@epa.gov]; Klaus, Dan [Klaus.Dan@epa.gov]; Silberman, Jon [Silberman.Jon@epa.gov]
Subject: Draft Materials for Monday Administrator Briefing - Federal Role in Bringing Enforcement Actions in States
Attachments: EPAs Critical Role In Ensuring Compliance - Draft 4-6-17 PM.pptx; EPAs Critical Role In Ensuring Compliance - Draft 4-6-17 PM.pdf; Where EPA Directly Implements Statutory Programs (Draft 4-6-17).docx; Master Narratives of EPA-State Collaboration as of April 6.docx; EPA's Critical Role in Bringing Civil Enforcement Actions (Update - April 10, 2017 DRAFT v. 3).pdf; EPA's Critical Role in Bringing Criminal Enforcement Actions (OECA Briefing Paper).pdf

All,

For discussion tomorrow:

1) Updated Powerpoint (PDF version also attached if you want to look at it on your phone)
2) Handout "EPA Direct Implementation of Statutory Programs"
3) Handout "State EPA Compliance and Enforcement Work Sharing" – Jon Silberman now has the pen (please send any comments to him)

4) To send Friday - Briefing Paper "EPA's Critical in Bringing Criminal Enforcement Actions" (was previously sent on March 24)
5) To send Friday – Briefing Paper "EPA's Critical Role in Bringing Civil Enforcement Actions" (update to version previously sent on March 24 – changes made to graph, 5.a., and potentially 5.e)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Tomiak, Robert [tomiak.robert@epa.gov]
Sent: 2/24/2017 5:40:15 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; OECA Office Directors and Deputy Directors [Ex. 6 Personal Privacy (PP)]; Chu, Ed [Chu.Ed@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: overview
Attachments: OECA Overview Briefing DRAFT 2-24-17 OFA Input.pptx

I made edits to slides 16 and 19 regarding OFA programs.

Ex. 5 Deliberative Process (DP)

V/R, Rob

From: Starfield, Lawrence
Sent: Friday, February 24, 2017 11:55 AM
To: Cozad, David <Cozad.David@epa.gov>; OECA Office Directors and Deputy Directors [Ex. 6 Personal Privacy (PP)]; Chu, Ed <Chu.Ed@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: overview
Importance: High

We still don't have a date or time for the briefing of the Administrator on the enforcement/compliance program, but I'm assuming it will be early next week.

For your review, attached is the latest draft of the power point presentation. I'd welcome your comments, with special attention to slides 2-5 and 20.

In order to cover the breadth of work in OECA, I think we may need close to the 20 slides that are here. That will prove useful if the Administrator and Ryan Jackson read them in advance, but given the tight timeframe for the presentation, I may need to go over several of the slides in a very cursory manner.

I think it's important to have all of the ODs, a DRA, ED, and RC attend to hear the Administrator's reaction, to help answer any questions, and to demonstrate the national nature of our programs, and I appreciate Ed's, Eric's, and Kathleen's willingness to participate. However, in order to cover the material in 40-45 minutes, I'd ask everyone to resist the urge to jump in unless it's important, and to be as concise as possible when I invite your comments in response to questions from the Administrator.

Thanks for your help.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Johnson, Kathleen [Johnson.Kathleen@epa.gov]
Sent: 4/7/2017 12:27:49 AM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
CC: Shinkman, Susan [Shinkman.Susan@epa.gov]; Walts, Alan [walts.alan@epa.gov]; Beers, Samantha [Beers.Samantha@epa.gov]; Kowalski, Ed [Kowalski.Edward@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: Revised underfunded programs proposal
Attachments: AAunderfundedApril06.docx

Larry,

On behalf of the SANE committee, please find attached the latest draft. As I mentioned in my voicemail, in several instances we have provided two recommendations, depending on the availability of resources. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Also, see the responses to your questions below. Please feel free to call any of us with questions. Thanks.

Kathleen H. Johnson
Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

From: Starfield, Lawrence
Sent: Saturday, March 25, 2017 8:41 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Revised underfunded programs proposal

SANE team –

This proposal just gets better and better – thank you. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) A few questions:

1. I read the paper as recommending the following tiers of investment based on the level of DI responsibility, risk presented, and effectiveness of enforcement as a tool to address the risk:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

2. Ex. 5 Deliberative Process (DP)

3. Ex. 5 Deliberative Process (DP)

4. Ex. 5 Deliberative Process (DP)

5.

6. A minor point, but instead of referring to HQ as "OECA", could you say "OECA HQ"? I view the Regions as part of OECA.
   Agree and modified.

Please consider whether to make any clarifications to address the above points, and then I'd suggest that you send this out soon for broader review.

Thank you so much for continuing to advance this work. Your good thinking will be incredibly helpful when we begin planning under the FY18 budget.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Kelley, Rosemarie
Sent: Tuesday, March 21, 2017 5:52 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: Revised underfunded programs proposal

Kelley, Rosemarie has shared a OneDrive for Business file with you. To view it, click the link below.

Underfunded proposal v 2.1 032117.docx

Larry –

Attached is a revised underfunded programs proposal. We think it addresses our conversations with you and the feedback we heard from the Regions and the NPMs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Ed Messina is working with his staff to see if we can get a more refined number for each program.

We look forward to hearing your thoughts on this revision.

Rosemarie (on behalf of the SANE Committee)

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 3/8/2017 8:21:49 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: Fed role request

Might be good if they got this from you

From: Starfield, Lawrence
Sent: Wednesday, March 8, 2017 2:44 PM
To: Cozad, David <Cozad.David@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Fed role request

Good idea. From you, me, or Erin?

From: Cozad, David
Sent: Wednesday, March 08, 2017 1:11 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW: Fed role request

Wonder if this would be good to share with EDs/RCs?

From: Cozad, David
Sent: Tuesday, March 7, 2017 3:41 PM
To: Swack, David <Swack.David@epa.gov>; Warren, JohnM <Warren.JohnM@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: Fed role request

Hi John and David,

Here's our response to yesterday's request. Let me know if questions.

Thanks,

Dave Cozad
Acting Principal Deputy AA, OECA
202-564-4861

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Badalamente, Mark [Badalamente.Mark@epa.gov]
Sent: 4/14/2017 12:15:44 PM
To: Badalamente, Mark [Badalamente.Mark@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
CC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: FW: tomorrow's OD discussion
Attachments: 4-14 OD discussion.docx; FY 12 - FY 18 HQ FTE Levels 4-12-17.xlsx; oeca-orgchart.pdf; oeca-functional-statement.pdf; OMB Memorandum April 12 2017 M-17-22.pdf; Back to Basics News Release.docx

In addition to what I sent you yesterday, I'm attaching the press release from an even the Administrator held yesterday to release his "Back-to-Basics agenda. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Badalamente, Mark
Sent: Thursday, April 13, 2017 4:43 PM
To: OECA Office Directors <Ex. 6 Personal Privacy (PP)>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Milton, Laura <Milton.Laura@epa.gov>
Subject: tomorrow's OD discussion

Office Directors:

Here's some background materials for our meeting tomorrow morning. The first item is a suggested list of topics and a rough framework to guide our discussion. The remaining items are for background purposes – a historical look at our FTE levels, our org chart and a set of functional statements. Finally, I'm including yesterday's OMB memo on "Reforming the Government and Reducing the Federal Workforce."

As I said this morning, tomorrow is just a starting discussion. My hope is that we can agree on some areas we'd like to focus on more closely and some next steps. Larry would like to have a half or full day off-site in the near future, so I'd like to have a couple of options developed beforehand. In addition, I'll fill you in what I know on the guidance we will soon receive on EPA's implementation of the April 12th memo, and the immediate tasks that we will have to do as a result, which we will also talk about tomorrow.

Please treat this meeting and the materials, particularly the budget chart, with utmost discretion.

Thanks!

****
Mark Badalamente
Acting Deputy Assistant Administrator for Management
Senior Resource Official (SRO)
Senior Information Official (SIO)
Office of Enforcement and Compliance Assurance

US Environmental Protection Agency
William Jefferson Clinton Building
Room 3235 South

Office: 202-564-4673
Mobile: Ex. 6 Personal Privacy (PP)

Office of Enforcement and Compliance Assurance
Functional Statement

IMMEDIATE OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE

Assistant Administrator

- The Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) serves as the National Program Manager for the Agency's enforcement and compliance assurance program.
- The AA/OECA is the principal advisor to the Administrator on matters concerning enforcement and compliance, and provides the direction and review of all administrative and judicial activities in the civil and criminal enforcement and compliance monitoring and assurance programs.

OECA Immediate Office Management and Leadership

- The OECA Immediate Office leads enforcement personnel throughout all ten Regions and manages eight offices at EPA Headquarters: Federal Facilities Enforcement Office, Office of Administration and Policy, Office of Compliance, Office of Civil Enforcement, Office of Criminal Enforcement, Forensics and Training, Office of Environmental Justice, Office of Federal Activities, Office of Site Remediation and Enforcement.

OECA Work with EPA Program Offices

- OECA engages with the Agency's program offices on the enforcement aspects of proposed regulations, policies, procedures, legislation and other matters.

Administrative and Judicial Enforcement

- OECA manages both administrative and judicial activities in the civil enforcement and compliance programs, as well as the criminal program.
- OECA manages the Agency's civil and criminal administrative and judicial enforcement case dockets, and works with the Regions and the Department of Justice (DOJ) to actively develop and resolve enforcement cases in furtherance of national policy.
- OECA participates in, or directs management of, cases with national or precedential significance.
- OECA consults with OGC on matters of first impression regarding the interpretation of EPA's legal authorities.
- The AA/OECA has the lead in selecting and managing Regional Counsels in Regions 2-7, 9-10 (in full consultation with the General Counsel, and the Regional Administrator). OECA consults with OGC and the Regional Administrators on the management of Regional Counsels in Regions 1 and 8.

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Next Generation Compliance

- OECA leads EPA's Next Generation Compliance initiative (Next Gen), which is a strategy to increase compliance with environmental regulations through advances in pollutant monitoring, information technology, and transparency.
- As part of Next Gen, OECA works with the Agency's program offices to design regulations and permits that will more effectively reduce pollution.
- OECA is promoting the use of advanced emissions/pollutant detection technology so that regulated entities, the government, and the public can more easily see pollutant discharges, environmental conditions, and noncompliance.
- OECA is helping the Agency shift toward electronic reporting to help make environmental reporting more accurate, complete, and efficient while helping EPA and co-regulators better manage information, improve effectiveness and transparency.
- OECA is expanding transparency by making information more accessible to the public.
- OECA is developing and using innovative enforcement approaches (e.g., data analytics and targeting) to achieve more widespread compliance.
- More information is available on the Next Generation Compliance Internet site at and the Next Generation Compliance SharePoint site.

Communications

- OECA develops national policies and procedures in connection with legal and other general enforcement and compliance assurance issues, and communicates with Congress, other executive agencies, and the public regarding enforcement and compliance assurance activities.
- OECA works with the other offices within EPA as well as other federal agencies, such as the Department of Justice, to publicize enforcement and compliance activities.
- OECA executes social media and internal communications strategies to advance enforcement and compliance objectives.

OFFICE OF ADMINISTRATION AND POLICY

Reports to the Immediate Office of the Assistant Administrator and is responsible for providing the full range of necessary administrative support services, including budget, contracts, grants, human resources, administrative, information technology and management (including records management), in addition ensuring consistency and addressing emerging cross-cutting policy, legislative, and regulatory issues that arise in EPA's enforcement and compliance assurance programs through the direction of the Budget and Financial Management Division, Administrative Management Division, Information Technology Division, and Policy and Legislation Coordination Division;

The Office of Administration and Policy (OAP) Immediate Office performs the following functions: Oversees and coordinates EPA Inspector General and Government Accountability Office audits and Federal Managers' Financial Integrity Act (FMFIA) reporting;

- Reviews all internal OECA reorganization and delegation of authority proposals for consistency with Agency and OECA requirements and objectives.

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- Coordinates OECA's review of all Agency Green Border review proposals developed outside of OECA.

- Conducts evaluations designed to improve the planning and implementation of OECA's administrative policies, procedures and programs; and

- Provides employment law advisory functions to OECA, including:

    - advising OECA managers on labor relations, employee relations, and equal employment opportunity (EEO) matters;
    - interpreting EEO and labor & employee relations laws, rules and regulations;
    - serving as liaison to the Office of General Counsel (OGC), Offices of Regional Counsels, the Labor and Employee Relations Office, and the Office of Civil Rights regarding OECA employment matters;
    - assisting managers in the prevention, resolution and settlement of employment complaints; and
    - in coordination with OGC and the Offices of Regional Counsel, represents the Agency before third parties, such as the Merit Systems Protection Board (MSPB).

- Manages OECA's Continuity of Operations Plan (COOP) to ensure that OECA has sufficient resources and capabilities to continue performing its essential functions under emergency conditions.

The Budget and Financial Management Division reports to the OAP Director and performs the following functions:

- Provides coordination and guidance in the development of OECA's annual request for resources, annual planning and operating budgets for all OECA appropriations, and workload analyses and models for resource estimation and distribution.

- Coordinates and develops Congressional testimony relating to OECA budget issues;

- Serves as OECA liaison to the Office of the Chief Financial Officer (OCFO);

- Conducts financial reporting and analysis for OECA; and

- Provides coordination and guidance on Agency and OECA grants and contracts management policy issues and undertakes periodic reviews to ensure that sound extramural management practices are being implemented.

The Administrative Management Division reports to the OAP Director and performs the following functions:

- Serves as OECA liaison to OARM for human resources, facilities and property management issues.

- Implements and supports OECA's program offices in all OECA personnel management functions, including:

    - the Performance Appraisal and Recognition System,
    - Performance awards,
    - Payroll advocacy issues;
    - Training needs;
    - SES resource issues; and
    - Processing personnel requests from OECA Offices and Regional Counsels, consistent with OECA Human Resource (HR) policies and guidance.

- Implements and supports OECA's program offices in all OECA facilities and property management functions, including: property inventory and tracking and building and facilities management and reporting.

- Coordinates and oversees development of OECA Occupant Emergency Planning.

The Information Technology Division reports to the OAP Director and performs the following functions:

- Provides direct IT/IM support (including records management) to each of OECA's program offices;

- Coordinates with the OECA IO Communications Director on OECA publications and web content (inter and intra-net) including:

    - Publishing and distribution of enforcement alerts; and
    - Representing OECA on OPA web content council;
    - Organizing and maintaining the Agency's enforcement microsite

- Maintains OECA's internet and intranet infrastructure, in coordination with OECA IO Communications Director and OECA program office Web masters.

- Supports the OECA Information Security Official with responsibility for:

    Physical security and outreach;
    Encryption; and
    User support

- Serves as OECA Quality Assurance Manager.

The Policy and Legislative Coordination Division reports to the OAP Director and performs the following functions:

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- Coordinates cross-cutting policy and develops policy at the request of OECA IO.

- Coordinates OECA legislative review comments; including: serving as liaison to OCIR and developing and publishing periodic legislative activities report(s).

- Coordinates and develops Congressional Testimony for OECA programmatic (not budget) issues.

- Coordinates OECA regulatory review comments by: representing OECA on EPA's Regulatory Steering Committee; advising OECA IO on level of participation needed; soliciting appropriate office participation or coverage; and screening rules with no OECA participation.

- Compiles and disseminates Weekly Enforcement Reports.

- Serves as OECA EJ Coordinator, including: developing OECA EJ action plan, progress reports, and highlights; manages OECA's Environmental Justice Action Council; Environmental Justice Coordinators Council, and solicits, recommends and reviews EJ award nominees

OFFICE OF ENVIRONMENTAL JUSTICE. The Office of Environmental Justice (OEJ) reports to the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA) through the Principal Deputy Assistant Administrator for OECA. OEJ supports the Administrator, OECA, the other Agency Program Offices, and the Regions on all environmental justice activities including:

- Advising the Agency on the environmental risk information developed outside the Agency and on the impacts of environmental programs on racial minority and low-income populations;
- Establishing an Agency justice program;
- Coordinating with environmental justice interagency and intra-agency working groups;
- Tracking implementation of the Agency's environmental justice strategy, and preparing periodic progress reports;
- Administering a minority academic institutions (MAI) program;
- Enhancing MAI interaction with the Agency through technical assistance and technology transfer;
- Enhancing environmental justice outreach, training and education programs for public and other groups through conferences, symposia and meetings;
- Providing minority and low-income communities with technical and financial assistance for community/economic development activities to address environmental justice;
- Serving as a centralized clearinghouse and dissemination point for justice information to EPA staff and the public-developing environmental justice training for EPA managers and staff;
- Providing interagency coordination of justice programs;

- Supporting consultation among Agency and outside justice organizations-supporting key research and environmental risk reduction projects; and
- Working with OECA program offices to ensure that environmental justice concerns are considered in all enforcement and compliance assurance activities.

FEDERAL FACILITIES ENFORCEMENT OFFICE. The Federal Facilities Enforcement Office (FFEO), under the supervision of a Director, reports to the AA/OECA, through a Deputy AA/OECA.

Federal facilities are required to comply with various statutes, regulations and executive orders administered by EPA. The office coordinates OECA's federal facility enforcement, compliance assurance and compliance assistance efforts for those requirements and has the lead role for communications with Congress, other agencies, states and other stakeholders on these matters.

In particular, FFEO:

- manages the resolution of enforcement disputes with other agencies;
- tracks federal facilities compliance;
- coordinates and participates in the negotiation and issuance of compliance orders and agreements and negotiation of interagency agreements with other agencies for environmental compliance and cleanup;
- coordinates with and oversees regional efforts;
- coordinates OECA's involvement with various interagency task forces and groups; and
- develops national federal facility enforcement and compliance policy and guidance.

OFFICE OF COMPLIANCE

IMMEDIATE OFFICE OF THE OFFICE OF COMPLIANCE. The Office of Compliance (OC), under the supervision of a Director, reports to the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA). OC serves as the principal advisor to the AA/OECA on the implementation and oversight of activities related to compliance with EPA's environmental laws, including: the Clean Air Act (CAA); Clean Water Act (CWA); Oil Pollution Act (OPA); Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); and the Toxic Substances Control Act (TSCA) including the Asbestos Hazard Emergency Response Act (AHERA) and the Residential Lead-Based Paint Hazard Reduction Act.

The Office of Compliance (OC) serves as the national technical expert, in coordination with the Agency program offices, on all matters relating to media program compliance activities and is responsible for designing and implementing compliance assurance programs, including environmental problem and/or sector oriented programs. OC works with other OECA offices, programs, regions, states and tribes to address and enhance regulatory compliance among all segments of the regulated community. OC is the OECA lead for compliance and enforcement strategic planning and targeting processes and provides policy and interpretive guidance, direction and oversight to Regional, State and Tribal enforcement programs on national enforcement initiatives and program priorities. OC establishes inspection priorities and policies;

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supports compliance monitoring in Regions, States and Tribes; and targets compliance assistance initiatives along sector and media lines; develops, implements and assesses accurate measures of compliance with and enforcement of environmental statutes; manages data collection, quality assurance, analysis and use of national compliance and enforcement data; integrates and modernizes data systems in order to provide compliance and enforcement information for program management and performance purposes and makes information available to the public. OC is also responsible for the provision of training to enforcement personnel through the National Enforcement Training Institute (NETI).

The Office of Compliance works closely with other OECA offices and also coordinates closely with the Office of Solid Waste and Emergency Response (OSWER); Office of Water (OW); Office of Chemical Safety and Pollution Prevention (OCSPP); Office of Air and Radiation (OAR); Office of the Chief Financial Officer (OCFO); Office of Environmental Information (OEI); the EPA Regional Offices; States; and Tribal governments. OC represents compliance assurance perspectives to other offices and represents OECA on task forces, workgroups and at meetings where issues relating to compliance and enforcement programs are under consideration. OC also represents the Agency's position on compliance activities with external groups, including States, Indian Tribes, other Agencies, Office of Management and Budget, Congress, Department of Justice, media, industry and public interest groups.

OC is responsible for making specific Clean Air Act applicability determinations, while applicability determinations for other statutes reside within the appropriate Agency program office. Representing OECA on Agency rulemaking workgroups, OC will ensure rules are enforceable, with adequate reporting requirements. OC also looks to ensure Next Generation Compliance is built into EPA rules, with provisioning such as e-reporting, use of advanced monitoring technologies, and innovative enforcement considered in the rule making process.

RESOURCE MANAGEMENT STAFF. The Director of the Resource Management Staff reports directly to Director and Deputy Director of the Office of Compliance. The Resource Management Staff is responsible for establishment and oversight of all personnel and administrative operations and policies for OC; oversight and support of infrastructure aspects of the work place; assurance for the Office's compliance with the Federal Managers Financial Integrity Act (FMFIA); formulation and execution of the OC budget; recruitment and retention of human resources, facilities and infrastructure management; contract and grant management activities.

THE BUDGET TEAM. Led by a Team Leader, the Budget Team will perform budget formulation, execution and payroll functions at both the OC Office level and in support of the OC divisions.

PLANNING, MEASURES, AND OVERSIGHT DIVISON. The Director of the Planning, Measures, and Oversight Division (PMOD) reports directly to the Director of the Office of Compliance. The PMOD leads the planning and results measurement functions for OECA's compliance and civil enforcement programs; develops and implements a framework of routine, nationally consistent oversight of state and EPA directly implemented enforcement and

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compliance programs, and develops policy and monitors enforcement on Indian lands. PMOD contains two branches as described below.

NATIONAL PLANNING AND MEASURES BRANCH. The National Planning and Measures Branch (NPMB) reports directly to the Director of the Planning, Measures and Oversight Division. The Branch manages the process for developing OECA's portions of the Agency's Strategic Plan, including the creation of OECA's performance goals, objectives and annual targets. NPMB coordinates the development of new measures to augment or replace current performance measures, conducts studies to identify ways to assess environmental consequences of pollutants and to develop and test new measurement techniques and methodologies. NPMB coordinates activities to identify and select national enforcement priorities and initiatives for the federal compliance assurance program and assists in the selection and management of new national initiatives. The Branch coordinates the development and publication of the annual NPM guidance to help EPA regions prioritize their compliance assurance work and manages the annual commitment system (ACS). The Branch collects information from regions and EPA databases that is used to report EPA compliance assurance performance. The Branch works with other offices to develop and provide annual narrative information on the achievements and highlights of the compliance assurance program. The Branch negotiates measures language, targets, and baselines with OMB. The Branch gathers program performance information and enters this information into the appropriate databases. NPMB develops and publishes guidance on how to calculate outcomes from enforcement actions. The Branch also reviews regional calculations of outcomes to assure nationally consistent application of the guidance.

STATE AND TRIBAL PERFORMANCE BRANCH. The State and Tribal Performance Branch (STPB) reports directly to the Director of the Planning, Measures and Oversight Division. The Branch serves as the liaison to the state environmental agencies, such as ECOS and state media associations (ACWA, NACAA, ASTSWMO). STPB oversees development and implementation of a comprehensive framework of routine, nationally consistent oversight of state and EPA direct implementation enforcement programs that lead to measurable improvement in program performance. The State Review Framework also includes reviews of the regions' direct implementation (DI) of programs that have not been authorized for state implementation; and identifies and resolves prevalent or persistent national program performance issues. The Branch provides substantive advice and counsel to the Assistant Administrator, the Deputy Assistant Administrator, the OC Office Director, other OECA offices, program offices and the regions on all EPA-wide and OECA-specific Indian country enforcement and compliance assurance law and policy matters. This involves the review of policies, guidance, legislation, and other material or documents that may affect Indian country. STPD coordinates federal Indian law and policy issues within OECA and works directly with the EPA Regions, Program Offices, the American Indian Environmental Office (AIEDO), the Office of the General Counsel, the Office of the Inspector General, the Department of Justice, the Department of Interior, other federal agencies and Indian tribes. STPD reviews environmental justice issues arising in Indian country and provides

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guidance on how to integrate these issues within the context of EPA's federal Indian law practice. The Branch develops approaches to ensuring compliance in Indian country by working within OECA and the EPA Regions on current and emerging Indian country enforcement and compliance assurance matters as well as implementing core and national OECA and EPA priorities. Also, the Branch reviews all proposed civil enforcement actions against tribally-owned/operated facilities and coordinates Indian country enforcement matters within OECA, AIEO and OGC.

NATIONAL ENFORCEMENT TRAINING INSTITUTE. NETI, under the supervision of a Division Director who reports directly to the Office Director, provides comprehensive, multi-statute, civil and criminal environmental enforcement and compliance training for Federal, state, local, and tribal lawyers, inspectors, investigators, and technical experts, consistent with the statutory mission set forth in the Pollution Prosecution Act of 1990. NETI identifies and prioritizes multi-media and media-specific enforcement and compliance training needs for EPA Headquarters, Regional Offices, state, local, tribal, and other governmental authorities; and develops and/or tailors appropriate and sufficient training programs to meet those training needs. NETI delivers traditional classroom training, develops and utilizes new electronic and remote training tools, such as satellite, interactive video, e-learning that is SQORM and 508 compliance, and Webinars to maximize the cost-effectiveness of NETI training programs and services. NETI develops and fosters partnerships with EPA Offices, and other Federal, state, local, tribal, and other governmental authorities and their representative organizations to better and more efficiently fulfill the NETI mission. NETI develops and implements internal, external, and online communication systems to increase awareness of NETI programs and services. The Director of NETI manages the OECA Legal Intern Program.

ENFORCEMENT TARGETING AND DATA DIVISION. The Enforcement Targeting and Data Division (ETDD), under the supervision of a Director, who reports directly to the Office Director, provides information management services across OECA and the regions. This includes the operation, maintenance, enhancement, integration and modernization of compliance and enforcement information systems, making compliance data publicly available and acting as liaison to other EPA program offices on compliance and enforcement data issues related to their own data systems. ETDD incorporates risk reduction, environmental justice and pollution prevention techniques consistent with Agency priorities within its program management responsibilities.

The Division is responsible for the development and execution of targeting analyses to help assure that the Office of Enforcement and Compliance Assurance, EPA Regional Offices, and states are establishing and implementing enforcement programs in a timely and efficient manner. The Division is responsible for the annual and periodic collection and analysis of data to assess the Agency's enforcement and compliance performance. Additionally, the Division provides FOIA support and tracking for the Office.

ETDD works closely with the other Divisions in the Office of Compliance and other program offices within OECA in the management of compliance and enforcement information retrieval systems and works in concert with other programs (OSWER, OW, OAR, OCSPP, OEI) in the

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development, maintenance and enhancement of jointly held information systems. The Division is responsible for coordinating with the Information Management Officer and all other OECA offices on all information management functions related to program information and enforcement database management. ETDD is also responsible for data systems integration and modernization of all compliance and enforcement data systems.

The Division reviews and recommends to the Director, Office of Compliance, comments and input on proposed regulations, programs and policies impacting the Division's programs. It also represents the concerns and interests of its compliance programs to other EPA Offices, States, Tribal governments, other agencies, and Congress, as well as industry, public interest and environmental groups.

INTEGRATION, TARGETING AND ACCESS BRANCH. The Integration, Targeting and Access Branch (ITAB) develops strategic and tactical targeting tools to assist the regions, states, and tribes in their compliance and enforcement activities. The Branch is responsible for the development, maintenance and operation of data integration and public access information tools, such as the Integrated Data for Enforcement Analysis (IDEA) system, and its web-based interfaces, the Online Targeting Information System (OTIS) for state and EPA use, and the Enforcement and Compliance History Online (ECHO) system for public use. The functions of the Branch are split across two teams.

DATA INTEGRATION TEAM. This Team is responsible for the maintenance and operation of OECA's primary data integration efforts, pulling compliance and enforcement information from multiple media data systems across EPA. This Team compiles data runs and statistics for OC staff to utilize in their analyses and reports

TARGETING AND PUBLIC ACCESS TEAM. This Team is responsible for the development, maintenance and operation of web-based interfaces for Compliance and enforcement date. The Team develops targeting tools and analyses on a systematic, media-specific basis that work for a specific environmental problem. The Team leads OC cross-divisional "targeting teams" for each media program that develop analyses to determine potential non-compliance problems that contribute to environmental impairment, and work cooperatively with OCE and OCEFT. The Team responds to requests to assist regions and states in identifying specific facilities that might have violations related to specific initiatives. They develop online, web-based tools; provide training on targeting; develop best practices to assist in building capacity for targeting at the regional and state levels; and develop capacity for GIS services that can allow users to identify targets via mapping applications including EPA's Geoplatform. The Team plays the lead role in OECA in enhancing public access to compliance and enforcement information, including the development and operation of electronic tools (such as the ECHO website) to provide the public with access to EPA and state enforcement and compliance information.

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DATA SYSTEMS AND INFORMATION MANAGEMENT BRANCH. This Branch operates, maintains and provides technical and user support for various existing legacy data systems for Agency compliance and enforcement data. DSIMB is responsible for modernization of the legacy systems, including the development, implementation and support of these modernized systems, such as the Integrated Compliance Information System (ICIS). The Branch is responsible for reaching out to the diverse and numerous users of its data systems to ensure that the systems are designed, developed and implemented consistent with user and program needs. DSIMB develops and implements procedures to compile annual and periodic data on the outcomes and results of the enforcement and compliance program. The Branch develops reports on the annual and periodic performance of the enforcement and compliance program at the national, regional and state levels. The Branch also develops and coordinates implementation of a data quality strategy. The functions of the Branch are split across three Sections.

MEDIA SYSTEMS SECTION. This Section operates, maintains, enhances and provides technical and user support for the legacy data systems for Agency compliance and enforcement data.

ICIS CUSTOMER SUPPORT SECTION. This Section supports all customers of the Integrated Compliance Information System. The Section supports current users, prospective users, and all stakeholders of the ICIS system. The Section is comprised of two Teams:

ICIS REPORTING TEAM. This Team is responsible for maximizing the useability of ICIS by designing userfriendly reports and data retrieval capabilities. The Reporting Team is responsible for the quarterly and end-of-year reporting and analyses for the compliance and enforcement program. These numbers and analyses are utilized in a number of ways by the other members of OC in compiling statistics and other analyses on regional, state and program performance.

ICIS TRAINING & USER SUPPORT TEAM. This Team works with users of ICIS on an ongoing basis and designs, develops, and conducts the training necessary for effective use of the system. This Team coordinates closely with the ICIS Reporting Team and the ICIS Operations, Maintenance & Modernization Section to ensure that user communications are always timely and correct.

ICIS OPERATIONS, MAINTENANCE & MODERNIZATION SECTION. This Section is responsible for the operations and maintenance of ICIS, and for modernization of the compliance and enforcement program's legacy systems, including the design and development of the ICIS components for these systems as they are modernized.

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MONITORING, ASSISTANCE AND MEDIA PROGRAMS DIVISION. The Director of the Monitoring, Assistance and Media Programs Division (MAMPD) reports directly to the Director of the Office of Compliance. The Division integrates the use of compliance monitoring and assistance to promote and improve compliance with the Clean Water Act (CWA) [National Pollutant Discharge Elimination System (NPDES) Section 402, Oil Pollution Act (OPA) and Spill Prevention Control and Countermeasures (SPCC) Section 311, Section 404 [Wetlands], the Safe Drinking Water Act (SDWA), the Stationary Source Clean Air Act (CAA) programs New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Section 601 Stratospheric Ozone, and 112(r) Prevention of Accidental Releases], the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Resource Conservation and Recovery Act (RCRA), and the Toxic Substances Control Act (TSCA). The Division provides multi-faceted support to EPA, state, local, and tribal enforcement programs in implementing its responsibilities. The Division leads the development and oversight of cross-cutting national compliance monitoring and assistance policies and guidance.

The MAMPD ensures nationally consistent implementation of regulations, policies, and guidance for environmental statutes; provides program leadership to advance OECA compliance and enforcement goals and the mission of EPA and state, tribe and local programs; provides virtual compliance assistance information to educate state, tribe, and local entities, the regulated community and the public on environmental compliance; provides the public with access to compliance and enforcement information; designs and implements compliance assistance and compliance monitoring programs to increase the technical capacity of regional, state, local and tribal compliance personnel (e.g., inspectors, compliance officers, etc.); and conducts laboratory inspections and data audits.

In addition, the Division supports the development of enforceable regulations including innovative approaches, and adequate compliance monitoring enforcement provisions; provides information on the specific application of national compliance policies; represents the concerns and interests of compliance programs to other EPA offices, Congress, states, tribes, and other government agencies, as well as industry, public interest groups, and environmental groups; develops compliance materials and tools for the regions, states, tribes, local agencies, and the regulated community; provides technical expertise on compliance for both the core and national initiatives, ensures national consistency through the oversight of regional and state media program implementation; works on technological tools to modernize the process of conducting and reporting inspections, develops and maintains trained and credentialed inspectors per EPA Order 3500.1 to provide support to regions, states, local agencies and tribes on the technical aspects of compliance inspections, particularly in support of EPA's civil enforcement program.

COMPLIANCE POLICY STAFF. The Director of the Compliance Policy Staff (CPS) reports directly to the, Monitoring, Assistance and Media Programs Division Director. CPS develops and provides oversight on cross-cutting national compliance monitoring and assistance policies and guidance to enhance the use and integration of compliance monitoring and assistance tools across EPA, state, local and tribal governments. The staff develops policies that effectively address issues that impact cross media national compliance monitoring and assistance programs. CPS works with the Division's Branches to identify and help address media-wide and emerging issues that can be best

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addressed by developing national multi-media compliance assistance and/or compliance monitoring policies, guidance, tools and strategies. CPS maintains EPA Order 3500.1 (Training Requirements) and EPA Order 3510 (Credentials). CPS establishes national policy for the issuance of EPA credentials, tracks credentials issued by regions and other HQs' offices, and collects and reports data on those credentials. CPS implements and oversees agreements on credentials between regions and states and tribes seeking credentials. CPS is charged with overall coordination of the implementation of national expectations for conducting inspections. CPS develops and operates mechanisms to communicate information to inspectors. CPS serves as the OECA lead to coordinate and promote the use of electronic data flows and technology by inspectors in the field to increase the efficiency of inspection and evaluation programs. In addition, the Policy Staff manages OC's Compliance Assistance Centers by managing the grant process and working with grantees to develop and maintain the centers. CPS periodically analyzes compliance issues to identify new Center candidates. CPS coordinates among grantees, collaborates with other partners (e.g., program offices, other providers) to distribute Agency information on compliance. Additionally, CPS supports the development of Agency-wide sector or topic based Web portals where center development is not an option. CPS maintains OC's compliance assistance web pages.CPS collaborates with partners and stakeholders within and outside the government as appropriate to advance its programs. The Division uses new information tools to foster collaboration and more transparent communication with the public.

WATER BRANCH. The Director of the Water Branch reports directly to the Monitoring, Assistance and Media Programs Division Director. The Water Branch promotes and improves compliance with the Clean Water Act (CWA), Oil Pollution Act, and the Safe Drinking Water Act (SDWA), through the integration of compliance monitoring and assistance. It provides multi-faceted support to EPA, state and tribal water enforcement programs. Specifically, the Branch supports the development of enforceable regulations, ensures adequate compliance monitoring provisions, participates in rule workgroups, provides comments on proposed legislation, and coordinates with other Agency offices as appropriate for all Agency water programs. The Branch provides information on the specific application of national compliance monitoring and assistance policies as they relate to the Agency's water programs. The Branch represents the concerns and interests of its water compliance monitoring and compliance assistance programs to other EPA offices, Congress, states, tribes, and other government agencies, as well as industry, public interest groups, and environmental groups. The Branch develops water-related compliance monitoring and compliance assistance materials and tools. The Branch manages and maintains its water program-specific compliance monitoring and assistance web pages to include new tools and information. The Branch coordinates with the CPS to link its program specific assistance information to the appropriate Compliance Assistance Centers, and to link its program specific compliance monitoring programs to the appropriate compliance monitoring (inspection) web pages. The Branch ensures nationally consistent core and national priority water programs through oversight of regional and state program implementation. The Branch provides oversight through a variety of mechanisms including, but not limited to, support of the State Review Framework (SRF), the National Program Manager's (NPM) Guidance, and

the Annual Commitment System (ACS), as appropriate. The Branch provides technical expertise on compliance monitoring and assistance for both core program and national initiatives for the water program. The Branch works to incorporate the latest technology into the processes of conducting and reporting inspections. The Branch develops statute and water program-specific national policies, guidance, and monitoring strategies to assist the regions, states, tribes, and local agencies in implementing their environmental programs. The Branch provides water-specific input in the development of cross-media (or multi-media) compliance monitoring and compliance assistance policies. The Branch develops and maintains a cadre of trained, credentialed inspectors to provide support to regions, states local agencies, tribes and headquarters offices. As requested, these personnel may conduct inspections, develop and present inspector training, provide oversight of regional, state, tribal and local inspection programs, and perform other fact-finding activities. These inspectors will use their experience and expertise to inform and impact the regulatory development process. They will work closely with OC's targeting group, following up in the field on potential new national priority areas. Branch inspectors conduct and provide training on water compliance inspections, record searches, structured interviews, computer-based information retrieval and new rules for regional, state, local and tribal compliance personnel. The Branch collaborates with partners and stakeholders within and outside the government as appropriate to advance its programs. The Branch uses new information tools to foster collaboration and more transparent communication with the public.

AIR BRANCH. The Director of the Air Branch reports directly to the Monitoring, Assistance, and Media Programs Division Director. This Branch focuses its compliance assurance efforts on the Stationary Source CAA programs [New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Section 601 Stratospheric Ozone, and 112(r) Prevention of Accidental Releases]. The Branch works with regions, states, tribes, and local agencies to develop CAA strategies, initiatives, and emerging programs. The Branch supports the development of enforceable CAA regulations, provides comments on proposed legislation, participates on Agency workgroups, and coordinates with other Agency offices as appropriate. In addition, the Branch: provides information and responds to questions on CAA programs and regulations through regulatory interpretations, applicability determinations, and alternative monitoring decisions, and provides a publicly accessible repository of all such decisions; represents the concerns and interests of the CAA compliance monitoring and assistance programs; develops CAA compliance monitoring and assistance materials and tools; coordinates with CPS office to link its program-specific assistance information to the appropriate Compliance Assistance Centers, and to link its compliance monitoring programs to the appropriate compliance monitoring (inspection) web pages; ensures nationally consistent CAA core and national initiative programs through oversight of region, state, tribe, and local agency program implementation; and provides technical expertise on CAA compliance monitoring and assistance. The Branch develops and maintains a cadre of trained, credentialed inspectors to provide support to regions, states local agencies, tribes and headquarters offices. Upon request, these personnel may conduct inspections, develop and present inspector training, provide oversight of regional, state, tribal and local inspection

programs, and perform other fact-finding activities. In addition, the Air Branch implements and manages the Federal Wood Heater NSPS Program and manages the CAA Information Collection Request (ICR) process.

PESTICIDES, WASTE & TOXICS BRANCH. The Director of the Pesticides, Waste and Toxics Branch (PWTB) reports directly to the Monitoring, Assistance, and Media Programs Division Director. The PWTB promotes and improves compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Resource Conservation and Recovery Act (RCRA), the Toxic Substances Control Act (TSCA) and agriculture programs. The Branch provides multi-faceted support to EPA and state hazardous waste, pesticides and toxic substances compliance programs. It oversees environmental compliance programs for all media for agricultural production, including crops, livestock, forestry, agricultural chemicals, irrigation, lawn care, and pest control. The Branch provides technical expertise on FIFRA, RCRA, and TSCA compliance monitoring and compliance assistance for both the core and national initiatives and ensures nationally consistent programs for each media through oversight of regional, state, tribe, and local program implementation. The Branch supports the development of enforceable FIFRA, RCRA and TSCA regulations to ensure adequate compliance monitoring provisions and provides comments on proposed legislation language. The Branch provides information and responds to questions on its statutory programs and the agriculture program, including the applicable regulations and policies. Branch represents the concerns and interests of its compliance monitoring and assistance programs to other EPA offices, Congress, states, tribes, and other government agencies, as well as industry, public interest, and environmental groups. The Branch develops compliance monitoring and assistance materials and targeting tools and provides media-specific input in the development of or multi-media compliance monitoring and assistance policies. The Branch manages and maintains its program specific compliance monitoring and assistance web pages to include new tools and information. The Branch coordinates with the CPS to link its program specific assistance information to the appropriate Compliance Assistance Centers, and to link its program specific compliance monitoring programs to the appropriate compliance monitoring (inspection) web pages. The Branch develops national FIFRA, RCRA and TSCA policies, guidance documents, and monitoring strategies to assist the regions, states, tribes, and local agencies in the implementation of their environmental programs. The Branch develops and maintains a cadre of trained, credentialed inspectors to provide support to regions, states local agencies, tribes and headquarters offices. As requested, these personnel may conduct inspections, develop and present inspector training, provide oversight of regional, state, tribal and local inspection programs, and perform other fact-finding activities. Inspectors use their experience and expertise to inform and impact the regulatory development process. They work closely with the Office's targeting group, following up in the field on potential new national priority areas. Inspectors conduct and provide training on FIFRA, RCRA and TSCA compliance inspections and evaluations, record searches, structured interviews, computer-based information retrieval, and new rules for regional, state, local and tribal compliance personnel. The Branch works to incorporate the latest technology into the processes of conducting and reporting inspections, and delivering compliance assistance for the regions, states, tribes, local. In addition, the Branch: administers the FIFRA

state/tribal cooperative agreement program and manages the Pesticide Enforcement and TSCA Grant Programs; administers the pesticide producer establishment registration and production reporting program under Section 7 of FIFRA; maintains and operates the National Agriculture Center to provide information on compliance with environmental requirements that impact agriculture, facilitate coordination and communication on agricultural issues among headquarters and the regions and serve as the gateway to EPA's information on agriculture to stakeholders outside of EPA; and collaborates with partners and stakeholders within and outside the government as appropriate to advance its programs. The Branch uses new information tools to foster collaboration and more transparent communication with the public.

GOOD LABORATORY PRACTICES SECTION. This Section, under the supervision of a Section Chief, who reports to the PWTB Branch Chief, is responsible for implementing the Agency's Good Laboratory Practices (GLP) compliance monitoring program through laboratory inspections and data audits to assure the quality and integrity of test data submitted under TSCA and FIFRA. The Section also represents EPA in international activities on GLP compliance monitoring, including providing training to international GLP inspectors.

OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS, AND TRAINING (OCEFT) FUNCTIONAL STATEMENT

OCEFT, under the supervision of a Director and Deputy Director, is a Headquarters Office, which reports to the Assistant Administrator for Enforcement and Compliance Assurance (OECA). OCEFT investigates significant environmental crimes cases, develops and employs state of the art forensic science to environmental enforcement cases, and provides policy and legal advice on criminal enforcement and forensics issues to OECA management.

IMMEDIATE OFFICE

- The Planning, Analysis, and Communications (PAC) Staff, under the supervision of a Director, is responsible for developing and updating OCEFT's strategic operating plan and serves as the principal contact point on all media-related and OCEFT-wide communications issues for both internal and external clients.
- The Professional Integrity and Quality Assurance (PIQA) Staff, under the supervision of a Special Agent in Charge, is responsible for the integrity, economy, and efficiency of OCEFT's operations.
- The Resource Management Staff (RMS), under the supervision of a Director, provides financial, human resources, and administrative support for OCEFT.
- The Protection Services Detail, under the Supervision of a Special Agent in Charge, provides protection services for the physical security of EPA's Administrator. **LEGAL COUNSEL DIVISION**. The Legal Counsel Division (LCD), under the supervision of a Director and a Deputy Director, is responsible for providing legal support and guidance on all legal and policy matters pertaining to criminal enforcement of environmental requirements.

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- Provides legal services to OCEFT client divisions in environmental and criminal law, expert witness preparation, litigation of environmental enforcement cases, information law, and personnel law.
- Serves as advocate for OCEFT's programmatic interests in matters involving the Department of Justice (DOJ), EPA's Office of General Counsel (OGC), EPA program and civil enforcement offices, and other law enforcement agencies.
- Participates in the development of statutes and regulations.
- Provides legal training to CID Special Agents, NEIC scientists, EPA attorneys, and EPA's federal, state, local, tribal, and international partners to enhance the overall effectiveness of environmental crime enforcement.
- Responds to inquiries from Congress and members of the public.

CRIMINAL INVESTIGATION DIVISION. The Criminal Investigation Division (CID), under the supervision of a Director and a Deputy Director, conducts criminal investigations of violations of federal and state environmental statutes and associated ancillary statutes, refers cases to DOJ and/or state prosecutors, and provides full investigative support during prosecution.

- Develops policies and procedures to ensure timely, appropriate, and legal enforcement responses to violations.
- Coordinates with offices and divisions inside EPA, as well as outside environmental and law enforcement agencies regarding investigations and case development activities.
- CID plans, develops, and coordinates investigative activities and oversees all operational aspects of criminal investigations
- The Investigations Branch (1) serves as a liaison with state, tribal, and local law enforcement and regulatory representatives, as well as other federal partners such as INTERPOL and the Financial Crimes Enforcement Network (FINCEN) within the U.S. Department of Treasury; (2) monitors and coordinates all sampling and analytical requests made by CID and determines forensic resource needs; (3) reviews, analyzes, and evaluates the development and production of cases; (4) identifies, collects, and analyzes information gathered from a variety of public, commercial, and government sources; (5) provides CID Agents with on-site search and seizure support involving computer or other electronically stored evidence, and (6) conducts complex analyses of computer data.
- The Operations Branch is responsible for providing comprehensive administrative and logistical support to CID Headquarters and offices located throughout the country, including developing an operating plan, managing all CID property/equipment/facilities/communication and IT needs, processing human resources-related paperwork, and overseeing the medical monitoring program.
- The Training Branch is responsible for the development and delivery of training for CID Special Agents and their state, local, tribal, and international counterparts, as including liaison and training activities conducted in concert with OECA's and EPA's international divisions/offices, as well as with external partners such as the Department of State.

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NATIONAL ENFORCEMENT INVESTIGATIONS CENTER. The National Enforcement Investigations Center (NEIC), under the supervision of a Director and a Deputy Director, serves as the principal source of science and technical expertise providing support for criminal and civil investigations having national impact on EPA and state regulatory programs for air, water, toxics, pesticides, radiation, and solid waste pollution control.

- Plans, develops, and provides scientific and technical support for investigations conducted on a national basis and provides technology transfer mechanisms, including training for OCEFT components, as well as state, local, and other federal offices and agencies, on scientific and technical approaches to environmental enforcement.
- Provides expertise and guidance to all OECA components in the development of multimedia compliance and enforcement strategies and national priorities, and national expertise to Headquarters and Regional Offices of EPA and DOJ in evaluating a broad range of waste disposal and emission problems, monitoring technology, and remedial programs.
- Provides quality scientific and technical support to criminal, civil, and administrative compliance and enforcement determinations, including defensible reports on the findings of field investigations, recommendations for follow-up enforcement action, and technical advice and/or recommendations on the control, abatement, and resolution of pollution problems.
- Conducts field and laboratory measurement activities for compliance determinations and case preparations, and assists in assessing and developing information, evidence and technical testimony in support of EPA enforcement programs.
- The Field Branch is responsible for providing an array of investigative services, including single facility and multimedia compliance monitoring investigations and process and control technology assessments.
- The Laboratory Branch is responsible for maintaining an environmental forensic laboratory, developing and improving analytical techniques, and providing nationwide specialty expertise on techniques, methods, and procedures, laboratory instrumentation and analytical techniques, and associated health effects for sources of pollution.
- The Information Technology Branch is responsible for providing information technology services, including basic technical, business, and legal information from Agency and commercial databases, link analysis, graphics for trial exhibits, electronic data analysis, ability-to-pay determinations, and financial analyses, as well as asset determinations.

OFFICE OF FEDERAL ACTIVITIES. The Office of Federal Activities (OFA), under the supervision of a Director, reports to the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA). The Director acts as the national program manager for three major programs assigned to the Office. These include the review of other agencies' environmental impact statements (EISs) and other major actions under the authority of the National Environmental Policy Act (NEPA) and §309 of the Clean Air Act; EPA compliance with the

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National Environmental Policy Act (NEPA) and related laws, directives, and Executive Orders concerning special environmental areas and cultural resources; and coordination of OECA's international enforcement and compliance and environmental impact assessment programs.

OFA also serves as the principal point of contact and liaison with other federal agencies and provides consultation and technical assistance to those agencies relating to EPA's areas of expertise and responsibility. OFA administers the filing and information system for all federal environmental impact statements under agreement with the Council on Environmental Quality (CEQ) and serves as liaison with the CEQ on this function and related matters of NEPA program administration. The Office provides a central point of information for EPA and the public on environmental impact assessment techniques and methodologies as well as for the international community, on the conduct of environmental enforcement and compliance assurance activities.

NEPA COMPLIANCE DIVISION. The NEPA Compliance Division (NCD) develops and recommends national programs and internal policies, strategies and procedures for the following:

- review of other agencies' EISs and other major actions for environmental compliance pursuant to §309 of the Clean Air Act and the CEQ NEPA implementing regulations
- preparation of EISs on EPA activities
- compliance with crosscutters, including
    - the Endangered Species Act
    - the National Historic Preservation Act
    - ecological initiatives

In addition, the Division performs the following national-level functions related to implementing its NEPA and CAA responsibilities:

- Headquarters-level liaison with federal agencies to resolve problems
- Focal point for regional and headquarters contacts on matters related to the EPA comments on federal agency regulations
- Developer and administrator for the official public filing and information system for all Federal EISs and serves as liaison with CEQ on this function and related matters of NEPA program administration
- EPA focal point for improving capabilities in interdisciplinary environmental analysis
- Central point of information for the public on EISs and environmental impact assessment techniques and methodologies
- International capacity-building leader for Environmental Impact Assessment (EIA), including managing the review of EIAs of non-governmental activities in Antarctica
- Administrator for NEPASSIST, an online support tool for NEPA practitioners

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INTERNATIONAL COMPLIANCE ASSURANCE DIVISION. The International Compliance Assurance Division (ICAD) provides direction and coordination for OECA's international activities through the following responsibilities:

- Coordinates strategy and budget implementation of OECA's international activities
- Serves as OECA's principal point of contact with the Office of International and Tribal Affairs for enforcement and compliance program activities

ICAD has direct international responsibilities for:

- providing focused enforcement and compliance support for EPA's international agenda in areas such as implementing the North American Free Trade Agreement (NAFTA)
- providing technical assistance to enhance environmental enforcement and compliance in countries throughout the world
- advising other EPA offices on enforcement and compliance aspects of programs to meet the United States' obligations under international environmental agreements
- providing direction for OECA activities under U.S. laws involving international issues
- providing counsel, in coordination with the Office of General Counsel (OGC), on enforcement aspects of international agreements relating to trade and environmental protection
- in consultation with OGC, coordinating with the State Department, Bureau of Customs and Border Protection, and other EPA offices on the international aspects of enforcing U.S. environmental laws.

ICAD, on behalf of the U.S., also controls the transboundary movements of hazardous waste under the Resource Conservation and Recovery Act (RCRA) and its implementing regulations, and under applicable international agreements. ICAD's responsibilities include:

- consenting or objecting to imports and transits of hazardous waste, and acknowledging the consent or communicating the objection of the receiving country to a proposed U.S. exporter of such waste
- preparing periodic reports on the review of consent or objection of imports/exports, that are provided to senior managers on related policy issues.
- monitoring compliance with applicable legal requirements based on available data, as resources permit
- referring apparent violations to EPA Regional Offices for appropriate enforcement action
- tracking movements of hazardous waste as described in notifications of intent to import or export, manifests and tracking documents, and annual

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reports
- utilizing and maintaining the Waste International Import Export Tracking System (WIETS) for tracking purposes

OFFICE OF CIVIL ENFORCEMENT. The Office of Civil Enforcement (OCE), under the supervision of an Office Director, reports to the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA). OCE is responsible to the AA/OECA for developing, managing, and resolving civil judicial and administrative enforcement actions; determining the appropriate enforcement responses to violations of environmental laws and developing litigation policies on self-auditing and self disclosure of violations; developing, jointly with the Office of Compliance, and implementing enforcement case initiatives that support OECA priorities; tracking and monitoring administrative and judicial initiatives that support OECA priorities; tracking and monitoring administrative and judicial cases through the use of dockets and other data bases; reviewing citizen suits and assisting in the preparation of amicus and other briefs in support of beneficial citizen suits and appeals; acting as liaison on enforcement issues with the Regional offices, the Department of Justice, the Congress, the EPA program offices, and other offices within OECA; providing technical assistance and recommendations on legislative proposals; developing enforcement policy and guidance; reviewing Federal and State regulations for enforceability and developing Federal enforcement regulations; managing contracts for litigation support and investigations; providing legal and technical support for judicial appeals; and arguing nationally significant administrative appeals before the Environmental Appeals Board. OCE is also responsible for providing support and review of enforcement actions developed by the EPA Regions developing and litigating national enforcement actions; providing oversight of EPA Regional and State enforcement actions; and providing expert counsel on civil enforcement within OECA and to other EPA offices Congress, States, other government agencies, and the public. On rulemaking issues, OCE will generally; have the lead for rules that determine jurisdiction, establish enforcement authorities, or prescribe rules of practice or procedure. OCE is also the civil enforcement lead for OECA's Environmental Justice (EJ) Program. OCE ensures that OECA considers and addresses EJ concerns in all civil enforcement matters.

The Office consists of three media specific enforcement divisions for Air, Water, and a combined division for RCRA, and Pesticides and Toxics. A fourth Division -- the Special Litigation and Projects Division, provides a prominent multimedia enforcement capacity to ensure a whole facility, ecosystem and population-based approach to case initiation, support and resolution. OCE and its enforcement divisions incorporate risk reduction, environmental equity and pollution prevention techniques consistent with Agency priorities within its program management responsibilities.

AIR ENFORCEMENT DIVISION. The Air Enforcement Division (AED), under the supervision of a Division Director, is responsible for the development and implementation of judicial and administrative enforcement activities under the Clean Air Act (CAA) and the Noise Control Act. AED ensures the enforceability of rules promulgated under the Clean Air Act, including the 1990 Amendments. The Division provides national direction, leadership and

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consistency in case selection, development, resolution and appeal of civil judicial and administrative enforcement actions pursuant to its statutory authorities.

MOBILE SOURCE BRANCH, AED is solely responsible for enforcing the CAA provisions related to emissions from motor vehicles, heavy truck engines, nonroad engines, and motor vehicle fuels contained in Title II of the Act. Unlike almost all other environmental enforcement programs, there is no regional or state involvement. AED is responsible for enforcing against the prohibited acts found in section 203 (a) (pertaining to emissions from motor vehicle and heavy truck engines) and in regulations promulgated under section 213 (d) (pertaining to emissions from nonroad engines), including investigating possible violations, assessing administrative penalties, negotiating resolutions of those violations, and commencing administrative actions under section 205(a) and (c) of the CAA, referring civil actions under section 205(b) involving civil penalties larger than $200,000 and/or significant injunctive relief under section 204 of the CAA (and other injunctive relief provisions contained in the CAA and other statutes) to the Department of Justice, and working with the Department of Justice to resolve those civil actions. AED is responsible for enforcing the fuels provisions found in section 211 of the CAA and the regulations thereunder, including investigating possible violations, assessing administrative penalties, negotiating resolutions of those violations, and commencing administrative actions under sections 211(d)(i) and 205(c) of the CAA, referring civil actions under section 205(b) involving civil penalties larger than $200,000 and/or significant injunctive under section 211(d)(2) (and other injunctive relief provisions contained in the CAA and other statutes) to the Depart of Justice, and working with the Department of Justice to resolve those actions. In investigating possible violations, AED is responsible for targeting, conducting inspections with its own inspectors or through its contractors, and providing technical, scientific and engineering support in the development and pursuit of enforcement actions.

Through its Mobile Source Branch, AED is also responsible for ensuring the enforceability of the rules and regulations promulgated under Title II of the CAA. AED provides a focal point for coordination of air enforcement issues with the Department of Justice, the Office of General Counsel, the Offices of other Assistant Administrators, and other offices.

The functional statement for the AA/OECA and the offices and divisions under the control of AA/OECA do not include certain quasi-enforcement responsibilities under Title II of the CAA carried out by OAR's Office of Mobile Sources, with legal assistance from the Office of General Counsel. Specifically, the AA/OAR, and the Director of the Office of Mobile Sources retain authority for assembly-line testing under section 206(b) and non-conformity determinations under section 207(c) of the CAA, including administrative hearing related to such actions, inspection targeting and national program technical expertise.

STATIONARY SOURCE BRANCH, AED is the focal point of EPA expertise on all enforcement aspects of the programs related to the stationary source provisions of the

CAA. AED has lead responsibility for enforcement-related rulemakings and participates in other rulemaking and regulatory interpretation workgroups. AED develops national enforcement policies, penalty policies, guidance, and outreach, and focuses on high-profile enforcement initiatives and innovative programs. The Division develops settlement policies and other policies and activities encouraging pollution prevention, technological innovation, environmental auditing, and environmental justice. AED is responsible for reviewing Citizen Suits and Amicus Briefs under the Clean Air Act.

Through its Stationary Source Branch, AED serves as legal enforcement counsel on stationary source Clean Air Act issues across the Office of Enforcement and Compliance Assurance sector and other Headquarters programs, and for Regions and States. The Division works closely with the other Divisions in the Office of Civil Enforcement in areas of multi-media case management, and develops and coordinates enforcement initiatives involving the Clean air Act. The Division works with the other Offices and Divisions in the Office of Enforcement and Compliance Assurance in the areas of strategic planning, prioritization, and development of enforcement initiatives.

The Division reviews and recommends to the Director, Office of Civil Enforcement, action on proposed regulations, programs and policies affecting the Division's programs. It represents the concerns and interests of the Air Enforcement Division to other EPA Offices, States, Regions, the regulated community, and public interest and environmental groups.

Finally, through its Stationary Source Branch, AED is responsible for coordinating the development of nationally significant cases, and works with the Department of Justice and affected Regions and States to prosecute and resolve those cases. AED also has the enforcement lead within EPA for Title VI (Stratospheric Ozone), Title IV (Acid Deposition), and the emission requirements applicable to woodstoves.

SPECIAL LITIGATION AND PROJECTS DIVISION. The Special Litigation and Projects Division (SLPD), under the supervision of a Division Director, is responsible for developing, managing and promoting cross-media and novel enforcement approaches to address complex, emerging and significant environmental problems. In particular, the Division identifies emerging environmental problems and develops, implements and manages national cross-media enforcement cases with the potential to yield significant public health or environmental results, emphasizing whole-facility, sector-based and/or geographical approaches to environmental noncompliance.

The Division functions as the primary liaison within OCE for other EPA offices, the Department of Justice (DOJ) and other organizations on cross-media and cross-cutting enforcement cases and issues. The Division supplies legal, technical and policy support to the EPA Regions, states and tribes in developing and prosecuting cross-media and other nationally significant enforcement cases. Nationally significant enforcement cases may include those which are precedential in nature, multi-regional, in support of a national enforcement priority, or require national expertise,

particularly cases involving emerging and significant environmental problems or precedential liability theories. The Division also analyzes and provides comments on the civil enforcement implications of cross-cutting and cross-media legislation and testimony, in coordination with OECA's Office of Administration and Policy.

In coordination with the Regions, other OCE Divisions, EPA Program offices, the National Enforcement Investigations Center (NEIC) and DOJ, as appropriate, the Division also develops and manages certain targeted enforcement efforts (e.g., Concentrated Animal Feeding Operations, multi-regional Audit Policy cases, and cases involving tribally-owned or operated facilities in Indian Country) and identifies emerging, significant environmental problems that may be solved using a range of compliance incentive and enforcement tools.

The Division manages the use of innovative enforcement tools (such as the Audit Policy and the Supplemental Environmental Projects (SEP) Policy) and the development and support of models and cross-media enforcement policies (e.g., models to calculate the economic benefit resulting from avoiding or delaying compliance and a violator's ability to pay) and the promulgation of rules adjusting civil penalties for inflation. These tools, policies and rules are used by EPA Regions, states, tribes and other regulatory partners in enforcement actions across all media. The Division also provides support to all of OCE in the areas of financial management, contracts, facilities and human resources management and website management.

The Division is comprised of three branches: (1) the Litigation and Cross-Cutting Policy Branch; (2) the Litigation and Audit Policy Branch; and (3) the Resource Management Branch.

LITIGATION AND CROSS-CUTTING POLICY BRANCH. The Litigation and Cross-Cutting Policy Branch supplies legal, technical and policy support to EPA Regions, states and tribes in developing and prosecuting cross-media enforcement cases and nationally significant enforcement cases. Although the Litigation and Cross-Cutting Policy Branch may be involved in cases involving facilities located anywhere in the country, it has particular focus on Regions 1 through 5, and has Regional primary points of contact within the Branch that are specifically assigned to each of these Regions. The Litigation and Cross-Cutting Policy Branch also manages implementation issues that arise under the SEP Policy, serves as the lead within OCE for enforcement issues involving tribally-owned or operated facilities on Indian Country, resolves cases arising from self-disclosed violations pursuant to the Audit Policy, and handles half of the Division's targeted and sector-based cases and initiatives. The Branch is also responsible for managing the development and support of models and cross-media enforcement policies (e.g., models to calculate the economic benefit resulting from avoiding or delaying compliance and a violator's ability to pay) and the promulgation of rules adjusting civil penalties for inflation. Included within the Branch is the Civil Investigator Team, which conducts investigations in direct support of OCE, as well as all EPA and DOJ civil enforcement offices. Physically co-located with NEIC in Denver, Colorado, the Civil Investigator Team provides investigative support nationwide, including identifying, locating and interviewing witnesses; obtaining critical documentary and photographic evidence; determining corporate structure and relationships; and identifying assets of defendant companies and individuals. In addition to its cross-media and nationally

significant enforcement cases and specific policy responsibilities, the Branch reviews federal and state cross-program policies for consistency and ensures that single-media enforcement programs and policies are developed and implemented in a logically consistent manner across media enforcement programs.

LITIGATION AND AUDIT POLICY BRANCH. The Litigation and Audit Policy Branch supplies legal, technical and policy support to EPA Regions, states and tribes in developing and prosecuting cross-media enforcement cases and nationally significant enforcement cases. Although the Litigation and Audit Policy Branch may be involved in cases involving facilities located anywhere in the country, it has particular focus on Regions 6 through 10, and has Regional primary points of contact within the Branch that are specifically assigned to each of these Regions. The Litigation and Audit Policy Branch also manages the implementation of the Audit Policy, resolves cases arising from self-disclosed violations pursuant to the Audit Policy, and handles half of the Division's targeted and sector-based cases and initiatives. In addition to its cross-media and nationally significant enforcement cases and specific policy responsibilities, the Branch reviews federal and state cross-program policies for consistency and ensures that single-media enforcement programs and policies are developed and implemented in a logically consistent manner across media enforcement programs.

RESOURCE MANAGEMENT BRANCH. The Resource Management Branch is responsible for managing and providing administrative services, budget formulation and resource allocation, financial management, human resource services and website management for OCE. The Branch establishes and oversees personnel, facilities and administrative operations and policies for OCE. The Branch coordinates and manages OCE's contracts and oversees its budget execution, and is responsible for development of OCE's annual operating plan. The Branch is also responsible for managing OCE's website and, working with other OCE divisions, for communicating OCE's accomplishments through the internet.

The Division incorporates risk reduction, environmental justice, and pollution prevention techniques consistent with Agency priorities.

WATER ENFORCEMENT DIVISION. The Water Enforcement Division (WED), under the supervision of a Division Director, is responsible for pursuing deterrence of noncompliance by the development and implementation of judicial and administrative enforcement activities under the Clean Water Act, the Safe Drinking Water Act, the Marine Protection, Research and Sanctuaries Act, and the Oil Pollution Act. In partnership with other OECA offices and the Regions, WED facilitates coordinated, necessary and effective enforcement of these statutes by EPA, by state agencies pursuant to EPA authorization, and by citizen enforcers.

WED provides national direction, leadership, and consistency in the development of enforcement priorities, case selection, development, resolution, and appeal of civil judicial and administrative enforcement actions pursuant to these statutory authorities; in development of regulations, guidance and policy associated with civil judicial and administrative enforcement of these

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authorities; and in reauthorization and amendment of the enforcement provisions of these statutes. WED participates actively in programmatic regulation and policy development and implementation activities to insure that the regulations and policies developed by the Office of Water have adequate enforcement mechanisms.

The Division has the Agency lead in identification, development, and litigation of certain nationally significant cases; the Division recommends to the AA/OECA the referral, settlement and appeal of nationally and Regionally developed administrative and civil judicial cases. The Division provides technical, scientific, and engineering support, through experts or contracts, to the development and pursuit of enforcement actions, participates in and manages case negotiations, prepared litigation and settlement documents, and leads or supplements the development and presentation of the Government's case in administrative and court proceedings and on administrative or judicial appeal.

The Division provides a focal point for coordination on water enforcement issues with the Department of Justice, the Office of General Counsel, the Offices of other Assistant Administrators, and other offices. In conducting its responsibilities, the Division represents OECA and Agency concerns and interests to other government offices and external groups, and the Division represents OECA on work groups and task forces.

WED has two branches, each with specific areas of responsibility.

> **THE INDUSTRIAL BRANCH**, WED, has responsibility for administrative and judicial cases, policy development, regulatory matters, and coordination for industrial NPDES, Oil Pollution Act, Clean Water Act Section 404, Safe Drinking Water Act Underground Injection Control, and Marine Protection Research and Sanctuaries Act matters. The Industrial Branch provides legal and technical expertise in the areas of its responsibility and serves as the primary point of contact with the Regions, the Office of Water, Department of Justice and other federal and state agencies. The Industrial Branch also maintains records of citizen actions under Section 505 of the CWA and serves as the quality assurance contact for the Office of Regulatory Enforcement.
>
> **THE MUNICIPAL BRANCH**, WED, is responsible for administrative and judicial cases, policy development, regulatory matters, and coordination for municipal NPDES, pretreatment, the Safe Drinking Water Act Public Water System Supervision Program, and the Marine Protection, Research and Sanctuaries Act matters. The Branch develops national water policy on Clean Water Act pretreatment and wet weather issues, such as combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs) and develops drinking water enforcement policy. The Municipal Branch provides legal and technical expertise in its areas of responsibility and is a contact point for the Regions, the Office of Water and the Department of Justice and other federal and State agencies.

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WASTE AND CHEMICAL ENFORCEMENT DIVISION. The Waste and Chemical Enforcement Division (WCED) is the national program manager for the following regulatory enforcement programs:

- Resource Conservation and Recovery Act (RCRA),
- Federal Insecticide, Fungicide and Rodenticide Act (FIFRA),
- Toxics Substances Control Act (TSCA), including the Asbestos Hazard Emergency Response Act (AHERA),
- Residential Lead-Based Paint Hazard Reduction Act,
- Emergency Planning and Community Right to Know Act (EPCRA),
- Clean Air Act Section 112(r), and
- CERCLA 103.

The Division provides national direction for enforcement activities arising under these regulatory programs, including developing and litigating civil and administrative enforcement cases, and providing technical, legal, and policy support on Regional civil judicial and administrative enforcement actions. The Division identifies, develops, and implements national priorities; and provides guidance and support to the Regions when implementing those priorities. WCED is also responsible for participating with other offices in developing enforceable regulations and policies that will ensure compliance with these programs. The Division assesses, analyzes, and recommends action on enforcement issues; and provides scientific and engineering support through staff experts and contract resources. WCED represents the concerns and interests of these enforcement programs to other EPA offices and external groups; and represents OECA in meetings and on task forces requiring knowledge relating to these programs. The Division interfaces with the Department of Justice and other Federal agencies, states and tribes, and national organizations affected by the Division's enforcement.

The Waste and Chemical Enforcement Division ensures that nationally significant issues in administrative and civil judicial cases are managed, litigated, and resolved in a manner consistent with national policy. Working with the Regional offices, the Department of Justice, and the Office of General Counsel, the Division ensures that all appeals of enforcement actions in these programs are briefed and argued effectively and in a manner that promotes the interests of these enforcement programs. The Division promotes the use of multi-media enforcement policies (e.g., the Audit policy, the SEP policy) in these enforcement programs. The Division identifies the need for, and assumes a lead role in, developing media-specific enforcement policy and guidance documents for these programs. The Division is also responsible for advising the Assistant Administrator on the enforcement implications of legislative developments of these enforcement programs. In addition, the Division is responsible for working with other offices to provide training and technical assistance on enforcement matters related to the statutes within the Division's purview. The Waste and Chemical Enforcement Division is responsible for developing national enforcement policy on the use of the Agency's authorities to address imminent and substantial endangerments. Finally, the Division manages the administrative and contracts work that supports the responsibilities of this Division. The Division carries out the above functions through three branches:

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WASTE ENFORCEMENT BRANCH. The focuses on all RCRA civil enforcement issues other than those associated with RCRA Subtitle I, including any enforcement response and civil penalty policies. The Branch maintains expertise in and coordinates the use of imminent and substantial endangerment authorities (e.g. RCRA section 7003, CAA section 303, SDWA section 1431) across all statutes and all Regions. This Branch also maintains expertise in financial assurance for the Division. In addition, the Branch is responsible for state issues, such as Subtitle D, authorization, and oversight. This Branch is responsible for identifying national program priorities in the solid and hazardous waste programs, and establishing appropriate national program measures.

PESTICIDES AND TANKS ENFORCEMENT BRANCH. The focuses on all FIFRA and Underground Storage Tank (RCRA Subtitle I) civil enforcement issues, including any enforcement response and civil penalty policies. The Branch also maintains expertise in bankruptcy issues for the Division. This Branch supports the data entry and retrieval needs of the Division. This Branch is responsible for identifying national program priorities in the FIFRA and the Underground Storage Tank Program, and establishing appropriate national program measures.

CHEMICAL RISK AND REPORTING ENFORCEMENT BRANCH. The focuses on all TSCA, LPB Hazard Reduction Act, CAA 112(r), CERCLA 103, and EPCRA civil enforcement issues, including any enforcement response and civil penalty policies. The Branch also maintains expertise on inspection issues for the Division. In addition, this Branch is responsible for identifying national program priorities in the TSCA, CAA 112(r), CERCLA 103, and EPCRA programs, and establishing appropriate national program measures.

OFFICE OF SITE REMEDIATION ENFORCEMENT. The Office of Site Remediation Enforcement (OSRE), under the supervision of a Director and Deputy Director, serves as the principal adviser to the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) on matters relating to the conduct of cleanup enforcement activities. OSRE consists of two divisions, the Regional Support Division and the Policy and Program Evaluation Division, as well as the Program Operations Staff. The Office is responsible for managing a national program of remediation enforcement under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Oil Pollution Act (OPA), and the Agency's Underground Storage Tanks (UST) program.

- The Office serves as EPA's lead for developing guidance and policies for all cleanup-enforcement programs. This includes the review of appropriate program guidances, as well as evaluating the impact of the policies, the development of program strategies, long term and yearly goals, and the formulation and implementation of budgets and plans to support implementation of strategies and goals. OSRE participates in regulation development and review on matters relating to cleanup enforcement.

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- Nationally significant or precedential cases are developed or managed in cooperation with Regional offices and the U.S. Department of Justice (DOJ). The Office provides case support and conducts reviews of selected civil enforcement litigation referrals from Regional and media program offices and assures consistency of individual cases with procedural requirements and established policies. In conjunction with Regional or Assistant Administrators, as appropriate, and the DOJ, the Office prepares overall litigation strategies, provides technical and litigation expertise, and reviews settlements for adherence to national policy and adequacy of results, and provides advice on settlements as necessary.

- The Office serves as the national expert for all matters relating to cleanup enforcement, including compliance monitoring and enforcement. The Office provides a central point of contact and information for regions. The regional liaisons and analysts serve to keep the regions informed of policy developments, share the experiences of other regions in order to translate areas of success, and monitor and support the regions in meeting the established program priorities.

- OSRE coordinates closely with the regions; the Office of Solid Waste and Emergency Response (OSWER); the AA/OECA's Immediate Office; OECA's Office of Civil Enforcement (OECA/OCE); and OECA's Office of Compliance (OECA/OC); and other EPA offices as necessary. It represents the interests of the cleanup enforcement programs to other offices of the Agency and normally is represented on task forces, work groups and at meetings where issues relating to these programs are under consideration. In coordination with the AA/OECA's Immediate Office and OECA's Office of Administration and Policy (OECA/OAP), represents the remediation enforcement program to external organizations, including the Office of Management and Budget (OMB), Congress, DOJ and other Federal agencies, the media, public interest and industry groups, State and local governments, their associations, and the public.

PROGRAM OPERATIONS STAFF. The Program Operations Staff (POS) is responsible for managing and providing budget and administrative support to OSRE and the national cleanup enforcement program. POS formulates program budget requests, develops and manages OSRE's annual operating budget and, in coordination with PPED, allocates and oversees Regional contract support funding in conjunction with annual workplanning activities. POS is responsible for all human resources support functions, including payroll and FTE management and personnel action development. The staff coordinates and manages OSRE's mission support contract and the Agency's Interagency Agreement with the Department of Justice to fund activities undertaken in support of the Superfund enforcement program. POS also serves as the lead for records management and for Freedom of Information Act (FOIA) and controlled correspondence assigned to OSRE.

POLICY AND PROGRAM EVALUATION DIVISION. The Policy and Program Evaluation Division (PPED) under the supervision of a Director and Deputy Director, manages policy and guidance development and coordination, national and regional

program evaluation activities, and special programs support under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), the Oil Pollution Act (OPA), and the Underground Storage Tank (UST) program. This mission is conducted in close coordination and interaction with other organizational units within OECA's Office of Site Remediation Enforcement (OSRE), other Offices in the Office of Enforcement and Compliance Assurance, Regional Offices, other EPA Offices, and external organizations including Congress, federal agencies, states, Indian Tribes, and the regulated community.

- The Division develops enforcement policy and guidance in support of all aspects of the remediation component of these statutory programs including CERCLA, RCRA Subpart F, RCRA §§ 3008, 3013, 7003, OPA implementation, and the Agency's Underground Storage Tanks (UST) program as well as various interrelated administrative programs including the Agency's environmental justice, Next Generation Compliance and Making a Visible Difference in Communities initiatives, state and tribal coordination, ecosystems protection, and waste minimization.

- The Division incorporates centers of expertise to support policy and guidance development, implementation, training, and evaluation of response enforcement and remediation programs.

- PPED also conducts strategic planning in support of intermediate and long-term goals and objectives in these programs, and establishes priorities and targets for annual accomplishments in participation with other offices in OSRE.

- PPED participates in program workgroups and reviews technical guidance for enforcement concerns. The Division also facilitates the revitalization and reuse of sites of federal interest by providing liability clarification to prospective purchasers.

- The Division is responsible for conducting trends analyses to assist in the evaluation of the status and accomplishments in these programs, and to forecast future program directions, taking into account a variety of considerations including those of the public, Congress, the regulated community, OSWER, OECA and other stakeholders in EPA's site response programs. The Division also performs selected national and regional evaluations and assessments to monitor and document the progress of implementation of policies and guidance in these programs.

- The Division recommends the need for revision of policies and guidance, and development of information systems, focusing on aspects of the program necessary to accomplish its mission.

REGIONAL SUPPORT DIVISION. The Regional Support Division (RSD), under the supervision of a Director and Deputy Director, provides the primary point of contact for the regions with respect to contemplated civil and administrative enforcement actions under the Comprehensive Environmental

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Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), the Oil Pollution Act (OPA), and the Agency's Underground Storage Tanks (UST) program.

- RSD, which is responsible for ensuring compliance and enforcement of applicable EPA remediation statutes and regulations, provides case support and analysis of legal issues, conducts reviews of selected civil enforcement litigation and referrals from Regional and media program offices and assures consistency of individual cases with procedural requirements and established policies.

- In conjunction with Regional Administrators or Assistant Administrators, as appropriate, and the Department of Justice, the Division prepares overall litigation strategies, provides litigation support, and reviews settlements for adherence to national policy and adequacy of results. In selected cases, the Division will participate in, or manage, negotiations, preparation of litigation documents, discovery and settlement agreements, and development and presentation of the government's case in court.

- The Division includes regional liaisons providing a central point of contact and information for regions. The regional liaisons serve to keep the regions informed of policy and case developments, to share the experiences of other regions in order to translate areas of success, and to monitor and support the regions in meeting the established program priorities.

- The Division staff identifies and analyzes compliance and enforcement issues, proposes alternate actions to appropriate authorities, and provides technical support for enforcement actions through staff scientific and engineering experts.

- The Regional Support Division maintains close interaction with the Program Evaluation and Policy division, identifying policy or guidance needs, develops policy and guidance, and provides feedback on the impact of policies and guidances.

- The Division provides a focal point at Headquarters for oversight of site-specific enforcement activity, and maintains liaison with the program offices, especially OSWER, the Office of General Counsel, other OECA and EPA offices, the Department of Justice, and external organizations, including Congress, federal agencies, States, Indian Tribes and the regulated community.

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Message

From: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Sent: 5/2/2017 7:08:31 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Shinkman, Susan [Shinkman.Susan@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: RE: LA RVP
Attachments: Policy Against No Action Assurances.pdf

From: Starfield, Lawrence
Sent: Tuesday, May 02, 2017 2:43 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: LA RVP

Can you get me the other memo's?

Larry

From: Fogarty, Johnpc
Sent: Tuesday, May 02, 2017 2:25 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Re: LA RVP

What are next steps for this discussion/when is it to happen?

Also, the NAA attachment is only the 1984 one - there are two additional memoranda.

Sent from my iPhone

On May 2, 2017, at 2:21 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> This was a surprise. I added in some materials to make it a fuller discussion.
>
> Larry
>
> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>
> ---
>
> **From:** Starfield, Lawrence
> **Sent:** Monday, May 01, 2017 5:33 PM
> **To:** Coleman, Sam <Coleman.Sam@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
> **Cc:** Gray, David <gray.david@epa.gov>
> **Subject:** RE: LA RVP

It might be useful to add two documents to the reading list for this meeting:

1. A briefing paper prepared by OAR/Region 6/OECA for Samantha Dravis on April 18th. It lays out what we viewed as a positive path forward.

2. The Agency's long-standing policy on the use of "no action assurances."

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Coleman, Sam
Sent: Monday, May 01, 2017 3:52 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>
Cc: Coleman, Sam <Coleman.Sam@epa.gov>; Gray, David <gray.david@epa.gov>
Subject: LA RVP

I have attached three documents
1. Letter from LDEQ Sec Chuck Carr Brown to ADM Pruitt on 10 Apr 2017
2. Response with Region 6 edits
3. Response w/o Region 6 edits

We last communicated on this on 4/24 at 12;02 PM. Since that time, the staff at R6 and HQ have worked very hard to come up with the two response letters attached. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Two texts from Chuck Car Brown.

Ex. 5 Deliberative Process (DP)

(2/2) Thanks. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

AT this point, I think this is as far as we can go w/o more specific direction. The matter is somewhat urgent and I hear from Dr Brown daily as to the status. His cell no is Ex. 6 Personal Privacy (PP) Dr Brown has held off the refiners making production changes up to now but has stated that he needs to give some direction very soon.

Can we have a discussion asap to respond to the state?

Samuel Coleman, P. E.,
Deputy Regional Administrator

Samuel Coleman, P.E.
Deputy Regional Administrator
EPA Region 6
coleman.sam@epa.gov
214.665.2100 Ofc
214.665.3110 Direct
Ex. 6 Personal Privacy (PP) Cell

<Louisiana RVP options paper 4 18 17.docx>

<Policy against no action assurances 11 16 1984.pdf>

EC-P-1998-125

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

GM #34
SE. 1-5

NOV 16 1984

OFFICE OF
ENFORCEMENT AND
COMPLIANCE MONITORING

MEMORANDUM

SUBJECT: Policy Against "No Action" Assurances

FROM: Courtney M. Price
Assistant Administrator for Enforcement
and Compliance Monitoring

TO: Assistant Administrators
Regional Administrators
General Counsel
Inspector General

This memorandum reaffirms EPA policy against giving definitive assurances (written or oral) outside the context of a formal enforcement proceeding that EPA will not proceed with an enforcement response for a specific individual violation of an environmental protection statute, regulation, or other legal requirement.

"No action" promises may erode the credibility of EPA's enforcement program by creating real or perceived inequities in the Agency's treatment of the regulated community. This credibility is vital as a continuing incentive for regulated parties to comply with environmental protection requirements.

In addition, any commitment not to enforce a legal requirement against a particular regulated party may severely hamper later enforcement efforts against that party, who may claim good-faith reliance on that assurance, or against other parties who claim to be similarly situated.

This policy against definitive no action promises to parties outside the Agency applies in all contexts, including assurances requested:

- both prior to and after a violation has been committed;
- on the basis that a State or local government is responding to the violation;

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- on the basis that revisions to the underlying legal requirement are being considered;
- on the basis that the Agency has determined that the party is not liable or has a valid defense;
- on the basis that the violation already has been corrected (or that a party has promised that it will correct the violation); or
- on the basis that the violation is not of sufficient priority to merit Agency action.

The Agency particularly must avoid no action promises relating either to violations of judicial orders, for which a court has independent enforcement authority, or to potential criminal violations, for which prosecutorial discretion rests with the United States Attorney General.

As a general rule, exceptions to this policy are warranted only

- where expressly provided by applicable statute or regulation (e.g., certain upset or bypass situations)
- in extremely unusual cases in which a no action assurance is clearly neccessary to serve the public interest (e.g., to allow action to avoid extreme risks to public health or safety, or to obtain important information for research purposes) and which no other mechanism can address adequately.

Of course, any exceptions which EPA grants must be in an area in which EPA has discretion not to act under applicable law.

This policy in no way is intended to constrain the way in which EPA discusses and coordinates enforcement plans with state or local enforcement authorities consistent with normal working relationships. To the extent that a statement of EPA's enforcement intent is necessary to help support or conclude an effective state enforcement effort, EPA can employ language such as the following:

"EPA encourages State action to resolve violations of the _____ Act and supports the actions which __(State)__ is taking to address the violations at issue. To the extent that the State action does not satisfactorily resolve the violations, EPA may pursue its own enforcement action."

I am requesting that any definitive written or oral no action commitment receive the advance concurrence of my office. This was a difficult decision to reach in light of the valid concerns raised in comments on this policy statement; nevertheless, we concluded that Headquarters concurrence is important because the precedential implications of providing no action commitments can extend beyond a single Region. We will attempt to consult with the relevant program office and respond to any formal request for concurrence within 10 working days from the date we receive the request. Naturally, emergency situations can be handled orally on an expedited basis.

All instances in which an EPA official gives a no action promise must be documented in the appropriate case file. The documentation must include an explanation of the reasons justifying the no action assurance.

Finally, this policy against no action assurances does not preclude EPA from fully discussing internally the prosecutorial merit of individual cases or from exercising the discretion it has under applicable law to decide when and how to respond or not respond to a given violation, based on the Agency's normal enforcement priorities.

cc: Associate Enforcement Counsels
OECM Office Directors
Program Compliance Office Directors
Regional Enforcement Contacts

EC-P-1998-07

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 0 3 1995

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Processing Requests for Use of Enforcement Discretion

FROM: Steven A. Herman
Assistant Administrator

TO: Assistant Administrators
Regional Administrators
General Counsel
Inspector General

In light of the reorganization and consolidation of the Agency's enforcement and compliance assurance resources activities at Headquarters, I believe that it is useful to recirculate the attached memorandum regarding "no action" assurances[1] as a reminder of both this policy and the procedure for handling such requests. The Agency has long adhered to a policy against giving definitive assurances outside the context of a formal enforcement proceeding that the government will not proceed with an enforcement response for a specific individual violation of an environmental protection statue, regulation, or legal requirement. This policy, a necessary and critically important element of the wise exercise of the Agency's enforcement discretion, and which has been a consistent feature of the enforcement program, was formalized in 1984 following Agency-wide review and comment. Please note that OECA is reviewing the applicability of this policy to the CERCLA enforcement program, and will issue additional guidance on this subject.

A "no action" assurance includes, but is not limited to: specific or general requests for the Agency to exercise its enforcement discretion in a particular manner or in a given set of circumstances (i.e., that it will or will not take an enforcement action); the development of policies or other statements purporting to bind the Agency and which relate to or would affect the Agency's enforcement of the Federal environmental laws and regulations; and other similar requests

[1] Courtney M. Price, Assistant Administrator for Enforcement and Compliance Monitoring, Policy Against "No Action" Assurances (Nov. 16, 1984) (copy attached).

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for forbearance or action involving enforcement-related activities. The procedure established by this Policy requires that any such written or oral assurances have the advance written concurrence of the Assistant Administrator for Enforcement and Compliance Assurance.

The 1984 reaffirmation of this policy articulated well the dangers of providing "no action" assurances. Such assurances erode the credibility of the enforcement program by creating real or perceived inequities in the Agency's treatment of the regulated community. Given limited Agency resources, this credibility is a vital incentive for the regulated community to comply with existing requirements. In addition, a commitment not to enforce a legal requirement may severely hamper later, necessary enforcement efforts to protect public health and the environment, regardless of whether the action is against the recipient of the assurances or against others who claim to be similarly situated.

Moreover, these principles are their most compelling in the context of rulemakings: good public policy counsels that blanket statements of enforcement discretion are not always a particularly appropriate alternative to the public notice-and-comment rulemaking process. Where the Agency determines that it is appropriate to alter or modify its approach in specific, well-defined circumstances, in my view we must consider carefully whether the objective is best achieved through an open and public process (especially where the underlying requirement was established by rule under the Administrative Procedures Act), or through piecemeal expressions of our enforcement discretion.

We have recognized two general situations in which a no action assurance may be appropriate: where it is expressly provided for by an applicable statute, and in extremely unusual circumstances where an assurance is clearly necessary to serve the public interest *and* which no other mechanism can address adequately. In light of the profound policy implications of granting no action assurances, the 1984 Policy requires the advance concurrence of the Assistant Administrator for this office. Over the years, this approach has resulted in the reasonably consistent and appropriate exercise of EPA's enforcement discretion, and in a manner which both preserves the integrity of the Agency and meets the legitimate needs served by a mitigated enforcement response.

There may be situations where the general prohibition on no action assurances should not apply under CERCLA (or the Underground Storage Tanks or RCRA corrective action programs). For example, at many Superfund sites there is no violation of law. OECA is evaluating the applicability of no action assurances under CERCLA and RCRA and will issue additional guidance on the subject.

Lastly, an element of the 1984 Policy which I want to highlight is that it does not and should not preclude the Agency from discussing fully and completely the merits of a particular action, policy, or other request to exercise the Agency's enforcement discretion in a particular manner. I welcome a free and frank exchange of ideas on how best to respond to violations, mindful of the Agency's overarching goals, statutory directives, and enforcement and compliance priorities. I do, however, want to ensure that all such requests are handled in a consistent and coordinated manner.

Attachment

cc: OECA Office Directors
Regional Counsels
Regional Program Directors

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 1 1 2014

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Policy Against "No Action" Assurances: Addendum

FROM: Cynthia Giles

TO: Assistant Administrators
Regional Administrators
General Counsel
Inspector General

The 1984 *Policy Against "No Action" Assurances* and the 1995 memorandum on *Processing Requests for Use of Enforcement Discretion* (attached) firmly and forcefully articulate the Agency's long-standing policy against providing a definitive assurance that the government will not proceed with an enforcement response for a violation of an environmental requirement outside the context of an enforcement action (a "no action assurance").[1] The dangers of such assurances and the rationale that underlie this bedrock policy are well stated in those documents, and they apply with as much force today as when they were first drafted.

Those memoranda also allow for a narrowly-circumscribed and limited exception to this prohibition in "extremely unusual cases" where a no action assurance is "clearly necessary to serve the public interest" *and* there is "no other mechanism" available to adequately address the situation. The 1984 *Policy* cited two examples to illustrate such "extremely unusual" circumstances: (1) to "allow action to avoid extreme risks to public health or safety" and (2) to "obtain important information for research purposes." This memorandum addresses the latter example, and formally terminates the use of a no action assurance for such purposes.

The use of a no action assurance to gather information for research has long been disfavored and has rarely been used, as there is a wide range of other readily-available mechanisms for legally gathering such information. This experience indicates both that a no action assurance for research is not generally necessary nor does it serve a critical role in support of the Agency's research function. In addition, following an internal analysis and discussion with the Office of Research and Development and the Office of the Inspector General, we have concluded that a no action assurance is an ill-suited mechanism under which to conduct research

[1] Within the context of an enforcement action, of course, a commitment not to enforce for a particular violation(s) can only be made if included in the "Effect of Resolution," "Covenant Not to Sue," or equivalent section of an administrative or civil judicial settlement document.

Internet Address (URL) ● http://www.epa.gov
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studies because, *inter alia*, it tends to inappropriately place the enforcement office in the role of overseeing research conducted by another part of the Agency to which the research role, function and expertise is committed.

Accordingly, the reference in the 1984 *Policy* to the use of a no action assurance to obtain information for research purposes is rescinded. No other part of either the 1984 or the 1995 memoranda is modified or otherwise affected by this memorandum.

Attachments

cc: OECA Office Directors
Regional Counsels
Regional Enforcement Directors

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/27/2017 9:48:33 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: Current OECA Power Point - Version 7
Attachments: OECA Overview Briefing DRAFT v. 11.pptx

Larry,

Great. Please use this version 11 for any additional changes – I caught a formatting issue. When you believe it is ready to be in its final form I will create a version with no notes or an adobe PDF.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Monday, February 27, 2017 4:37 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Let's go with "major".

Larry

From: Shiffman, Cari
Sent: Monday, February 27, 2017 4:27 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Larry,

I imported your adjustments to the NEI, EJ, and OFA slides to the most updated version that also includes Karin and Henry's changes from this morning.

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Monday, February 27, 2017 4:07 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Not sure we need to add another "e.g." (although technically correct) – it seems to follow.

Here are the slides with a few small adjustments to the slides on NEIs, EJ, and OFA. I didn't redline the changes, but hopefully you can see them. Thanks.

Larry

From: Shiffman, Cari
Sent: Monday, February 27, 2017 2:16 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

For Slide 11 – do you think we should change the second bullet to E.g., as well?

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Monday, February 27, 2017 2:14 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Those changes look good. Thanks. As for slide 11, I'm tempted to it as it is. I think it's important information.

Larry

From: Shiffman, Cari
Sent: Sunday, February 26, 2017 9:50 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Larry,

Additional updates for the powerpoint below. I also made some small additional tweaks to formatting and spacing. When you send it to the administrator I could convert it into a PDF or make another version with no notes.

Slide 2:

- Changed "is" to "are."

Slide 10:

Ex. 5 Deliberative Process (DP)

Slide 11:

Ex. 5 Deliberative Process (DP)

Current Slide 11:

Ex. 5 Deliberative Process (DP)

Other suggestions for Slide 11:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Friday, February 24, 2017 5:45 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Cari,

Thanks again for tracking all of this. I just had a few comments, below, in CAPS. Thanks.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Shiffman, Cari
Sent: Friday, February 24, 2017 5:23 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: Current OECA Power Point - Version 7

Updates: made formatting, capitalization, photo and other spacing adjustments throughout.

Additional edits from the noon version highlighted below (they are not in different colors on the PP).

Blue points are additional changes I made to other suggested language. Please let me know if there are additional changes to be made or language added that we should take out.

Slide 2:

Ex. 5 Deliberative Process (DP)

Slide 3:

Ex. 5 Deliberative Process (DP)

Slide 3 or 4: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Slide 5:

Ex. 5 Deliberative Process (DP)

Slide 6:

Ex. 5 Deliberative Process (DP)

Slide 10

Ex. 5 Deliberative Process (DP)

Slide 11:

Ex. 5 Deliberative Process (DP)

Slide 13:

Ex. 5 Deliberative Process (DP)

Slide 16:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- International

Ex. 5 Deliberative Process (DP)

Slide 19:

Ex. 5 Deliberative Process (DP)

Slide 20:

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/24/2017 4:40:04 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: Current Powerpoint v. 6
Attachments: OECA Overview Briefing DRAFT 2-24-17 v. 6.pptx

Larry,

This version includes all the new changes.

Still waiting on OFA's edits. Munsel Norris is working on fixing the organization chart.

I am sending this now in case you wanted to circulate before you went to your lunch meeting.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Badalamente, Mark [Badalamente.Mark@epa.gov]
Sent: 5/19/2017 1:36:40 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: FW: OECA clean cleared narratives for your record
Attachments: OECA_Oil__CivilEnforcement_44_cleared_05182017.docx; OECA_Oil_ComplianceMonitoring_50_cleared_05182017clean.docx; OECA_SF EJ_57_cleared_051817.docx; OECA_SF_ComplianceMonitoring_50_cleared_05182017clean.docx; OECA_SF_CriminalEnforcement_52_cleared_05182017clean.docx; OECA_SF_ForensicsSupport_62_cleared 05182017clean.docx; OECA_SF_SuperfundEnforcement_C7_cleared_05-18-17clean.docx; OECA_ST_ForensicsSupport_62_cleared_05182017.docx; OECA_Superfund Fed Facility Enforcment_cleared 05162017....docx; OECA_CatGrant__PesticidesEnforcement_12_cleared_051617clean.docx; OECA_CatGrant_ToxicSubstancesCompliance_14_cleared_051617clean.docx; OECA_EPM_CivilEnforcement_44_cleared_05182017.docx; OECA_EPM_ComplianceMonitoring_50_cleared05182017.docx; OECA_EPM_CriminalEnforcement_52_cleared_05182017clean.docx; OECA_EPM_EJ_cleared_051817.docx; OECA_EPM_NEPA_90_cleared_05182017.docx; OECA_LUST__CivilEnforcement_44_cleared_05182017.docx

Narratives.

From: Swack, David
Sent: Friday, May 19, 2017 9:28 AM
To: Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: FW: OECA clean cleared narratives for your record

From: Delmonico, Lisa
Sent: Thursday, May 18, 2017 1:23 PM
To: Jody Barringer Ex. 6 Personal Privacy (PP) Paul Winters Ex. 6 Personal Privacy (PP) Gamache, Christopher D. EOP/OMB Ex. 6 Personal Privacy (PP)
Cc: Nguyen, Khanh <Nguyen.Khanh@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; James, Christina <james.christina@epa.gov>; Strickland, Francine <Strickland.Francine@epa.gov>; Swack, David <Swack.David@epa.gov>; Warren, JohnM <Warren.JohnM@epa.gov>
Subject: OECA clean cleared narratives for your record

Jody, Paul and Chris,

Thanks so much for your review of OECA's narratives. I know you have a lot of them and you all reviewed them so efficiently and quickly. Thanks for making this part of the process such smooth sailing. Your professionalism, patience and flexibility was greatly appreciated.

Lisa

Lisa Delmonico, PMP
Program Analyst
OFCO-OB-TFAA
Delmonico.lisa@epa.gov
202-564-7037

Program Project Description:

The Pesticides Compliance Monitoring and Enforcement Cooperative Agreement Program supports pesticide product and user compliance with provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) through cooperative agreements[1] with states and tribes. The cooperative agreements support state and Tribal compliance and enforcement activities under FIFRA. Enforcement and pesticides program cooperative agreement guidance is issued to focus regional, state, and Tribal efforts on the highest priorities.

FY 2018 Activities and Performance Plan:

In FY 2018, the EPA will prioritize and award state and Tribal pesticides cooperative agreements for implementing the compliance monitoring and enforcement provisions of FIFRA within our resource levels.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

- (-$6,966.0) This reduction in funding streamlines the pesticides compliance monitoring and enforcement cooperative agreement program. The EPA will work with state and tribes to target funds to core requirements while providing flexibility to address particular priorities.

Statutory Authority:

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

[1] For additional information, refer to: [HYPERLINK "http://www2.epa.gov/compliance/federal-insecticide-fungicide-and-rodenticide-act-state-and-tribal-assistance-grant"].

Program Project Description:

The Toxic Substances Control Act (TSCA)[XE "Compliance"] Compliance program builds environmental partnerships with states and tribes to strengthen their ability to address environmental and public health threats from toxic substances. This State and Tribal Assistance Grant is used to prevent or eliminate unreasonable risks to health or the environment and to ensure compliance with toxic substance regulations. The compliance monitoring activities conducted by the states will be a cooperative endeavor addressing the priorities of the [HYPERLINK "http://www2.epa.gov/planandbudget/fy-2014-npm-guidances"] and state issues.

FY 2018 Activities and Performance Plan:

In FY 2018, the EPA[XE "Enforcement"][XE "Compliance"] will continue, within our resource levels, to award state and Tribal assistance grants to assist in the implementation of compliance and enforcement provisions of TSCA.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

- (-$1,473.0) This streamlines the Toxic Substances Compliance grants. The EPA will work with states and tribes to target funds to core requirements while providing flexibility to address particular priorities.

Statutory Authority:

Toxic Substances Control Act.

Program Project Description:

The EPA's Superfund Enforcement program protects communities by ensuring that responsible parties conduct cleanups, preserving federal dollars for sites where there are no viable contributing parties. The EPA's Superfund Enforcement program ensures prompt site cleanup and reuse by maximizing the participation of liable and viable parties in performing and paying for cleanups. In both the Superfund Remedial and Superfund Emergency Response and Removal programs, the Superfund Enforcement program obtains potentially responsible parties commitments to perform and pay for cleanups through civil, judicial, and administrative site actions. To do this, the Superfund Enforcement program works closely with the Superfund program and the Department of Justice (DOJ) to combine litigation, legal, and technical skills to bring enforcement actions and address emerging issues.

The Superfund Enforcement program:

- develops hazardous waste cleanup enforcement policies;
- provides guidance and tools that clarify potential environmental cleanup liability, with specific attention to the cleanup, reuse and revitalization of contaminated properties;
- ensures that responsible parties cleanup sites to reduce direct human exposure to hazardous substances, thereby providing long-term human health protections and making contaminated properties available for reuse;
- negotiates cleanup agreements with Potentially Responsible Parties (PRPs) at hazardous waste sites and, where negotiations fail, either initiates enforcement actions to require cleanup or initiates cost recovery if the EPA expends Superfund appropriated dollars to remediate the sites; and
- ensures that federal entities perform needed, timely and protective cleanup responses on contaminated sites owned and/or operated by the federal government thereby promoting cleanup and potential redevelopment of the federal facilities.

The DOJ support is statutorily mandated for settlements related to remedial action cleanups, most cost recovery settlements, and is required for all judicial enforcement matters. The EPA has implemented various reforms to increase fairness, reduce transaction costs, promote economic development, and make sites available for appropriate reuse. The EPA also works to ensure that required legally enforceable institutional controls and financial assurance requirements are in place at Superfund sites to ensure the long-term protectiveness of Superfund cleanup remedies. In FY 2016, the EPA reached a settlement or took an enforcement action at 100 percent of non-federally owned Superfund sites with viable, liable parties.[1]

Special accounts are created when funds are received as part of a settlement to fund a site cleanup. Funds received in settlements with PRPs are used to clean up the specific Superfund sites that were the subject of the settlement agreement. Having the ability to use special accounts provides needed cleanup dollars at many sites that otherwise may not have received funding absent the EPA's enforcement efforts. In FY 2016, the EPA created 27 special accounts, collected $165.6 million

[1] For additional information, refer to: [HYPERLINK "http://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-fy-2016"].

for response work and accrued $0.9 million in interest for a total of $166.5 million in new funding.[2] The agency disbursed or obligated $306.7 million for response work (excluding reclassifications). In FY 2016, the Superfund Enforcement program secured private party commitments exceeding $1.15 billion.

Pursuant to CERCLA Section 120, the EPA must enter into Interagency Agreements, also commonly referred to as Federal Facility Agreements (FFAs), with responsible federal entities to ensure protective and timely cleanup of their National Priorities List (NPL) sites. The agreements provide that the EPA oversee the cleanups to ensure they protect public health and the environment. These FFAs govern cleanups at 174 federal facility Superfund sites, which include many of the nation's largest and most complex cleanup projects totaling between $4.0 billion and $7.0 billion annually.

FY 2018 Activities and Performance Plan:

In FY 2018, the EPA is requesting to merge the Superfund Federal Facilities Enforcement program with the Superfund Enforcement program. The agency will optimize the resources between the two programs.

Within our resource levels, the agency will prioritize its efforts on the most significant sites in terms of environmental impact (particularly those that may present an imminent and/or substantial endangerment) and potential cost liability to the government.

In FY 2018, the agency will continue its efforts to establish special accounts to facilitate cleanup. As special account funds may only be used for sites and uses specified in the settlement agreement, both special account resources and annually appropriated resources are critical to the Superfund program to clean up Superfund sites.

Due to resource levels within the FY 2018 budget request, DOJ support for Superfund enforcement will need to come from DOJ's base resources. The EPA may seek to increase use of unilateral administrative orders to achieve cleanups to account for a potential limited ability to sue PRPs in federal court. To the extent DOJ resources are available, DOJ's support will be used to negotiate and enter consent decrees with PRPs to perform remedial actions, to pursue judicial actions to compel PRP cleanup, and to pursue judicial actions to recover monies spent in cleaning up contaminated sites.

In terms of Federal Facility work in FY 2018, the EPA will focus its resources on resolving formal disputes under the Federal Facility Agreements (FFAs).

Cost Recovery Support

The agency will streamline the financial management aspects of Superfund cost recovery and the collection of related debt to the federal government. The EPA's financial, programmatic, and legal offices will continue to maintain the accounting and billing of Superfund oversight costs

[2] In FY 2016, $26.4 million in interest was earned on the special account funds invested in the Superfund Trust Fund. However, there was a time lag for those funds to be captured in the agency's system and made available for use.

attributable to responsible parties. These costs represent the EPA's cost of overseeing Superfund site cleanup efforts by responsible parties as stipulated in the terms of settlement agreements. In FY 2016, the agency collected $165.6 million in cost recoveries, of which $1.3 million were returned to the Superfund Trust Fund and $164.3 million were deposited in site-specific, interest bearing special accounts.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

- (-$40,229.0 / -251.9 FTE) This change reflects the streamlining of the agency's identification of Potentially Responsible Parties (PRPs), settlement negotiations for cleanup and recovery costs when the Agency has expended funds for cleanups. This change extends the timeline of support and modernization of the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS).

- (-$20,145.0) This eliminates the EPA's financial support to the Department of Justice (DOJ) to assist the EPA in initiating and prosecuting civil, judicial, and administrative site remediation cases and ensure that responsible parties perform cleanup actions at sites where they are liable.

- (+$4,450.0 / +26.7 FTE) This merges the Superfund Federal Facility Enforcement program into the Superfund Enforcement program.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, §120.

Program Project Description:

The EPA's Superfund Federal Facilities Enforcement[XE "Superfund: Federal Facilities Enforcement"] program ensures that sites where federal entities are performing Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) responses and/or CERCLA sites with federal ownership are monitored and that appropriate enforcement responses are pursued. After years of service and operation, some federal facilities contain environmental contamination such as hazardous wastes, unexploded ordnance, radioactive wastes, or other toxic substances.

Pursuant to CERCLA Section 120, the EPA must enter into Interagency Agreements, also commonly referred to as Federal Facility Agreements (FFAs), with responsible federal entities to ensure protective cleanup of their National Priorities List (NPL) sites at a timely pace. The agreements provide that the EPA oversee the cleanups to ensure that they protect public health and the environment. These FFAs govern cleanups at 174 federal facility Superfund sites, which include many of the Nation's largest and most complex cleanup projects.

FY 2018 Activities and Performance Plan:

In FY 2018, the EPA is requesting to merge this program with the Superfund Enforcement program. A description of planned FY 2018 activities can be found under that program.

FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

- (-$2,526.0 / -14.2 FTE) This streamlines Superfund Federal Facility Enforcement.
- (-$4,450.0 / -26.7 FTE) This merges the Superfund Federal Facility Enforcement program into the Superfund Enforcement program.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, §120.

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 4/5/2017 9:56:28 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Mackey, Cyndy [Mackey.Cyndy@epa.gov]
Subject: FW: EPAs Critical Role In Ensuring Compliance - Draft 040517.pptx
Attachments: EPAs Critical Role In Ensuring Compliance - Draft 040517.pptx

FYI, Cyndy and I talked earlier today, and she is working on a slide or two on CERCLA to add to this

---

From: Palmer, Daniel
Sent: Wednesday, April 5, 2017 5:48 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Gardner, Monica <Gardner.Monica@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Klaus, Dan <Klaus.Dan@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Sprague, David <Sprague.David@epa.gov>; Nicholson, Timothy <Nicholson.Timothy@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>
Subject: EPAs Critical Role In Ensuring Compliance - Draft 040517.pptx

Larry et al.,

Attached is the latest draft of the "EPA Critical Role in Enforcement" PPT presentation, prepared for the Monday briefing for the Administrator. Everyone but Larry has had at least some input into this document. Note, the case examples included in this draft are still under review. Please use this document for the briefing discussion tomorrow.

I am leaving town tomorrow so Cari Shiffman will take over the proverbial pen on this document. Thank you Cari.

Daniel Palmer, Deputy Director
Planning, Measures and Oversight Division
OECA/Office of Compliance
(202) 564-5034

Message

From: Shinkman, Susan [Shinkman.Susan@epa.gov]
Sent: 4/19/2017 4:19:56 PM
To: Badalamente, Mark [Badalamente.Mark@epa.gov]; OECA Office Directors [OECA_Office_Directors@epa.gov]
CC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Milton, Laura [Milton.Laura@epa.gov]
Subject: RE: Follow-up to Friday's meeting
Attachments: Principles to Guide Decisionmaking on Restructuring OECA.4.19.17.docx

Attached is OCE's input on VERA/VSIP and restructuring

From: Badalamente, Mark
Sent: Monday, April 17, 2017 8:15 AM
To: OECA Office Directors <OECA_Office_Directors@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Milton, Laura <Milton.Laura@epa.gov>
Subject: Follow-up to Friday's meeting

Thanks again to those who were able to participate on Friday. I'm attaching the 2 additional documents I handed out at the meeting – OMB's "Analytical Framework" for conducting reform/reorg analysis and the list or recommended data sources for support development of the Agency reform plans.

Here's a summary of what we covered and what needs to happened next:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

****

Mark Badalamente
Acting Deputy Assistant Administrator for Management
Senior Resource Official (SRO)
Senior Information Official (SIO)
Office of Enforcement and Compliance Assurance

US Environmental Protection Agency
William Jefferson Clinton Building
Room 3235 South
Office: 202-564-4673
Mobile: Ex. 6 Personal Privacy (PP)

From: Badalamente, Mark
Sent: Friday, April 14, 2017 8:15 AM
To: Badalamente, Mark <Badalamente.Mark@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: FW: tomorrow's OD discussion

In addition to what I sent you yesterday, I'm attaching the press release from an even the Administrator held yesterday to release his "Back-to-Basics agenda. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Badalamente, Mark
Sent: Thursday, April 13, 2017 4:43 PM
To: OECA Office Directors <OECA_Office_Directors@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Milton, Laura <Milton.Laura@epa.gov>
Subject: tomorrow's OD discussion

Office Directors:

Here's some background materials for our meeting tomorrow morning. The first item is a suggested list of topics and a rough framework to guide our discussion. The remaining items are for background purposes – a historical look at our FTE levels, our org chart and a set of functional statements. Finally, I'm including yesterday's OMB memo on "Reforming the Government and Reducing the Federal Workforce."

As I said this morning, tomorrow is just a starting discussion. My hope is that we can agree on some areas we'd like to focus on more closely and some next steps. Larry would like to have a half or full day off-site in the near future, so I'd like to have a couple of options developed beforehand. In addition, I'll fill you in what I know on the guidance we will soon receive on EPA's implementation of the April 12th memo, and the immediate tasks that we will have to do as a result, which we will also talk about tomorrow.

Please treat this meeting and the materials, particularly the budget chart, with utmost discretion.

Thanks!

****
Mark Badalamente
Acting Deputy Assistant Administrator for Management
Senior Resource Official (SRO)
Senior Information Official (SIO)
Office of Enforcement and Compliance Assurance

US Environmental Protection Agency
William Jefferson Clinton Building
Room 3235 South
Office: 202-564-4673
Mobile: Ex. 6 Personal Privacy (PP)

Message

From: OKeefe, Susan [OKeefe.Susan@epa.gov]
Sent: 3/8/2017 6:00:12 PM
To: Jonesi, Gary [Jonesi.Gary@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Shinkman, Susan [Shinkman.Susan@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]
Subject: RE: history

This is great, Gary!!

Susan

From: Jonesi, Gary
Sent: Wednesday, March 08, 2017 12:29 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: OKeefe, Susan <OKeefe.Susan@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: history

Larry, below in chronological order is a little bit more (from a document packrat and fellow old-timer) in response to your request below for historical info about enforcement functions that were decentralized, those that were always centralized, and why:

Nixon/Ford Administrations:

After EPA's first Administrator, William Ruckelshaus, Russell Train became Administrator and during his tenure (1973-77), the enforcement program began to grow and the Regions got more autonomy, including the ability to refer cases directly to AUSAs, but enforcement litigation was still not yet very common.

Carter Administration:

In 1977-78, enforcement litigation in the Carter Administration became more common rather than the exception. Under Administrator Doug Costle, HQ pressured Regions to refer cases (the "bean" or "quota" system). The 1977 EPA-DOJ MOU gave DOJ a greater litigation role. Instead of Regions referring cases directly to AUSAs, they now had to refer cases to DOJ through HQ. In 1979, HQ created a Hazardous Waste Task Force in response to Love Canal and other abandoned waste sites, and mostly relied on RCRA 7003 authority until CERCLA was enacted in the lame duck session in December 1980.

Reagan Administrations:

Under Administrator Anne Gorsuch, EPA in 1981:

(1) abolished the Office of Enforcement and transferred its components (e.g., technical staff) to media program offices;

(2) established the Office of Legal and Enforcement Counsel (OLEC) comprised of:

(a) the Office of Legal and Enforcement Policy (OLEP);
(b) the Office of Enforcement Counsel (OEC), which housed the HQ legal staff; and

(c) the Office of General Counsel (OGC); and

(3) eliminated Regional enforcement divisions and transferred their functions to the Offices of Regional Counsel (ORCs), who reported to OGC.

At this time, Bob Perry was both the Associate Administrator for OLEC and the General Counsel.

After Administrator Gorsuch resigned in March 1983 as a result of controversies surrounding the Superfund cleanup program (e.g., allegations of HQ political favoritism in cleanups), William Ruckelshaus returned for a second stint as Administrator in order to restore credibility to EPA. Ruckelshaus pushed for strong enforcement and decentralized much of the Superfund enforcement authority, allowing Regions to issue RI/FSs, UAOs, AOCs, demand letters, etc.

Ruckelshaus restored credibility and stability to EPA and Lee Thomas replaced him in 1985. Under Lee Thomas, Office of Enforcement and Compliance Monitoring (OECM) AA Tom Adams stated in a 1988 memo to RAs that "a fundamental premise of our efforts is that the Regions have the lead in the agency in cases selection, consistent with agency priorities, and in case development and case management." To implement that premise, Adams expanded the universe of cases that could be directly referred to DOJ, exempting only a few narrow types of referrals that had to go through HQ.

Bush 41 Administration:

Administrator William Reilly and OECM AA Jim Strock stated that enforcement is a very high priority, and in January 1990 Strock proposed to reorganize enforcement by:

(1) changing the name from OECM to the Office of Enforcement (OE) to "signal a constructive break with the past and herald a new beginning for our efforts";
(2) creating a new Office of Federal Facilities Enforcement (OFFE), reporting directly to the AA, that would absorb the existing federal facilities office from OSWER's Office of Waste Program Enforcement (OWPE) and other media program offices, as well as from the Office of Federal Activities (OFA)
(3) having OE assume primary responsibility for the selection and performance ratings of the RCs, leaving OGC with only a consultation role in such processes; and
(4) creating separate OE Enforcement Counsel (divisions) for Superfund and RCRA because "only in this way will RCRA Enforcement receive the attention it merits."

In April 1990, Deputy Administrator Hank Habicht approved of the reorganization. In late 1990, Strock asked Administrator Reilly to move all program enforcement staff into OE, thereby consolidating all legal and technical staff into one HQ office led by one single accountable official, the OE AA. Several other AAs objected and this never happened during the Bush 41 Administration.

Strock left EPA in 1991 and Herb Tate succeeded him as the OE AA. On his last full day as AA (January 19, 1993), Tate issued a memo establishing the International Enforcement Program in OE's Office of Civil Enforcement "to institutionalize the work of our office in a very important area for the Agency" (e.g., U.S./Mexico work).

Clinton Administrations:

In July 1993, Administrator Carol Browner issued a memo announcing a reorganization of OE, stating that "consolidation will result in a stronger, more vigorous enforcement program" and establishing a management task force to implement the reorganization. After the task force completed its work, the Administrator issued a reorganization decision memo in October 1993, which emphasized the need for strong enforcement, deterrence, compliance assistance, sector-based approaches, multimedia enforcement, and capacity building for states, localities, and tribes. In February 1994 the OE AA Steve Herman submitted the plan for green border review.

The reorganization re-centralized enforcement staff in one office at HQ, renamed the Office of Enforcement and Compliance Assurance (OECA) comprised substantially of the same offices that exist in March 2017 (with some minor name changes, e.g., the Office of Regulatory Enforcement is now the Office of Civil Enforcement).

Bush 43 Administration:

Under Administrators Christine Todd Whitman, Mike Leavitt, and Steve Johnson, there were various reorganization efforts within other EPA offices and programs, but no significant formal reorganizations or centralization/decentralization changes in the enforcement program.

Obama Administrations:

Under Administrators Lisa Jackson and Gina McCarthy, there were no significant formal reorganizations or centralization/decentralization changes in the enforcement program.

Trump Administration:

See plan here. ☺

Hope this helps. If you need more, let me know.

--Gary

Be kind to the environment.
Please do not print this email unless necessary.

Gary A. Jonesi
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Rm. 4102-C)
Washington, D.C. 20004

202-564-4002 (direct)
Ex. 6 Personal Privacy (PP) (cell)
jonesi.gary@epa.gov

From: Starfield, Lawrence
Sent: Tuesday, March 07, 2017 5:09 PM
To: OKeefe, Susan <OKeefe.Susan@epa.gov>
Cc: Jonesi, Gary <Jonesi.Gary@epa.gov>; Jonesi, Fran <Jonesi.Fran@epa.gov>
Subject: RE: history

This is a helpful start. I'm trying to get a sense of the functions that were decentralized, those that were always centralized, and why.

Thanks.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: OKeefe, Susan
Sent: Tuesday, March 07, 2017 4:35 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Jonesi, Gary <Jonesi.Gary@epa.gov>; Jonesi, Fran <Jonesi.Fran@epa.gov>
Subject: RE: history

Back in 1994, the enforcement functions that resided in the individual program offices and the then-Office of Enforcement were consolidated to form OECA. The rest is recent history.

When I joined EPA in 1986, I started as an attorney advisor in OSWER's RCRA Enforcement Division (RED). RED was responsible for developing RCRA-specific policy and guidance, conducting training, participating in rulemaking, and working with the Regions on a handful of cases. We sometimes interacted with the attorneys in what was then known as the Waste Division of the Office of Enforcement and Compliance Monitoring (OECM). My understanding is that OECM handled the referrals to DOJ – in those days, many if not most of the referrals were indirect referrals, which meant they had to be approved by HQ before being sent to DOJ.

Then, after a stint in OSW and OAR, I returned to enforcement in 1990 to join the RCRA Division in the reorganized Office of Enforcement (OE). (Kathie Stein was the RCRA Enforcement Counsel, I was her deputy, and Gary was first a staff attorney and later a branch chief.) OSWER's RED continued to have the bigger role in the program while OE-RCRA handled referrals and settlements of civil judicial cases, participated on OSW rulemaking workgroups, and worked with RED on the very early RCRA enforcement initiatives. (Susan Bromm was the Director of RED for most of this time.)

I hope this helps. There are a few people around who have been here longer than I have but the numbers are dwindling. This year, I'm celebrating 30 years at EPA. How did the time go by?

Let me know if you need anything else, Larry.

Susan

From: Starfield, Lawrence
Sent: Tuesday, March 07, 2017 3:53 PM
To: Jonesi, Fran <Jonesi.Fran@epa.gov>; OKeefe, Susan <OKeefe.Susan@epa.gov>
Subject: history

Gary and Susan,

I'm trying to recall the predecessors to OECA – OCEM and OE come to mind, and I certainly remember ORE. Can you remind me when we changed from one to the next, and what the extent of the major changes were? Thanks.

Larry

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 3/8/2017 5:45:14 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]
CC: Silberman, Jon [Silberman.Jon@epa.gov]
Subject: OECA Big Picture Questions and Answer to Question 1 on Need for OECA as the NPM
Attachments: National Compliance Assurance Program - Question 1 Answer as of March 8.docx; OECA Big Picture Questions - draft as of March 8.docx

Larry and Dave:

Per our discussion yesterday, I have, with the expert assistance of Jon Silberman, added a ninth benefit for the value of having OECA as the National Program Manager. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) I think this is the fifth version of the document I have done, including responding to helpful comments from both of you, plus drafting and research help from Jon on the last two versions. I think it is now ready for wider distribution as we discussed.

Attached is a revised email for Dave C to send out:

DRAFT EMAIL FROM DAVE

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 5/17/2017 9:59:55 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Susan Bodine

Importance: High

Lawrence,

I hope this email finds you well.

As you know, Susan Bodine has been nominated by President Trump to serve as the AA for the Office of Enforcement and Compliance Assurance. OCIR will lead the Susan's confirmation process; however, we will work closely with OCEA to assist.

One of the first steps we need to do is to compile a briefing book for Susan. There will be many components and I will need your team's help in compiling information regarding OCEA; specifically:

1. Background/Mission of OCEA
2. Highlights/Hot Spots for OCEA
3. Delegations and lines of authority from regions to HQ
4. Some regional counsel report to oeca and some to OGC
5. State review framework info
6. NPM guidance
7. Enforcement priorities

I appreciate your assistance in this process and look forward to working with you.

Troy M. Lyons
Associate Administrator
Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
Ex. 6 Personal Privacy (PP)

Message

From: Dighe, Kris (ENRD) [Kris.Dighe@usdoj.gov]
Sent: 3/8/2017 4:17:00 PM
To: Bruno, Kevin J. [kbruno@BlankRome.com]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: ABA CLE on May 18, 2017 - Washington DC
Attachments: removed.txt

Good morning, gentlemen. Larry Starfield meet Kevin Bruno; Kevin, Larry.

Larry: Kevin will be able to provide more information about the program than I, as well as logistical details. We understand that you are a "probable" participant, but we do like to think optimistically.

Thanks,

Kris Dighe
Senior Counsel
Environmental Crimes Section
U.S. Department of Justice

From: Bruno, Kevin J. [mailto:kbruno@BlankRome.com]
Sent: Friday, March 03, 2017 10:55 AM
To: Abby L. Risner (alr@greensfelder.com) <alr@greensfelder.com>; Allan Kanner <a.kanner@kanner-law.com>; Angela M. Dorrell Green Esq. (agreen@psrb.com) <agreen@psrb.com>; Ann E. Prouty (aprouty@faegre.com) <aprouty@faegre.com>; Aron, Debra J. (debra.aron@naviganteconomics.com) <debra.aron@naviganteconomics.com>; Becky Raftery (braftery@bp.com) <braftery@bp.com>; Boyd, Meaghan Goodwin (meaghan.boyd@alston.com) <meaghan.boyd@alston.com>; Buddy Cox <wcox@lightfootlaw.com>; Catherine Riegle Finley <CRiegle@wm.com>; Charles Denton <CDENTON@BTLAW.COM>; Christopher Dean <cdean@mcdonaldhopkins.com>; Cisselon Nichols Hurd <Cisselon.Nichols@shell.com>; Coglianese, Matthew P. <mpcoglianese@arnstein.com>; Daniel J. Dunn (dan.dunn@hoganlovells.com) <dan.dunn@hoganlovells.com>; Dave R. Erickson Esquire (derickson@shb.com) <derickson@shb.com>; David J. Scriven-Young <DScriven-young@pecklaw.com>; David Weinstein <weinsteind@gtlaw.com>; DeMoss, A. Nicole (nicole.demoss@alston.com) <nicole.demoss@alston.com>; Drapalski Joseph (joseph.drapalski@nortonrosefulbright.com) <joseph.drapalski@nortonrosefulbright.com>; Duke K. McCall III <duke.mccall@morganlewis.com>; Gail Wurtzler <Gail.Wurtzler@dgslaw.com>; Irv Freilich (ifreilich@gibbonslaw.com) <ifreilich@gibbonslaw.com>; Jack Edwards <jedwards@ajamie.com>; James Price <jprice@spencerfane.com>; Jeff Zimmerman Ex. 6 Personal Privacy (PP) >; Jerry F. English <jenglish@lindabury.com>; Jim Ray <JRAY@RC.com>; jmpollock@foxrothschild.com; John DiChello (john.dichello@aecom.com) <john.dichello@aecom.com>; John Fogarty <Fogarty.Johnpc@epamail.epa.gov>; Jon Rohrer <jrohrer@rouxinc.com>; Jon Schuyler Brooks <jbrooks@phillipsnizer.com>; Julie Carey <julie.carey@navigant.com>; Karen Aldridge Aldridge Crawford Esq. (karen.crawford@nelsonmullins.com) <karen.crawford@nelsonmullins.com>; ken@anspachlawoffice.com; Bruno, Kevin J. <kbruno@BlankRome.com>; Dighe, Kris (ENRD) <KDighe@ENRD.USDOJ.GOV>; Margaret Witherup <mwitherup@gfrlaw.com>; Mark Myers <mmyers@williamskastner.com>; Megan Baroni (mbaroni@rc.com) <mbaroni@rc.com>; Michael R. Leslie (leslie@caldwell-leslie.com) <leslie@caldwell-leslie.com>; Nessa Horewitch Coppinger Esquire (ncoppinger@bdlaw.com) <ncoppinger@bdlaw.com>; Orell@StrategicPropertyAnalytics.com; Patrick McGrath <pmcgrath@navigantconsulting.com>; Peter R. Knight (pknight@rc.com) <pknight@rc.com>; Raftery, Becky (Rebecca.Raftery@uk.bp.com) <Rebecca.Raftery@uk.bp.com>; Ron Oran <ron.oran@strasburger.com>; Rudy R. Perrino <rperrino@wfbm.com>; Sandra Kearney Edwards <sedwards@fbm.com>; Sawula, Andrew N. (asawula@schiffhardin.com) <asawula@schiffhardin.com>; Shawn LaTourette <SLaTourette@gibbonslaw.com>; Stewart D. Fried (sfried@ofwlaw.com) <sfried@ofwlaw.com>; Ted Warpinski <taw@ffsj.com>; Thomas D. Lupo (TLupo@hinshawlaw.com) <TLupo@hinshawlaw.com>; Todd Drucker <tdrucker@jamsadr.com>; Tyler L. Weidlich <tweidlich@bakerdonelson.com>; Will R Taylor <wrtaylor@JonesDay.com>; William Kammer

<wkammer@swsslaw.com>
Cc: Rudy R. Perrino (rperrino@wfbm.com) <rperrino@wfbm.com>; Karen Aldridge Crawford Esq. (karen.crawford@nelsonmullins.com) <karen.crawford@nelsonmullins.com>
Subject: FW: SAVE THE DATE: May 18, 2017 - Washington DC

Folks,
All of you should have received the Save The Date message below. Please try to attend and/or send this around to your colleagues. It will be a great program and we need it to be well attended. Thanks everyone!

Kevin

Kevin J. Bruno | Blank Rome LLP
Partner and Chair, Environmental, Energy & Mass Torts Practice Group
The Chrysler Building
405 Lexington Avenue| New York, NY 10174-0208
Phone: Ex. 6 Personal Privacy (PP) | Fax: 212.885.5002 | Email: KBruno@BlankRome.com

From: Environmental & Energy Litigation Committee [mailto:ltserve@americanbar.org]
Sent: Thursday, March 2, 2017 4:45 PM
To: Bruno, Kevin J. <kbruno@BlankRome.com>
Subject: SAVE THE DATE: May 18, 2017 - Washington DC

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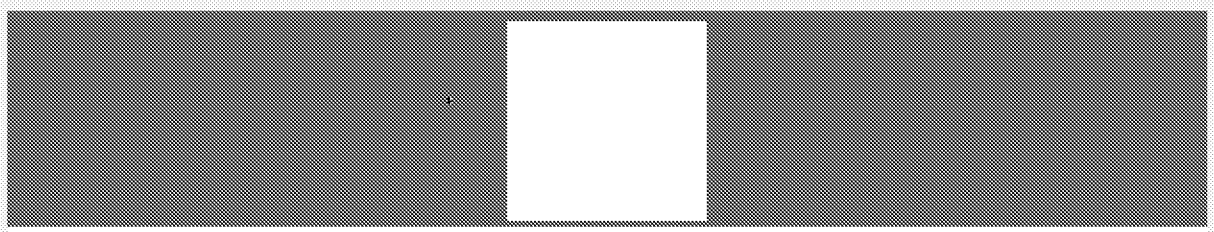

Environmental and Energy Litigation Committee

Dear Committee Members:

SAVE THE DATE: May 18, 2017 -Washington DC

The ABA Environmental & Energy Litigation Committee will present a Regional CLE program at the Washington DC offices of Morgan, Lewis & Bockius with top officials from EPA and DOJ, as well as State, industry and NGO representatives, discussing how the new Trump administration will be impacting environmental compliance and enforcement. We are excited to begin the afternoon with Jeff Wood, Acting Assistant Attorney General for the Environment & Natural Resources Division of DOJ. Mr. Wood will be followed by a leading civil enforcement official from EPA, who will be updating us on the Agency's expected enforcement priorities. Following that discussion, we will be convening a panel that will include Ben H. Grumbles, Secretary of the Environment for the Maryland Department of the Environment, Leslie A. Hulse, Assistant General Counsel of the American Chemistry Council (invited, awaiting confirmation), Michael Wall, Co-Director, Litigation at the Natural Resources Defense Council and Derb S. Carter, Jr., Director, Chapel Hill Office of the Southern Environmental Law Center. The panelists will be discussing what lies ahead for States, industry and NGOs as we enter a rather uncertain future for Federal environmental compliance and enforcement programs. Finally, the program will close with a Supreme Court update and predictions by Robert V. Percival, Robert F. Stanton Professor of Law and Director of the Environmental Law Program at the University of Maryland Francis King Carey School of Law. Following the conclusion of the speakers' presentations, there will be an informal networking reception with drinks and hors d'oeuvres.

Look for more details on this May 18 Regional CLE, but in the meantime please block out your calendar and plan to attend. Also, please circulate this announcement to your friends and colleagues.

For more information, contact Charlie Denton (Ex. 6 Personal Privacy (PP)), Dave Erickson (Ex. 6 Personal Privacy (PP)), Duke McCall (Ex. 6 Personal Privacy (PP)) or Jim Price (Ex. 6 Personal Privacy (PP)).

Kevin Bruno
Blank Rome, LLP
Ex. 6 Personal Privacy (PP)
Karen A. Crawford
Nelson Mullins Riley & Scarborough LLP
Ex. 6 Personal Privacy (PP)
Rudy Perrino
WFBM, LLP
Ex. 6 Personal Privacy (PP)
Co-Chairs - Environmental and Energy Litigation Committee

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****

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 5/17/2017 12:23:43 AM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]
Subject: Re: Background Materials for Tuesday may 16 conference call on Compliance Assistance

Larry

Thanks for your helpful insights. We discussed this with regions today. We can catch you up on that, get you copies of the documents you indicate, and talk about next steps in our OC Biweekly on next Monday.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance, U.S. EPA, Washington, DC 20460
Phone 202-564-1300

On May 16, 2017, at 6:19 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

This is a very helpful, and incredibly comprehensive, review. Thank you for assembling it. Among the points you make, three stand out for me:

Ex. 5 Deliberative Process (DP)

In preparation for the discussion at the SEMM, I'd like to read (and perhaps others would as well) a few documents cited in your chronology toward the end of the paper:

1. <!--[if !supportLists]--><!--[endif]-->the 2003 "national policy on the role of inspectors in providing compliance assistance," which apparently is still in effect(!);
2. <!--[if !supportLists]--><!--[endif]-->excerpts from our earlier "National Enforcement Priorities" where compliance assistance was included/integrated in the strategies;
3. <!--[if !supportLists]--><!--[endif]-->excerpts from current NEIs "that maintain a CA component."

Ex. 5 Deliberative Process (DP)

Let me know what you think.

Larry

From: Hindin, David
Sent: Friday, May 12, 2017 4:03 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>
Subject: FW: Background Materials for Tuesday may 16 conference call on Compliance Assistance

We are moving forward to get ready for SEM discussion on expanding the compliance assurance tool box, and that starts with a refresher for everyone on compliance assistance. While these two documents are impressive and educational, no need to read them carefully. But the first page of the Past, Present, Future is worth a quick skim. I have pasted that page in below. I do want to apply our Next Gen principles so that we have a modernized compliance assistance approach, and don't simply restart our old work.

Thanks to Ed Messina, Catherine Tunis, Chad Carbone and Tracy Back for pulling this together. We have very limited FTE's on this now, although I do have some vacant Next Gen FTEs, that could be focused on modernizing compliance assistance, but currently no dollars to fill those positions.

<image001.png>

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Hindin, David
Sent: Friday, May 12, 2017 2:56 PM
To: Gargas, Toni <Gargas.Toni@epa.gov>; Studlien, Susan <Studlien.Susan@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Beers, Samantha <beers.samantha@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Singletary, DeAndre <Singletary.DeAndre@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Payne, James <payne.james@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Thompson, Christopher <Thompson.Christopher@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Tunis, Catherine <Tunis.Catherine@epa.gov>
Cc: TROMBADORE, CLAIRE <Trombadore.Claire@epa.gov>; Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Jones, Joel E. <Jones.Joel@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Anderson, Julie <Anderson.Julie@epa.gov>; Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>; McDaniel, Doug <McDaniel.Doug@epa.gov>; Davies, Lauris <Davies.Lauris@epa.gov>; Martich, Tara <Martich.Tara@epa.gov>; Chalfant, Mark <Chalfant.Mark@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Back, Tracy <back.tracy@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Background Materials for Tuesday may 16 conference call on Compliance Assistance

In preparation for the June 21 Senior Enforcement Manager (SEM) Meeting session on the "Larger Compliance Assurance Tool Box", we have a conference call on May 16th to help us prepare for that. On the call on May 16th, we will briefly review our past and current practices on compliance assistance, and then see if we can identify a set of specific questions to focus on in the June 21 SEM meeting session.

Attached are two documents to help us all catch up on compliance assistance:

- <!--[if !supportLists]--><!--[endif]-->Compliance Assistance Past, Present, and Future. This summarizes what we did on compliance assistance in the past and our current more limited work. It presents a series of questions to get us thinking about what we might do in the future to modernize compliance assistance as part of the larger compliance assurance tool box. Thanks to our lead Region for enforcement, Region 7, for compiling the current regional work. This document is worth at least skimming before or during the call.
- <!--[if !supportLists]--><!--[endif]-->Compliance Assistance Tools and Resources. This provides a hyperlinked summary of existing compliance assistance tools, policies, websites.

Thanks.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

-----Original Appointment-----
From: Gargas, Toni
Sent: Friday, April 21, 2017 4:50 PM
To: Gargas, Toni; Studlien, Susan; LaPosta, Dore; Anderson, Kate; Beers, Samantha; Gordon, Scott; Walts, Alan; Seager, Cheryl; Singletary, DeAndre; Johnson, Kathleen; Kowalski, Ed; Jerison, Joanna; Simon, Paul; Coe, Mary; Wilkes, Mary; Nelson, Leverett; Payne, James; Humphrey, Leslie; Thompson, Christopher; Quast, Sylvia; Stern, Allyn; LaBoda, Sarah; Hindin, David; Tunis, Catherine
Cc: TROMBADORE, CLAIRE; Moutoux, Nicole; Jones, Joel E.; Berg, Elizabeth; Anderson, Julie; Chen, Christopher; McDaniel, Doug; Davies, Lauris; Martich, Tara; Chalfant, Mark; Duffy, Rick; Back, Tracy; Messina, Edward; Segall, Martha; Carbone, Chad
Subject: Compliance Assistance - Current Practices (Prep for SEMM), Ex. 6 Personal Privacy (PP) code Ex. 6 Personal Privacy (PP)
When: Tuesday, May 16, 2017 12:00 PM-1:00 PM (UTC-06:00) Central Time (US & Canada).
Where: R7-RO2.2-K08-10/R7-RO, Ex. 6 Personal Privacy (PP) code Ex. 6 Personal Privacy (PP)

Webinar and Discussion of current practices and a look at historical practices in prep for the Senior Enforcement Manager Meeting in June.

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 5/24/2017 7:32:39 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]
CC: Folkemer, Nathaniel [Folkemer.Nathaniel@epa.gov]; Nguyen, Loan [Nguyen.Loan@epa.gov]; Ingram, Amir [Ingram.Amir@epa.gov]
Subject: Briefing Book TOC Susan Bodine.docx
Attachments: Briefing Book TOC redline Susan Bodine.docx; Briefing Book TOC Susan Bodine clean version.docx

We met with OCIR this afternoon about the briefing binder for Susan Bodine and they are not going to give her the materials listed in Tab 3: Internal memoranda and documents that we do not recommend sharing publicly. The attached Table of Contents page notes the changes and a clean version, that I sent to OCIR, is attached.

Briefing Book for Susan Bodine (OECA AA Nominee)

1. Information Available to the Public

   a. Background: Mission of OECA

      From [HYPERLINK "http://www.epa.gov"]: About OECA, OECA Organizational Chart

   b. Fiscal Year 2016 EPA Enforcement and Compliance Annual Results, from [HYPERLINK "http://www.epa.gov"]

   c. NPM Guidance

   d. External Communications: Restrictions on Communicating with Outside Parties Regarding Enforcement Actions (Nakayama, March 2006)

2. Internal Memoranda and documents that have not been shared with the public, but the release of which would not be problematic

   e. *National Compliance and Enforcement Program,* EPA's OECA Overview Briefing – March 2, 2017

   f. Memo: *Regional/Headquarters Interaction Regarding the Regional Counsels* – January 24, 2014

   g. Enforcement Priorities:
      NEIs Overview and List- April 20, 2017

   h. Supplemental Environmental Policy Fact Sheet

   i. Mitigation Policy Fact Sheet

   j. State Review Framework Briefing Paper, *EPA Oversight of State Enforcement and Compliance Programs* – May 23, 2017

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 3/21/2017 11:47:41 AM
To: Shinkman, Susan [Shinkman.Susan@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: Re: Priorities

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance, U.S. EPA, Washington, DC 20460
Phone 202-564-1300

On Mar 20, 2017, at 6:58 PM, Shinkman, Susan <Shinkman.Susan@epa.gov> wrote:

All sounds good.

Ex. 5 Deliberative Process (DP)

From: Cozad, David
Sent: Monday, March 20, 2017 6:49 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>
Subject: Re: Priorities

One threshold question: We talking just civil, non-cercla enforcement in this discussion?

Quick and early thoughts on one way to handle that dry run:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Also: Regional strategic plans are due at end of next week. So we may have new ones in hand when we do this briefing.

Sent from my iPhone

On Mar 20, 2017, at 5:41 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Swack, David [Swack.David@epa.gov]
Sent: 3/7/2017 6:19:52 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Badalamente, Mark [Badalamente.Mark@epa.gov]
Subject: Budget Narratives
Attachments: Goal 5 Overview_text_OMB Comments_Clean.docx; EPM - Civil Enforcement (44).docx; EPM - Compliance Monitoring (50).docx

Larry,

Attached are the three budget narratives I shared at today's OAP general. These are from our most recent budget submission, the FY 17 President's Budget.

David

Program Project Description:

The EPA's Civil Enforcement[xe "Civil Enforcement"][xe "Enforcement"] program's goal is to assure compliance with the nation's environmental laws to protect human health and the environment. Effective enforcement is essential to deter violations and to promote compliance with federal environmental statutes and regulations. The Civil Enforcement program focuses on addressing violations that threaten communities, maintaining a level economic playing field by ensuring that violators do not realize an economic benefit from noncompliance, and deterring future violations. The Civil Enforcement program develops, litigates, and settles administrative and civil judicial cases against serious violators of environmental laws.

The program collaborates with the United States Department of Justice, states, local agencies, and Tribal governments to ensure consistent and fair enforcement of all environmental laws and regulations. The Civil Enforcement program also provides oversight of authorized state and local agency performance to ensure that national environmental laws are enforced in a consistent, equitable manner that protects public health and the environment. The EPA also works directly with Tribal governments to build their capacity to implement environmental enforcement programs.

The EPA's National Enforcement and Compliance Assurance program is responsible for maximizing compliance with 12 major environmental statutes, 28 distinct programs under those statutes, and numerous regulatory requirements under those programs which apply in various combinations to a universe of approximately 40 million regulated federal and private entities. As a means for focusing its efforts, the enforcement program identifies, in three year cycles, serious noncompliance patterns as National Enforcement Initiatives. The enforcement program reviews data and coordinates the selection of these initiatives with programs and Regional Offices within the EPA, and with states, local agencies and tribes, in addition to soliciting public comment. In FY 2017, the EPA will consider candidates and make final selections for the National Enforcement Initiatives for FY 2017- FY 2019.

FY 2017 Activities and Performance Plan:

It is critically important that the EPA continually assess priorities and embrace new approaches that can help achieve the agency's goals more efficiently and effectively. The EPA's FY 2017 budget request for the Enforcement and Compliance Assurance program continues to invest resources in high priority areas with the greatest impact on public health, while reducing resources where we have made significant progress (and therefore no longer require as active an enforcement presence), or that, while important, do not address the most substantial impacts to human health. The EPA will continue to examine areas most appropriate for reduction while implementing new enforcement approaches to make the program more efficient and effective. The program requests additional resources in FY 2017 to ensure the program is sustained and to rebalance analysis and core support costs.

In FY 2017, the EPA will continue targeting enforcement resources through its efforts in the core program as well as the national initiatives to maximize protections and achieve results. For example, in 2015, the EPA achieved estimated reduction commitments totaling 533 million pounds

of pollution and commitments to treat, minimize, or properly dispose of 535 million pounds of hazardous waste from enforcement cases. The EPA enforcement actions required companies to invest an estimated $7.3 billion in actions and equipment to control pollution (injunctive relief) in FY 2015. The EPA also obtained a total of $205 million in federal administrative and civil judicial penalties in FY 2015. The program will continue to leverage its resources by seeking environmental improvements beyond direct penalties in enforcement cases. For example, in FY 2015, the EPA's enforcement actions resulted in more than an estimated $39 million in Supplemental Environmental Projects (SEPs). Over the last five years (FY 2011 - FY 2015), the national enforcement program has produced approximately 20 dollars in pollution control commitments and administrative and judicial penalties for every dollar of federal investment.

The EPA has achieved impressive pollution control and health benefits through vigorous compliance monitoring and enforcement, but traditional enforcement methods alone will not address all noncompliance problems. The sheer number of regulated facilities, the pollution from large numbers of smaller sources, and limited resources means that the traditional single facility inspection and enforcement approach cannot be relied on as our only way to achieve widespread compliance with the nation's environmental laws. As a result, the agency needs to continue adapting to the modern era by developing and implementing new methods that rely heavily on advances in both monitoring and information technology.

Next Generation Compliance

Recognizing that traditional enforcement approaches will not be sufficient to address noncompliance problems, the EPA continues to focus efforts on moving to the "next generation" of compliance. Next Generation Compliance aims to capitalize on advances in information technology and advanced pollutant monitoring technology, combined with a focus on designing rules and permits that are easier to implement, to improve compliance, expand transparency, and protect communities while reducing costs for the federal government, states, territories, tribes and regulated facilities. There are five main components to this initiative: 1) structuring our regulations to be easier to implement and achieve higher compliance; 2) using advanced pollutant detection technology to find out about pollution as it happens in real-time; 3) moving from paper to electronic reporting to enhance government efficiency and reduce paperwork burden; 4) making pollution and compliance information more accessible, user-friendly, and available to the public to promote accountability; and 5) using innovative approaches to enforcement to focus limited resources on the biggest pollution problems.[1]

Next Generation Compliance complements the agency's E-Enterprise for the Environment business strategy. The wider E-Enterprise business strategy will result in reduced reporting burden on states and regulated facilities, and improve the effectiveness and efficiency of regulatory programs for the EPA, states and tribes. Through E-Enterprise, the agency reached its FY 2014-2015 Agency Priority Goal of reducing one million hours of regulatory burden as a result of moving from paper to electronic reporting in the NPDES Electronic Reporting rule[2] as well as in

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[1] For additional information, refer to: [HYPERLINK "http://www2.epa.gov/compliance/next-generation-compliance-memorandum-next-gen-civil-enforcement-settlements"].

[2] For additional information, refer to [HYPERLINK][HYPERLINK "http://www.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-npdes-electronic-reporting-rule"].

TSCA and Clean Air Act programs. Next Generation Compliance activities will contribute to that end and future burden reduction goals leveraging the E-Enterprise portal as appropriate. The agency has a FY 2016-2017 Agency Priority Goal to reduce burden by one million hours, add five new functionalities to the E-Enterprise Portal, and begin development on two projects selected through E-Enterprise Leadership Council joint governance.

Next Generation Compliance also has been incorporated into the EPA's national effort to advance environmental justice by protecting communities that have been disproportionately impacted by pollution. For example, in *U.S. v. Marathon Petroleum Corporation,* among other measures to reduce emissions from fuel storage tanks, Marathon agreed to implement innovative technologies using an infrared gas-imagining camera to inspect 14 fuel storage tanks in three states to identify potential defects that may cause excessive emissions of VOCs. If defects are found, Marathon will conduct inspections and perform repairs where necessary. These projects are primarily located in environmental justice communities and are estimated to reduce total emissions of VOCs by 36.8 tons per year in neighboring communities for each of the four years that the Consent Decree remains in effect. Environmental benefits accruing as a result of the installation of the projects are anticipated to continue for many years after termination of the Consent Decree. In addition, the recent settlement with *Noble Energy, Inc.*, an oil and gas production company, requires installation of "next generation" pressure monitors with continuous data reporting of storage tank systems to prevent tank over-pressurization that could cause VOC emissions, as well as independent third-party auditing and other measures to enhance compliance and increase transparency.

Federal Facility Oversight

The Civil Enforcement program includes the regulation of federal facility sites. The Federal Facilities Enforcement program will continue to expeditiously pursue enforcement actions at federal facilities where significant violations are discovered, with a specific focus on noncompliance with storm water, RCRA waste requirements, vulnerable populations and other priority areas. The EPA will continue its partnership in *FedCenter*,[3] the federal facility environmental stewardship and compliance assistance center co-sponsored and voluntarily funded by more than a dozen federal agencies.

National Enforcement Initiatives

In FY 2017, the agency will continue to focus on complex and challenging national pollution problems, and in FY 2016 will consider candidates and make final selections for the National Enforcement Initiatives for FY 2017-2019. The national initiatives for FY 2014-2016 include Clean Water[xe "Clean Water"] Act "wet weather" pollutant discharges, violations of the Clean Air[xe "Clean Air"] Act New Source Review/Prevention of Significant Deterioration (NSR/PSD) requirements and Air Toxics regulations[xe "Air Toxics"], Resource Conservation and Recovery Act (RCRA)[xe "Resource Conservation and Recovery Act (RCRA)"] violations at mineral processing facilities, and ensuring protective energy extraction. Information on initiatives, regulatory requirements, enforcement alerts, and results from civil enforcement activities are made available to the public and the regulated community on the EPA's web sites.[4] Between FY 2003

[3] For additional information, refer to: [HYPERLINK "http://www.fedcenter.gov"]/.
[4] For additional information, refer to: [HYPERLINK "http://www.epa.gov/enforcement/"].

and FY 2015, the EPA inspected 100 percent of the mineral processing facilities which pose the highest risks to human health and the environment, the phosphoric acid facilities. By the end of FY 2015, 107 other high risk mineral processing facilities had been inspected and 61 percent of these were on an enforceable schedule to comply or did not have significant violations and the agency continues to pursue actions to address the remainder.[5]

The EPA's Clean Water program will continue to work with states, tribes, and communities to improve our nation's impaired waters. Towards that end, the EPA, working with permitting authorities, is revamping compliance and enforcement approaches to make progress on the most important water pollution problems. This work includes getting raw sewage out of water, cutting pollution from animal waste, and reducing pollution from storm water runoff. Between FY 1998 and FY 2015, 94 percent of the largest cities with Combined Sewer Overflows were on a schedule to clean up their water and achieve compliance.[6] These efforts will help to clean up great waters like the Chesapeake Bay and will focus on revitalizing urban communities by protecting and restoring urban waters. The recent settlement with the *District of Columbia Water and Sewer Authority*, for example, will directly benefit residents of that community by reducing the exposure of low income and minority populations to uncontrolled raw sewage and stormwater runoff into the Rock Creek and Potomac River watersheds, including an innovative "green infrastructure" strategy that uses vegetation, soils, and natural processes to absorb and store rainwater to control wet weather pollution. Enforcement also will support the goal of assuring clean drinking water for all communities, including those served by small systems and in Indian country.

New Source Review (NSR) violations at large sources (power plants, cement kilns, glass furnaces and acid plants) as well as illegal emissions of air toxics will continue to be a major focus of the EPA's enforcement efforts. The large sources in violation of the NSR provisions of the Clean Air Act are responsible for many thousands of tons of excess criteria pollutant emissions (SO_2, NOx, and particulate matter) each year. Installation of the controls required under NSR typically reduces criteria pollutant emissions by over 90 percent. Improperly operated flares, leaking production facilities, and certain operational practices or events at industrial facilities may result in substantial releases into the air of hazardous air pollutants and other compounds of concern. In FY 2017, the EPA will continue to reduce illegal emissions of toxic air pollutants from these sources through targeted investigations involving on-site inspections, record reviews, and sophisticated monitoring and detection devices such as thermal imaging cameras, hand-held detection devices, mobile real-time monitoring equipment and other tools. The EPA will continue to coordinate its investigations and enforcement actions with state and Tribal partners. Due to these efforts, between FY 2011 and FY 2015, 2,281 air toxics emitting facilities were evaluated and between FY 1999 and FY 2015,[7] 59 percent of coal fired units were controlled.[8] In one example, the *Four Corners Power Plant* settlement will not only mean cleaner air for the residents of the Navajo Indian Reservation near Farmington, New Mexico, but also includes projects that will directly benefit local communities

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[5] For additional information, refer to: [HYPERLINK "http://www2.epa.gov/enforcement/national-enforcement-initiative-reducing-pollution-mineral-processing-operations"].

[6] For additional information, refer to: [HYPERLINK "http://www2.epa.gov/enforcement/national-enforcement-initiative-keeping-raw-sewage-and-contaminated-stormwater-out-our"].

[7] For additional information, refer to: [HYPERLINK "http://www2.epa.gov/enforcement/national-enforcement-initiative-cutting-hazardous-air-pollutants"].

[8] For additional information, refer to: [HYPERLINK "http://www2.epa.gov/enforcement/national-enforcement-initiative-reducing-air-pollution-largest-sources"].

(*e.g.,* replacement of inefficient wood- or coal-burning stoves with cleaner-burning energy-efficient appliances, home weatherization projects, and medical screening for impacted residents).

Additional Priorities

The EPA remains committed to enforcement of the nation's pesticides, waste, and chemical safety laws. For example, a series of enforcement actions in FY 2015 require home renovation contractors and training providers to protect people from harmful exposure to lead dust and debris. Lead dust and debris from improper renovation activities on properties built prior to 1978 is a major source of lead exposure that can cause lead poisoning. Although using lead-based paint in dwellings was prohibited after 1978, it is still present in more than 30 million homes across the nation. Children are particularly vulnerable to the dangers of lead paint exposure, especially those in predominantly minority and low-income communities where housing is more likely to contain lead-based paint.[9] The EPA also continues to focus on compliance with waste management and disposal requirements at mining and mineral processing facilities. This sector produces more waste than any other sector in the country and, to date, the EPA's compliance monitoring and enforcement efforts have led to the elimination, treatment, and proper disposal of over 20 billion pounds of hazardous waste.

The nation's food supply is protected by vigorous enforcement of the regulations for the manufacture and use of all pesticides (including insecticides, herbicides, rodenticides, disinfectants, and sanitizers) in the United States. Enforcement actions against major pesticide manufacturers will ensure pesticide products are properly formulated and labeled to ensure safe use and handling of these products. Also, in light of the recent pesticide poisoning incident in the Caribbean islands involving misuse of the fumigant methyl bromide, the EPA is aggressively investigating the production, sale, distribution and use of products containing methyl bromide and other high risk pesticides. Results of that investigation likely will have a significant impact on the future use of those compounds and ensure that people living or working near areas where such applications are made are adequately protected.

Information Systems

In FY 2017, reliable information on compliance and program performance remains critical. The EPA's Civil Enforcement program relies on the Integrated Compliance Information System (ICIS) to manage federal compliance and enforcement activities by tracking the status of all civil judicial and administrative enforcement actions, as well as compliance and enforcement results. The EPA will continue to make information on its enforcement work more publically accessible and transparent on its Enforcement and Compliance History Online (ECHO) interactive web site and obtain new data sets (e.g., geospatial) for public use.

The NPDES Electronic Reporting Rule finalized in September 2015 will have significant benefits to the public, regulated facilities, states, and the EPA. One of the benefits of this rulemaking is that it supports high quality, complete, and timely data for the National Pollutant Discharge Elimination System (NPDES) program. With the final rule signed in FY 2015 and implementation beginning in calendar year 2016, NPDES-authorized programs in states, tribes, territories, and the

[9] For additional information, refer to: [HYPERLINK "http://www2.epa.gov/enforcement/lead-renovation-repair-and-painting-rule-december-2014"].

EPA should be able to shift some of their limited resources away from data management activities to those more targeted to solving water quality issues. To complement these efforts, the EPA has developed NetDMR, the electronic reporting tool for reporting Discharge Monitoring Reports, to support implementation of the proposed rule. Also, the EPA is developing the NPDES Electronic Reporting Tool (NeT) to support the remaining data flows that will be required by the proposed rule such as Notices of Intent. Both of these tools will be available for states to use to support the implementation of the rule; many states are already using NetDMR.

The EPA is enhancing the capabilities of its RCRA Waste Import Export Tracking System (WIETS) to interface with the Automated Commercial Environment (ACE) system of US Customs and Border Protection, in order to interdict illegal hazardous waste exports at ports. It also will interface with US exporters to allow e-filing with the EPA of notices of intent to export hazardous waste from the United States and annual export reports summarizing shipments made. In addition, it will allow e-filing with the EPA of notices of intent to import hazardous into the United States from importers in situations where the sending country does not send a notice to the EPA.

Environmental Justice

The Civil Enforcement[xe "Civil Enforcement"] program also supports the Environmental Justice[xe "Environmental Justice"] program by taking actions in communities that may be disproportionately exposed to risks and harm from environmental contaminants, including minority and/or low-income areas. In FY 2015, 35 percent of the enforcement cases initiated by the EPA addressed violations that had occurred in locations with potential environmental justice concerns,[10] and many additional cases located outside the community will reduce pollution that will benefit those communities. The EPA works to protect these and other burdened communities from adverse human health and environmental effects through programs consistent with environmental and civil rights laws. [11]

Performance Targets:

FY 2017 Change from FY 2016 Enacted Budget (Dollars in Thousands):

- (+$4,481.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.

- (+$6,639.0 / +1.0 FTE) This program change reflects a net increase to support technical analyses of complex data to support cases and work to oversee compliance with settlement agreements so that existing staff can be more efficient and effective. Resources also will support core elements of a viable civil enforcement program including expert witnesses, managment of the program's discovery responsibilities in legal proceedings, and lab analyses. Due to shifting workload, the Civil Enforcement program proposes to shift 1.0

[10] This includes all enforcement cases initiated by the EPA in FY 2014 that had a meaningful location for undertaking an environmental justice analysis.

[11] For additional information, refer to: [HYPERLINK "http://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-fy-2015"].

FTE from the Criminal Enforcement program to support legal case work in the Regional Offices. This program change also reflects an increase associated with Regional legal support.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (the EPA's organic statute); Act to Prevent Pollution from Ships (MARPOL Annex VI); Asbestos Hazard Emergency Response Act; Atomic Energy Act; Clean Air Act; Certain Alaskan Cruise Ship Operations; Clean Water Act; Emergency Planning and Community Right-to-Know Act; Energy Policy Act; Federal Insecticide, Fungicide, and Rodenticide Act; Marine Protection, Research, and Sanctuaries Act; Mercury-Containing and Rechargeable Battery Management Act; National Environmental Policy Act; Noise Control Act; Oil Pollution Act; Residential Lead-Based Paint Disclosure Program; Resource Conservation and Recovery Act; Safe Drinking Water Act; Small Business Regulatory Enforcement Fairness Act; Small Business Liability Relief and Brownfields Revitalization Act; Toxic Substances Control Act; Uranium Mill Tailings Radiation Control Act; North American Agreement on Environmental Cooperation; La Paz Agreement on US/Mexico Border Region.

Program Project Description:

The Compliance Monitoring[XE "Civil Enforcement"][XE "Enforcement"] program's goal is to promote compliance with the nation's environmental laws and protect human health and the environment through inspections and other compliance monitoring activities. Compliance[XE "Compliance"] monitoring[XE "Compliance Monitoring"] is comprised of activities that determine whether regulated entities are in compliance with applicable laws, regulations, permit conditions, and settlement agreements. In addition, compliance monitoring activities are conducted to determine whether conditions exist that may present imminent and substantial endangerment to human health and the environment. Compliance monitoring activities include data collection, analysis, data quality review, on and off site compliance inspections/evaluations, investigations, and reviews of facility records and monitoring reports.[1]

The program's efforts complement state and Tribal programs to ensure compliance with laws throughout the United States. The EPA coordinates, supports, and oversees the performance of states, local agencies, territories, and Tribal governments that conduct compliance monitoring activities. The program also provides technical assistance and training to federal, state, territorial and Tribal inspectors. The EPA works with states and tribes to identify where these monitoring, inspection, evaluation, and investigation activities will have the greatest impact on achieving environmental results.

FY 2017 Activities and Performance Plan:

The EPA has achieved impressive pollution control and health benefits through vigorous compliance monitoring and enforcement, but traditional enforcement methods will not address all non-compliance problems. The sheer number of regulated facilities, the pollution from large numbers of smaller sources, and limited resources means that the traditional single facility inspection and enforcement approach cannot be relied on solely as our only way to achieve widespread compliance with the nation's environmental laws. As a result, the agency needs to adapt to the modern era by developing and implementing new methods that rely heavily on advances in both monitoring and information technology.

Recognizing that traditional enforcement approaches will not be sufficient to address noncompliance problems, the EPA continues to focus efforts on moving to the "next generation" of compliance. This approach, called Next Generation Compliance, has been formalized in the agency's FY 2014-2018 Strategic Plan. Next Generation Compliance aims to increase compliance with environmental regulations by capitalizing on advances in information technology and advanced pollutant detection technology. These advanced technologies, combined with a focus on designing rules and permits that are easier to implement, will improve compliance, expand transparency, and protect communities while reducing costs for the federal government, states, territories, tribes and regulated facilities.[2] There are five main components to this initiative: 1) structuring our regulations to be easier to implement and achieve higher compliance; 2) using

[1] For more information, refer to: [HYPERLINK "http://www.epa.gov/compliance/compliance-monitoring-programs"].
[2] For more information, refer to the September/October 2013 article in the Environmental Forum on Next Generation Compliance. [HYPERLINK "http://www.epa.gov/compliance/article-next-generation-compliance"].

advanced pollutant detection technology to find out about pollution as it happens in real-time; 3) moving from paper to electronic reporting to enhance government efficiency and reduce paperwork burden; 4) making pollution and compliance information more accessible, user-friendly, and available to the public to promote accountability; and 5) using innovative approaches to enforcement to focus limited resources on the biggest pollution problems. As one example of this approach, in FY 2015, the agency conducted a state solicitation of interest to determine if states and local agencies would be interested in obtaining advanced monitoring equipment including infrared (IR) cameras. The equipment was used to identify organic gas emissions from equipment, such as valves, flanges and tanks, thus improving the states' ability to ensure compliance and protect communities.

Next Generation Compliance complements E-Enterprise for the Environment, a 21st-century strategy – jointly governed by states and the EPA – to modernize government agencies' delivery of environmental protection in the United States. The E-Enterprise business strategy is an integral part of an agencywide effort to launch a new era of state, local, Tribal, and international partnerships. Under this strategy, the agency will streamline its business processes and systems to reduce reporting burden on states and regulated facilities, and improve the effectiveness and efficiency of regulatory programs for the EPA, states, and tribes. There are several projects underway and resources are expected to accelerate and expand those activities which will bring significant efficiencies to the EPA, states, tribes and industry.

In FY 2017, the agency will continue to work on increasing the efficiency of the inspection process, including partnering with states to develop and implement electronic reporting tools for the National Pollutant Discharge Elimination System (NPDES) and supporting transparency through the modernized Enforcement and Compliance History Online (ECHO). The program will continue its efforts to leverage technology and modernize business processes internally and in how we interact with our partners, the regulated community and the public. These efforts are anticipated to result in savings to the regulated community (e.g. electronic reporting), and also streamline internal EPA processes (e.g. mobile business solutions for field inspectors). In FY 2017, resources will support the following areas:

Expand Full Electronic Interaction. The agency will move forward with efforts to streamline key paper reporting regulations by converting to an electronic format. Replacing paper based reporting will decrease unnecessary paperwork burdens on industry and also improve the efficiency of the EPA and state partners. In September 2015, the EPA finalized a new rule to convert the NPDES paper based reporting systems to a more effective and efficient electronic based system. Implementation of the new rule will begin in calendar year 2016. States and the EPA will start receiving the first electronic reporting in FY 2017 for Discharge Monitoring Reports (DMRs) – the largest data flow in the NPDES program that accounts for the largest portion of the expected burden reduction. The EPA also is developing an exporter interface to enable exporters of hazardous waste to submit notification data electronically to the EPA, in order to avoid the expense and errors associated with manual entry and to facilitate more accurate and effective compliance monitoring.

The agency will continue to modernize its internet-accessible, national enforcement and compliance data system, the Integrated Compliance Information System (ICIS), which supports

both compliance monitoring and civil enforcement. Completion of ICIS's three phases of development is targeted for FY 2017. In FY 2015, the AFS legacy mainframe system was decommissioned and ICIS-Air Phase 1 was released. Future releases of ICIS-Air are projected for FY 2016 and FY 2017 to provide new functionality consistent with the agency's Next Generation Compliance and E-Enterprise principles (e.g., electronic reporting). ICIS modernization advances the EPA's integration of environmental compliance and enforcement information into one system, with major components including federal enforcement and compliance information and data from the NPDES program and Clean Air Act stationary sources.

The EPA will focus on enhancing its data systems to support full electronic interaction with regulated facilities via fillable forms, providing more comprehensive and accessible data to the public through the interactive public web site Enforcement and Compliance History Online (ECHO),[3] and allowing for improved integration of environmental information with health data and other pertinent data sources from other federal agencies and private sources. The EPA will continue to develop additional tools and obtain new data sets (e.g., geospatial) for public use, allowing communities to stay informed and proactively address environmental challenges. Also, the EPA will continue to enhance its data analytical capabilities allowing the EPA and states to identify environmental priorities more efficiently. In FY 2014, the EPA initiated a set of pilot projects to generate evidence for the use of data analytics in inspection targeting. The ongoing pilots are designed to better understand the technology, implementation issues, cost structure, and advantages that these new approaches may offer. The EPA is considering field testing these results in FY 2016 and FY 2017. The agency also will build staff expertise and the infrastructure to work with large, complex datasets.

In the last two years, the EPA has developed State Performance Dashboards and Comparative Maps that provide the public with information about the performance of state and the EPA's enforcement and compliance programs across the country. The ECHO website was modernized to improve system efficiency while providing a more up-to-date, easy-to-use interface for the public. ECHO and its powerful companion tool for regulators, ECHO Gov, provide the public and more than 650 registered government users with information on facility compliance, pollutant releases, and environmental quality, averaging more than 180 thousand page views per month. In FY 2015, ECHO modernization was completed and additional enforcement and compliance media specific (e.g., Safe Drinking Water Act) performance dashboards were developed, increasing public transparency. In FY 2016 and FY 2017, ECHO will incorporate new features to improve user access and transparency. New content will be added that makes it easier for users to analyze Clean Air Act pollution release data in conjunction with existing enforcement data. ECHO also will introduce enhanced state dashboards for SDWA and FIFRA, improved usability for mobile devices, and a series of new reports associated with electronically reported data expected under the Clean Air Act and Clean Water Act.

Design Regulations to Improve Compliance. The program will continue its research and training on principles and tools for how to develop more effective rules and permits. As part of the process of developing new rules, the EPA is integrating Next Generation Compliance principles and tools to create regulations that are more effective and efficient. This includes approaches such as self-monitoring and/or self-certification, third party certification, and transparency to promote public

[3] For more information, refer to: [HYPERLINK "http://www.epa-echo.gov/echo/"].

accountability. Next Generation Compliance focuses on structuring regulations to be easier to understand and implement, resulting in higher compliance.

Test and Pilot Advanced Monitoring Technologies. The EPA will pilot remote water monitoring sensors and air loadings tools to collect emissions and discharge data, and will include these technologies in the EPA's enforcement settlements as appropriate to address and remedy violations. The agency expects that these technologies will improve our analytical and targeting capabilities and enhance the public's knowledge about the quality of their environment. The Compliance program will participate in developing and implementing a new agency program to test, validate and provide communities with advanced monitoring equipment.

Smart Tools for Field Inspectors. The EPA will expand software solutions for field inspectors to allow them to transfer data from the field into the agency's data systems. The EPA plans to implement a software solution to improve the effectiveness and efficiency of how the EPA and states conduct RCRA Subtitle C inspections in FY 2016. RCRA Subtitle C regulates hazardous wastes from cradle to grave (e.g., generation; transportation; and treatment, storage or disposal). The EPA plans to begin to develop inspector software in a phased approach for the Clean Water Act and the Clean Air Act in FY 2017. The Compliance program will coordinate the development of these Smart Tools for inspectors so that they can be leveraged by the states, thus improving the effectiveness of state compliance monitoring programs and saving states the cost of developing these tools themselves.

The EPA establishes National Enforcement Initiatives every three years to address the most serious pollution problems affecting communities.[4] The initiatives focus on industry sectors or sources of pollution that the EPA believes can best be addressed by a national enforcement approach, and employ traditional enforcement approaches in conjunction with innovative evidence-based approaches. In FY 2015, the National Enforcement Initiative for cutting hazardous air pollutants resulted in reductions of an estimated 3.8 million pounds of air toxics, pollutants that are known or suspected to cause cancer, birth defects, and seriously impact the environment. In FY 2015, the agency's Compliance Monitoring program analyzed data and consulted with stakeholders to consider candidates for the National Enforcement Initiatives for FY 2017 – FY 2019.

To ensure the quality of compliance monitoring activities, the EPA is continuing to develop national policies, update inspection manuals, provide required training for inspectors, and issue inspector credentials. The EPA's National Enforcement Training Institute (NETI) is responsible for providing on-line, e-learning courses for the 2,500 plus inspectors subject to EPA Order 3500.1. There are more than 90 on-line courses in the NETI e-Learning Center. In addition, NETI offered more than 100 webinars to the inspector-lawyer-case development corps, many with Continuing Legal Education Credits. In FY 2015, NETI provided more than 250 hours of live training. In FY 2017, the NETI will continue to conduct training to ensure federal, state, local, and Tribal environmental enforcement professionals are: knowledgeable of environmental requirements and policies; technically proficient in conducting compliance inspections/evaluations and taking samples; and skilled at interviewing potential witnesses and documenting

[4] For more information, refer to: [HYPERLINK "http://www.epa.gov/enforcement/national-enforcement-initiatives"].

inspection/evaluation results. The EPA will continue developing web-based environmental enforcement training courses that feature current e-learning techniques. These e-learning courses will provide continual access to training for federal, state, local, territorial, and Tribal environmental compliance and enforcement personnel, while reducing training and related travel costs.

The EPA will continue to review all notices for trans-boundary movement of hazardous waste and for export of cathode ray tubes and spent lead acid batteries to ensure compliance with domestic regulations and international agreements. The agency ensures that these wastes are properly handled in accordance with international agreements and Resource Conservation and Recovery Act regulations.[5] The EPA utilizes electronic data exchange on a government-to-government basis with Environment Canada and with the Mexican environmental agency, SEMARNAT, to assure more timely and accurate transmission of notice information for compliance monitoring purposes. While the vast majority of the hazardous waste trade occurs with Canada,[6] the United States also has international hazardous waste trade agreements with Mexico, Malaysia, Costa Rica, and the Philippines. Further, the United States is a member of the Organization for Economic Cooperation and Development, which issued a Council Decision controlling trans-boundary movements of hazardous waste among member countries. In FY 2015, the EPA responded to 2,269 notices representing 743 import notices and 1,526 export notices.

For more effective compliance monitoring, the EPA is enhancing the capabilities of its Waste Import Export Tracking System (WIETS) for tracking RCRA imports and exports to interface with the Automated Commercial Environment (ACE) system of US Customs and Border Protection, in order to interdict illegal hazardous waste exports at ports. The WIETS system also will interface with US exporters to allow e-filing with the EPA of notices of intent to export hazardous waste from the United States and annual export reports summarizing shipments made.

In FY 2017, the program will support the agency's Cross Agency Strategy for Making a Visible Difference in Communities and supports the training and integration of advanced monitoring equipment and a new regional, state, and community equipment loan program.

Performance Targets:

FY 2017 Change from FY 2016 Enacted Budget (Dollars in Thousands):

- (+$4,534.0) This change to fixed and other costs reflects the recalculation of base workforce costs due to adjustments in salary, essential workforce support, and benefit costs.

- (+$1,800.0) This program change reflects an increase in funding for activities under the agency's E-Enterprise business strategy which includes partnering with states to develop and implement electronic reporting tools leveraging the E-Enterprise portal as appropriate

[5] For more information, refer to: [HYPERLINK "http://www3.epa.gov/epawaste/hazard/international/agree.htm"].

[6] For more information, refer to: [HYPERLINK "http://www.epa.gov/osw/hazard/international/imp-exp.htm"].

for the National Pollutant Discharge Elimination System (NPDES) and modernizing the Enforcement and Compliance History Online (ECHO) which is an interactive web site providing comprehensive data to the public.

- (+$766.0) This program change supports the agency's Cross Agency Strategy for Making a Visible Difference in Communities. The increased funding supports the integration of advanced monitoring equipment by addressing the cross-media legal, policy, and programmatic issues associated with providing funding to support the purchase, training and integration of advanced monitoring equipment and a new regional, state, and community equipment loan program.

- (+$2,505.0) This program change reflects an increase in funding for the Compliance Monitoring program enabling inspectors to carry out inspections efficiently through technology and data, to better detect violations, and to provide the infrastructure necessary to support a comprehensive monitoring program. The support includes funding for laboratory analysis, data systems, equipment and mandatory inspector training.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (the EPA's organic statute); Act to Prevent Pollution from Ships (MARPOL Annex VI); Asbestos Hazard Emergency Response Act; Atomic Energy Act; Clean Air Act; Certain Alaskan Cruise Ship Operations; Clean Water Act; Community Environmental Response Facilitation Act; Emergency Planning and Community Right-to-Know Act; Energy Policy Act; Federal Insecticide, Fungicide, and Rodenticide Act; Marine Protection, Research, and Sanctuaries Act; Mercury-Containing and Rechargeable Battery Management Act; National Environmental Policy Act; Noise Control Act; Oil Pollution Act; Program Fraud Civil Remedies Act; Residential Lead-Based Paint Disclosure Program; Resource Conservation and Recovery Act; Safe Drinking Water Act; Small Business Regulatory Enforcement Fairness Act; Small Business Liability Relief and Brownfields Revitalization Act; Toxic Substances Control Act; Uranium Mill Tailings Radiation Control Act; North American Agreement on Environmental Cooperation; La Paz Agreement on US/Mexico Border Region.

Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance

Strategic Goal: *Protect human health and the environment through vigorous and targeted civil and criminal enforcement. Use Next Generation Compliance strategies and tools to improve compliance with environmental laws.*

Introduction

The EPA's civil and criminal enforcement programs assure compliance with our nation's environmental laws. A strong and effective enforcement program is essential to realizing the benefits of our laws and regulations, maintaining a level economic playing field, and attaining the public health and environmental protections our federal statutes were created to achieve. As a key part of our enforcement program, the EPA is committed to supporting public health in communities disproportionately burdened by pollution by integrating and addressing issues of environmental justice (EJ) in the EPA's programs and policies as part of its day-to-day business. The EPA's EJ program promotes accountability for compliance with Executive Order 12898, "Federal Actions to Address Environmental Justice[XE "Environmental Justice"] in Minority Populations and Low-Income Populations."

On January 18, 2011, President Obama issued a Presidential Memorandum titled "Regulatory Compliance[XE "Compliance"]"[1] which reaffirms the importance of effective enforcement and compliance with regulations. It states "[s]ound regulatory enforcement promotes the welfare of Americans in many ways, by increasing public safety, improving working conditions, and protecting the air we breathe and the water we drink. Consistent regulatory enforcement also levels the playing field among regulated entities, ensuring that those that fail to comply with the law do not have an unfair advantage over their law-abiding competitors."

In FY 2017, the EPA seeks to maintain the strength of its core national enforcement and compliance assurance program. Recognizing the challenging fiscal climate at both the federal and state level, the agency will implement strategies that use resources more efficiently and continue to find opportunities to focus and leverage efforts to assure compliance with environmental laws. Our objective is to pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities; assure strong, consistent, and effective enforcement of federal environmental laws nationwide; and to use modern, streamlined techniques, strategies and tools to improve targeting and transparency and increase compliance. The EPA will continue to focus resources on environmental problems where noncompliance is having a significant impact. This strategy means the EPA's top enforcement priority will be pursuing higher impact cases, including large, complex cases that require significant investment and a long-term commitment.

The EPA has achieved impressive pollution control and health benefits through vigorous compliance monitoring and enforcement activities. However, enforcement alone will not address

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[1] Please see: [HYPERLINK "http://www.whitehouse.gov/the-press-office/2011/01/18/presidential-memoranda-regulatory-compliance"]

all non-compliance problems. The sheer number of regulated facilities, the contributions of large numbers of smaller sources to environmental problems, and limited resources mean the EPA and states cannot rely solely on the traditional single facility inspection and enforcement approach to ensure widespread compliance.[2] In FY 2017, the agency will continue to implement new and innovative methods to reduce pollution and increase compliance nationwide over the long term.

Towards this end, in FY 2017, the agency will continue to focus efforts on moving forward with the Next Generation Compliance[XE "Compliance"] approaches to harness state-of-the-art technology and best practices to make our efforts more efficient and effective. This approach, formalized in the agency's 2014-2018 Strategic Plan, aims to increase compliance with environmental regulations by capitalizing on advances in information technology and advanced pollutant detection technology. It also aligns with the E-Enterprise business strategy, described below, with a focus on process efficiencies in collaboration with states and tribes as systems are modernized. There are five main components to Next Generation Compliance: 1) structuring our regulations and permits to be easier to implement and contain self-implementing mechanisms to achieve higher compliance; 2) using advanced pollutant detection technology to detect pollution as it happens in real-time; 3) moving from paper to electronic reporting to enhance government efficiency and reduce paperwork burden; 4) making pollution and compliance information more accessible, user-friendly, and available to the public to support community awareness and promote facility accountability; and 5) using innovative approaches to enforcement to focus limited resources on the biggest pollution problems. See [HYPERLINK "http://www.epa.gov/compliance/next-generation-compliance"].

The use of new detection technologies, combined with a focus on designing rules and permits that are easier to implement, will improve compliance, expand transparency, and protect communities while reducing costs for states, territories, tribes, and regulated facilities. In particular, the burden of monitoring and compliance reporting will be reduced for states, the EPA and others by investing in state-of-the-art monitoring technology and supporting electronic reporting and interaction with the regulated community. This will allow the EPA and states to more effectively deploy inspection resources. For example, in September 2015, the EPA signed the final rule to convert the National Pollutant Discharge Elimination System (NPDES) paper-based reporting system to a more effective and efficient national electronic system, with implementation beginning in calendar year 2016. The rule will benefit the public, regulated facilities, states, and the EPA by providing high quality, complete, and timely data for the NPDES program. The EPA's cost-benefit analysis for the proposed rule estimates that the overall reporting burden will be reduced by 900,000[3] hours when the rule is fully implemented.

Efforts already underway have shown that the Next Generation compliance approaches will have meaningful benefits. For example, the EPA's Region 6 implemented the first federal general permit in the nation that required electronic submission of data through the EPA's electronic reporting tools. Implemented for the Offshore Oil[XE "Oil"] & Gas NPDES General Permit

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[2] For additional information, refer to: [HYPERLINK "http://www.epa.gov/sites/production/files/documents/actionplan101409.pdf"]. [HYPERLINK]

[3] For more information, see "Economic Analysis of the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Final Rule" [DCN 0197] at [HYPERLINK "http://www.epa.gov/sites/production/files/2015-09/documents/npdesea.pdf"].

program, this effort uses electronic reporting to reduce reporting burden on permitted entities and the EPA, while allowing for automated tracking of permit limits and reporting requirements, enhancing data quality, and increasing transparency for regulators and the public. The agency estimates that without deployment of the electronic reporting tools, data entry alone would have cost the agency approximately $2.6 million over a five-year permit cycle. In combination with the experience from other programs that use electronic reporting such as Ohio's NPDES program and the EPA's TRI program, this provides another example of how the benefits are likely to grow as electronic reporting becomes the norm.

The Next Generation Compliance approach complements E-Enterprise for the Environment, a 21st century strategy – jointly governed by states and the EPA – to modernize government agencies' delivery of environmental protection in the United States. The E-Enterprise business strategy is an integral part of an agency-wide effort to launch a new era of state, local, Tribal, and international partnerships. Under this strategy, the agency will streamline its business processes and systems to reduce reporting burden on states and regulated facilities, and improve the effectiveness and efficiency of regulatory programs for the EPA, states and tribes.

In FY 2017, the Enforcement and Compliance Assurance program will continue to align with the E-Enterprise business strategy as an integral part of the agency's focus on increasing the efficiency of the inspection process and modernizing enforcement and compliance data systems. On-going projects, include: 1) partnering with states to develop and implement fillable e-forms for electronically reporting NPDES information; 2) supporting NPDES e-reporting rule implementation and program evaluation; 3) purchasing advanced monitoring equipment; and 4) supporting transparency through the modernized Enforcement and Compliance History Online (ECHO) database and transition of the Air Facility System (AFS) to the Integrated Compliance Information System (ICIS)-Air. Another focus in FY 2017 will be developing a field collection, evidence management, and reporting system for conducting compliance monitoring inspections, which will be guided by initial development in tandem with the states, for the Resource Conservation and Recovery Act (RCRA) program.

Data transparency is a key foundation of the ECHO web reporting tool and the EPA believes making compliance information publicly available allows the American people to be better informed about environmental activities and compliance in their communities and provides an incentive to achieve greater compliance with environmental laws. ECHO is the EPA's premier web-based tool that provides public access to compliance and enforcement information for approximately 800,000 EPA-regulated facilities. The EPA, state and local environmental agencies collect/report data from facilities and from their own activities and submit that data to the EPA's databases. ECHO usage has grown to more than three million queries per year.

Major FY 2017 Changes

The FY 2017 request maintains FTE near the lowest levels in the program's history, but includes resources for the EPA to identify and address noncompliance by dedicating resources to data analysis and systems, lab support, equipment for front line enforcement personnel, inspector training, and case support (such as expert witnesses and document management services). These resources will allow our staff to be more efficient and effective at protecting public health and

maintaining a level playing field for companies that play by the rules, by assuring compliance with environmental laws.

In FY 2017,[4] key themes in the enforcement and compliance budget reflect on-going changes in programmatic direction and efficiencies gained from modernizing our business processes. The EPA continues to improve its business processes under both the E-Enterprise business strategy[XE "E-Enterprise"] and Next Generation Compliance[XE "Compliance"] based on advances in pollutant monitoring and information technology. Resources across Goal 5[XE "Goal 5"] will continue to be focused on advancing efforts in the agency's priorities: Addressing Climate Change and Improving Air Quality, Protecting America's Waters, Cleaning up Our Communities and Advancing Sustainable Development. Our enforcement work also continues to be guided by a focused group of priority efforts known as National Enforcement Initiatives (NEIs). NEIs address serious patterns of noncompliance in areas that are particularly complex and challenging. New NEIs for FY 2017-2019 will be selected through a collaborative process that EPA started in FY 2015 and will be completed in FY 2016.

Addressing Climate Change and Improving Air Quality

In FY 2017, the EPA will help improve air quality in communities by targeting large pollution sources such as the coal-fired utility, acid, cement, glass and natural gas exploration and production industries that are not complying with environmental laws and regulations. Where the EPA finds non-compliance, the agency will take action to bring them into compliance, which may include requiring facilities to install controls that will benefit communities and/or improve emission monitoring. Enforcement[XE "Enforcement"] activities which cut toxic air pollution in communities will improve the health of residents, particularly those overburdened by pollution. In FY 2015, the EPA reduced, treated, or eliminated 430 million pounds of air pollutants as a result of concluded enforcement actions. In FY 2017, the agency's budget provides resources to improve the quality and efficiency of compliance inspections, to develop an advanced monitoring equipment program, and to support air regulation implementation. The inspection effort includes the development of tools to allow inspectors to record field observations and transmit inspection reports electronically. Leveraging technology to move to a digitally based process will assist in identification of patterns of problems, compile inspection results in a more timely way, increase transparency on compliance status, and allow for quicker responses where appropriate. The focus of the advanced monitoring program will be on providing communities with monitors, along with technical assistance and training, to allow them to better understand the state of their environment and help local decision makers consider actions that will reduce the risks from pollution. This work will support both the air and water programs.

Protecting America's Waters

In FY 2017, the EPA will continue to work with states to use compliance and enforcement approaches which more effectively and efficiently address the most important water pollution problems. Our focus will include getting raw sewage out of water, cutting pollution related to animal waste, and reducing pollution from stormwater runoff. The EPA also will continue to

[4] The EPA is providing a total of $591 million for the National Enforcement[XE "Enforcement"] and Compliance[XE "Compliance"] Assurance program. There are additional resources for the program under Goals 2, 3 and 4.

promote an integrated planning strategy for addressing municipal sewage and stormwater challenges, including the use of lower cost and innovative approaches such as incorporating green infrastructure into enforcement remedies where appropriate. In addition, through its enforcement agreements, the EPA works closely with communities to get the most important work for protecting health accomplished in the most cost effective way, and on a schedule that is practical and affordable. These efforts will help clean up aquatic ecosystems like the Chesapeake Bay[XE "Chesapeake Bay"] and will focus on revitalizing urban communities by protecting and restoring urban waters. These options are proving attractive to communities in achieving Combined Sewer Overflow (CSO) program objectives.[5] Enforcement[XE "Enforcement"] efforts also will support the goal of assuring clean drinking water for all communities, including for small systems and in Indian country, and improving the quality of Safe Drinking Water Act data reported by states to ensure compliance. In FY 2015, the EPA reduced, treated, or eliminated 90 million pounds of water pollutants as a result of concluded enforcement actions. In FY 2017, the agency's budget directs resources to improve the quality and efficiency of compliance inspections, develop an advanced monitoring equipment program, and test and pilot advanced monitoring technologies, which will support both air and water programs.

Cleaning up Our Communities and Advancing Sustainable Development

In FY 2017, the EPA will continue to protect communities by ensuring that responsible parties conduct Superfund and other cleanups, saving federal dollars for sites where there are no viable contributing parties. Ensuring that responsible parties clean up the sites also reduces direct human exposure to hazardous pollutants and contaminants, provides for long-term human health protection, and ultimately makes contaminated properties available for reuse. The EPA will continue to integrate environmental justice (EJ) considerations into the site remediation enforcement programs by using EJ criteria when enforcing RCRA corrective action requirements to meet RCRA 2020 goals and ensuring that institutional controls are implemented at sites with potential environmental justice concerns.

The FY 2017 budget request also provides resources to make comprehensive community-based information available on the EPA's Geo-platform, ensuring that the EPA community investments are mapped and easily accessible to the EPA's staff. The EPA's Geo-platform will lead to better targeting of areas of most environmental concern such as EJ communities.

Agency Priority Goals

The EPA developed FY 2014-2015 Agency Priority Goals (APGs) that advance the agency's priorities and the agency's Strategic Plan. The EPA met the FY 2014-2015 APG for E-Enterprise. In FY 2017, the EPA will build on progress under its updated APG for FY 2016-2017:

E-Enterprise will strengthen environmental protection through business process improvements enabled by joint governance and technology. By September 30, 2017, reduce burden by one million

[5] For additional information, refer to: [HYPERLINK "http://www.epa.gov/npdes/integrated-planning-municipal-stormwater-and-wastewater"]

hours, add five new functionalities to the E-Enterprise Portal, and begin development on two projects selected through E-Enterprise Leadership Council joint governance.

To support this APG, the EPA seeks to transform the way business is conducted through the E-Enterprise strategy. A State-EPA E-Enterprise leadership council has been convened and is actively working to prioritize and consolidate projects to maximize the benefits. The priority goal is housed in Goal 5[XE "Goal 5"], but E-Enterprise work will occur across the range of agency programs that interact with states, tribes, and industry.

Next Generation Compliance activities contribute to the burden reduction goal. For example, the NPDES e-reporting rule is estimated to reduce burden by approximately 900,000 hours.[6] Additional information on the EPA's Agency Priority Goals can be found at: [HYPERLINK "http://www.performance.gov"].

FY 2017 Activities

Objective 1: Enforce Environmental Laws. *Pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities to achieve compliance. Assure strong, consistent, and effective enforcement of federal environmental laws nationwide. Use Next Generation Compliance[XE "Compliance"] strategies and tools to increase compliance with environmental laws.*

The EPA continually assesses priorities and embraces new approaches that can help achieve the agency's goals more efficiently and effectively. The EPA's FY 2017 budget submission for the Enforcement[XE "Enforcement"] and Compliance[XE "Compliance"] Assurance program continues to invest resources in high priority areas with the greatest impact on public health, while reducing resources where we have made significant progress (and therefore no longer require as active an enforcement presence), or that, while important, do not address the most substantial impacts to human health. The EPA carefully evaluates program activities and directs limited resources to where they can best protect public health, especially addressing disadvantaged communities; supporting core work of state and Tribal partners; and focusing on the largest pollution problems. The EPA will continue to examine new enforcement approaches through Next Generation Compliance to make the program more efficient and effective.

The agency remains committed to implementing a strong enforcement and compliance program focused on identifying and reducing non-compliance and deterring future violations. To meet this commitment, the program employs a variety of activities, including data collection and analysis, compliance monitoring, compliance assistance, civil and criminal enforcement efforts, and innovative and evidence-based problem-solving approaches. In FY 2017, these efforts will be enhanced through Next Generation Compliance[XE "Compliance"] approaches that rely on modern reporting and monitoring tools to advance implementation of the agency's priorities and core program work.

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[6] For more information, see "Economic Analysis of the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Final" [DCN 0197] at [HYPERLINK "http://www.epa.gov/sites/production/files/2015-09/documents/npdesea.pdf"].

Further, in designing and implementing Compliance[XE "Compliance"] Monitoring[XE "Compliance Monitoring"] program activities, the EPA tracks and assesses recent studies and evaluations regarding the effectiveness and limits of compliance monitoring and enforcement in promoting compliance and deterrence. The evidence in the literature consistently demonstrates that strong and active compliance monitoring and enforcement increases compliance and reduces pollution.[7] The EPA's Compliance Research Literature web page references many of these studies and reports.[8]

Compliance[XE "Compliance"] Monitoring[XE "Compliance Monitoring"] - Targeting the Most Serious Hazards in Communities[XE "Communities"]

The EPA's compliance monitoring program reviews and evaluates the activities of the regulated community to determine compliance with applicable laws, regulations, permit conditions and settlement agreements. The program also determines whether conditions exist at facilities that present imminent and substantial endangerment.

In FY 2017, the EPA's compliance monitoring activities will be both environmental media-based and sector-based. The EPA's media-based inspections complement those performed by states and tribes, and are a key part of the strategy for meeting the long-term and annual goals established for the air, water, pesticides, toxic substances and hazardous waste programs. The EPA will target its inspections to the highest priority areas and coordinate inspection activity with states and tribes to better leverage resources and enhance collaboration. In FY 2015, the EPA conducted approximately 15,400 federal inspections and evaluations.

In FY 2017, as part of Next Generation Compliance[XE "Compliance"], the agency will continue to enhance the efficiency and effectiveness of the compliance monitoring program by leveraging electronic reporting to reduce paperwork burden, increasing transparency by enhancing systems to report, synthesize, utilize, and disseminate monitoring data, designing analytic tools to help understand and utilize data, and deploying state-of-the-art monitoring equipment to the field. Updating data systems to utilize electronic transmissions from regulated facilities will benefit the compliance monitoring program by allowing the EPA to better apply evidence-based approaches to the program and determine what strategies achieve the best results.

Compliance[XE "Compliance"] monitoring includes the EPA's management and use of data systems to oversee its compliance and enforcement programs under the various statutes and programs that the agency enforces. In FY 2017, the EPA will continue the process of enhancing its data systems to integrate with the E-Enterprise business strategy[XE "E-Enterprise"] and to support electronic interaction with regulated facilities, providing more comprehensive, accessible data to the public and improving integration of environmental information with health data and other pertinent data sources from other federal agencies and private entities. Building upon ongoing work in FY 2016, the completion of ICIS development in FY 2017 will provide additional functionality to support the agency's Next Generation and E-Enterprise business strategy

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[7] For example: R. Hanna & P. Oliva; *The Impact of Inspections on Plant-Level Air Emissions under the Clean Air Act*; 10 B.E Journal of Economic Analysis and Policy 1 (2010). And J. Shimshack & M. Ward, *Enforcement[XE "Enforcement"] and Over-Compliance[XE "Compliance"]*, J. Environ. Econ. 55(1): 90-105 (2008)

[8] For more information, refer to: [HYPERLINK "http://www.epa.gov/compliance"].

principles (e.g., electronic reporting). OECA is also coordinating with the states through E-Enterprise for the expected implementation of Smart Tools for RCRA field inspectors in FY 2016 and the development of these tools for the Clean Water Act and Clean Air Act programs in FY 2017.

In addition, the EPA plans to continue work toward improving transparency and analysis through enhancements of the modernized Enforcement and Compliance History Online (ECHO) in alignment with the E-Enterprise business strategy. Specifically, in FY 2017, the EPA will continue to enhance its analytical capabilities for analyzing large data sets and displaying the results in a geospatial platform (e.g., the EPA's Geo-platform). These efforts will lead to better targeting of areas of most environmental concern and will produce evidence that demonstrates the need for continued investment in enhanced data analytics. Currently, ECHO includes State Performance dashboards for the Clean Water Act (CWA), Clean Air Act (CAA) and Resource Conservation and Recovery Act (RCRA) to allow users to assess each state's performance in enforcing the various environmental statutes, as well as integrate facility information across media specific data systems. Through ECHO and its reports, users can now view this data in a comprehensive and organized manner, including a search function. ECHO reports provide a snapshot of a facility's environmental record, showing dates and types of violations, as well as the state or federal government's response. The system allows the public to monitor environmental compliance in their communities, corporations to monitor compliance across facilities they own, and investors to more easily factor environmental performance into their decisions. These features will be enhanced to continue to expand public access to more transparent EPA multimedia enforcement and compliance data.

In FY 2017, the proposed budget for compliance monitoring is slightly more than $112million.

Assuring Strong, Consistent, and Effective Enforcement[XE "Enforcement"]

Civil Enforcement

The Civil Enforcement[XE "Civil Enforcement"] program's overarching goal is to assure compliance with the nation's environmental laws and regulations in order to protect human health and the environment. The program collaborates with the Department of Justice, states, local agencies and Tribal governments to ensure consistent and fair enforcement of all environmental laws and regulations. The program seeks to protect public health and the environment and ensure a level playing field by strengthening partnerships with co-implementers in the states, encouraging regulated entities to rapidly correct their own violations, ensuring that violators do not realize an economic benefit from noncompliance and pursuing enforcement to deter future violations.

The Civil Enforcement[XE "Civil Enforcement"] program develops, litigates and settles administrative and civil judicial cases against serious violators of environmental laws. The EPA also pursues enforcement against federal agency violators to ensure compliance with environmental laws and protection of human health and the environment. In FY 2015, the EPA's enforcement actions required regulated entities to invest more than $7 billion in actions and equipment to control pollution (injunctive relief). Also in FY 2015, the enforcement program obtained a total of $205 million in federal administrative and civil judicial penalties. The EPA's enforcement actions required regulated entities to reduce pollution by an estimated 530 million

pounds and treat, minimize, or properly dispose of 500 million pounds of hazardous waste. Sustained and focused enforcement attention to the Safe Drinking Water Act (SDWA) resulted in a 75 percent reduction in the number of public water systems with serious unresolved violations in the past five years; this was the result of combination of federal and state enforcement actions and improved prioritization and tracking processes.

In FY 2017, the EPA's civil enforcement program will focus on the national enforcement initiatives, including in communities that may be disproportionately exposed to risks and harm from pollutants in their environment. The National Enforcement Initiatives for FY 2017-FY 2019 will be selected through a collaborative process that will be completed in FY 2016. These national initiatives address problems that remain complex and challenging. For example, the FY 2014-FY 2016 initiatives are focused on keeping raw sewage and contaminated stormwater out of our nation's waters, preventing animal waste from contaminating surface and ground waters, and addressing violations of the Clean Air Act New Source Review/Prevention of Significant Deterioration requirements and Air Toxics regulations, RCRA violations at mineral processing facilities, and multi-media problems resulting from energy extraction activities. Information on initiatives, regulatory requirements, enforcement alerts and the EPA's results are available to the public and the regulated community through websites.[9]

As with the compliance monitoring program, the EPA's enforcement program will benefit from receiving electronic reporting of data from regulated facilities and by having more complete and timely data to better evaluate which enforcement approaches are most effective. This utilizes the transformative information system-based work of the larger E-Enterprise[XE "E-Enterprise"] business strategy. The EPA and states will be able to better prioritize enforcement resources based on evidence that indicates where they are most needed such as complex industrial operations requiring physical inspection, repeat violators, cases involving significant harm to human health or the environment, or potential criminal violations.

Next Generation Compliance also has been incorporated into the EPA's national effort to advance environmental justice by protecting communities that have been disproportionately impacted by pollution. For example, most of the infrared gas-imaging cameras (associated with the Marathon settlement) were placed in fuel storage tanks primarily located in environmental justice communities. Next Generation also promotes advanced emissions and pollutant detection technology so that regulated entities, the government, and the public can more easily see pollutant discharges, environmental conditions, and noncompliance. For example, in U.S. v. Marathon Petroleum Corporation, Marathon agreed (in May 2015) to implement innovative technologies using an infrared gas-imaging camera to inspect 14 fuel storage tanks in three states to identify potential defects that may cause excessive emissions of VOCs. If defects are found, Marathon will conduct inspections and perform repairs where necessary.[10]

The Civil Enforcement[XE "Civil Enforcement"] program also provides support for other priority programs, including the Environmental Justice[XE "Environmental Justice"] program. For example, in FY 2015, 35 percent of the enforcement cases initiated by the EPA addressed

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[9] For more information, refer to http://www.epa.gov/enforcement/.

[10] For more information, refer to [HYPERLINK "http://www.epa.gov/enforcement/marathon-petroleum-corporation-clean-air-settlement"].

violations that had occurred in locations with potential environmental justice concerns and many other cases reduced pollution to the benefit of those communities. In addition, the civil enforcement program is helping to implement a compliance and enforcement strategy for the Chesapeake Bay, providing strong oversight to ensure existing regulations are complied with consistently and in a timely manner, and making data on government and facility performance in the Bay watershed accessible and understandable to the public.

In FY 2017, the proposed budget for civil enforcement is $185.7 million.

Criminal Enforcement

Criminal enforcement exemplifies the EPA's commitment to pursue the most serious pollution violations. The EPA's criminal enforcement program investigates and helps prosecute environmental violations that involve intentional, deliberate, or criminal behavior on the part of the violator. The Criminal Enforcement[XE "Criminal Enforcement"] program deters violations of environmental laws and regulations by demonstrating that the regulated community will be held accountable through jail sentences and criminal fines. Bringing criminal cases to court sends a strong deterrence message to potential violators, enhances aggregate compliance with laws and regulations, and protects communities at risk. In FY 2015, the conviction rate for criminal defendants was 92 percent.

To efficiently maximize resources, in FY 2017 the program will use its special agent capacity to identify and investigate cases with the most significant environmental, human health and deterrence impact and reduce case work in lower priority areas. The EPA's criminal enforcement program will target cases across all media that involve serious harm or injury; hazardous or toxic releases; ongoing, repetitive, or multiple releases; serious documented exposure to pollutants; and violators with significant repeat or chronic noncompliance or prior criminal conviction.

In FY 2017, the proposed budget for Criminal Enforcement[XE "Criminal Enforcement"] is $60.4 million.

Forensics Support

The Forensics Support[XE "Forensics Support"] program provides specialized scientific and technical support for the nation's most complex civil and criminal enforcement cases, as well as technical expertise for agency compliance efforts. The work of the EPA's National Enforcement[XE "Enforcement"] Investigations Center (NEIC) is critical to determining non-compliance and building viable enforcement cases. The NEIC maintains a sophisticated chemistry laboratory and a corps of highly trained inspectors and scientists with a wide range of environmental scientific expertise. In FY 2017, NEIC will continue to function under rigorous International Standards Organization 17025 requirements for environmental data measurements to maintain its accreditation.

In FY 2017, the proposed budget for Forensics Support[XE "Forensics Support"] is $15.8 million.

Superfund Enforcement

The EPA's Superfund Enforcement[XE "Enforcement"] program protects communities by ensuring that responsible parties conduct or pay for cleanups of hazardous waste sites, preserving federal dollars for sites where there are no viable contributing parties. Superfund enforcement uses an "enforcement first" approach that maximizes the participation of liable and viable parties in performing and paying for cleanups in both the remedial and removal programs. The EPA will focus Superfund enforcement resources to support Potentially Responsible Party (PRP) searches, cleanup settlements, and cost recovery. Similarly, the Superfund Federal Facilities enforcement program will take action to ensure that federal agencies actively and appropriately manage their own cleanup efforts with the legally-required EPA oversight. The agency will continually assess its priorities and embrace new approaches that can help achieve its goals more efficiently and effectively.

Enforcement[XE "Enforcement"] authorities play a unique role under the Superfund program. The authorities are used to ensure that responsible parties conduct a majority of the cleanup actions and reimburse the federal government for cleanups financed by federal resources. In tandem with this approach, various reforms have been implemented to increase fairness, reduce transaction costs, promote economic development and make sites available for appropriate reuse. Ensuring that responsible parties cleanup sites ultimately reduces direct human exposures to hazardous pollutants and contaminants, provides for long-term human health protections and makes properties available for reuse.

The Department of Justice supports the EPA's Superfund enforcement program through negotiations and judicial actions to compel PRP cleanup and litigation to recover Trust Fund monies. The agency proposes to provide $21.8 million to the Department of Justice through an Interagency Agreement. This partnership to ensure polluters pay has been very effective. In FY 2015, the EPA reached a settlement or took an enforcement action at 100 percent of non-federal Superfund sites with viable, liable parties. In addition, in FY 2015, private party cleanup commitments were approximately $2 billion, the second highest amount committed to spend on site "cleanup" during a fiscal year, and the EPA billed private parties for $106 million in oversight costs, the highest amount ever billed during a fiscal year. Responsible parties agreed to reimburse approximately $512 million of the EPA's past costs for cleanup work at Superfund sites, the second highest total since the inception of the program.

In FY 2017 the proposed budget for the Superfund and Federal Facilities enforcement programs is $166.1 million.

Partnering with States and Tribes

In FY 2017, the Enforcement[XE "Enforcement"] and Compliance[XE "Compliance"] Assurance program will sustain its environmental enforcement partnerships with states and tribes and work to strengthen their ability to address environmental and public health threats. In FY 2017, the Enforcement and Compliance Assurance program will provide $23.0 million in grants to the states and tribes to assist in the implementation of compliance and enforcement provisions of the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These grants support state and Tribal compliance activities to protect human health

and the environment from harmful chemicals and pesticides. Under the Pesticides Enforcement Grant program, the EPA will continue to provide resources to states and tribes to conduct FIFRA compliance inspections and take appropriate enforcement actions. The Toxic Substances Compliance Grants protect the public and the environment from PCBs, asbestos, and lead-based paint.

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 3/7/2017 5:50:35 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: final OCFO response

Look ok?

From: Fogarty, Johnpc
Sent: Tuesday, March 7, 2017 12:46 PM
To: Cozad, David <Cozad.David@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Subject: RE: OCFO request - more information on infrastructure

Was added to an earlier version (did not include cleanups) – it is now #8. Red shows all changes from last night – do you want to run it past Larry before giving to Dave S and John W to pass on to OCFO? Or are we good to go to them now?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Cozad, David
Sent: Tuesday, March 07, 2017 12:41 PM
To: Hindin, David <Hindin.David@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: OCFO request - more information on infrastructure

John –

This looks good. I would add it to your latest version and call this a wrap.

From: Hindin, David
Sent: Tuesday, March 7, 2017 12:36 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Swack, David <Swack.David@epa.gov>; Warren, JohnM <Warren.JohnM@epa.gov>
Cc: Palmer, Daniel <Palmer.Daniel@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: RE: OCFO request - more information on infrastructure

Ex. 5 Deliberative Process (DP) Hopefully this is closer to what you want. See below.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Fogarty, Johnpc
Sent: Tuesday, March 07, 2017 12:26 PM
To: Hindin, David <Hindin.David@epa.gov>; Swack, David <Swack.David@epa.gov>; Warren, JohnM <Warren.JohnM@epa.gov>
Cc: Palmer, Daniel <Palmer.Daniel@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: RE: OCFO request - more information on infrastructure

David H -can you all please do this in the format that the rest of this is in? Thanks.

From: Hindin, David
Sent: Tuesday, March 07, 2017 12:24 PM
To: Swack, David <Swack.David@epa.gov>; Warren, JohnM <Warren.JohnM@epa.gov>
Cc: Palmer, Daniel <Palmer.Daniel@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: OCFO request - more information on infrastructure

David Swack and John Warren:

Per discussion with Larry, he agreed we should try to get this information on all the work we do to support the state EPA enforcement infrastructure. Not sure what format you need but here is a paragraph:

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Fogarty, Johnpc
Sent: Tuesday, March 07, 2017 11:30 AM
To: Cozad, David <Cozad.David@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>
Subject: RE: OCFO request

David – still need your infrastructure piece for this. Thx.

From: Fogarty, Johnpc
Sent: Tuesday, March 07, 2017 8:27 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Subject: RE: OCFO request

Ex. 5 Deliberative Process (DP)

Will revise the others and get with Pam on the criminal piece.

David H, I assume you (or someone in your shop) is drafting something to fit the format/approach of this for the infrastructure aspect?

Thx!

From: Starfield, Lawrence
Sent: Monday, March 06, 2017 7:08 PM
To: Cozad, David <Cozad.David@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Subject: RE: OCFO request

This looks great. Thank you all. A couple of comments:

Ex. 5 Deliberative Process (DP)

Thanks again.

Larry

Sent from my Windows Phone

From: Cozad, David
Sent: 3/6/2017 6:08 PM
To: Starfield, Lawrence
Cc: Shinkman, Susan; Fogarty, Johnpc; Palmer, Daniel; Hindin, David
Subject: OCFO request

Hi Larry,

Below is suggested response to OCFO. It reflects input from OC, OCE, and myself. It doesn't have OCEFT info yet; John F is coordinating with Pam on that.

Ex. 5 Deliberative Process (DP)

Thanks to everyone for quickly turning to this and working together on it this afternoon.

Dave

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Dave Cozad
Acting PDAA, OECA
Office 202-564-4861
Cell Ex. 6 Personal Privacy (PP)

Message

From: Dighe, Kris (ENRD) [Kris.Dighe@usdoj.gov]
Sent: 3/7/2017 1:23:31 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: Invitation to Participate: Washington DC May 18, 2017 Regional CLE program

Larry –

Good morning! The ABA Environmental and Energy Litigation Committee is holding its annual spring regional CLE program on May 18. As one of the committee members, I am reaching out to you to invite you to participate as a presenter. Each year this half-day program features leaders in the field; the past two years the AA of OECA and AAG of ENRD spoke. This year, our acting AAG, Jeffrey Woods, will be speaking. We would like you to also present. You have long been a top manager in OECA and your insights would be a real positive for this program.

I have pasted below the save the date announcement, which explains the program a bit more. We are a bit short on time due to ABA timelines, so a prompt response will be greatly appreciated.

Many thanks,

Kris

Krishna S. Dighe
Senior Counsel
Environmental Crimes Section
U.S. Department of Justice

202-305-1574

Please consider the environment before printing this email or any attachments.

Dear Committee Members,
SAVE THE DATE: May 18, 2017 -Washington DC

The ABA Environmental & Energy Litigation Committee will present a Regional CLE program at the Washington DC offices of Morgan, Lewis & Bockius with top officials from EPA and DOJ, as well as State, industry and NGO representatives, discussing how the new Trump administration will be impacting environmental compliance and enforcement. We are excited to begin the afternoon with Jeff Woods, Acting Assistant Attorney General for the Environment & Natural Resources Division of DOJ. Mr. Woods will be followed by a leading civil enforcement official from EPA, who will be updating us on the Agency's expected enforcement priorities. Following that discussion, we will be convening a panel that will include Ben H. Grumbles, Secretary of the Environment for the Maryland Department of the Environment, Michael Wall, Co-Director, Litigation at the Natural Resources Defense Council and Derb S. Carter, Jr., Director, Chapel Hill Office of the Southern Environmental Law Center. The panelists will be discussing what lies ahead for States, industry and NGOs as we enter a rather uncertain

future for Federal environmental compliance and enforcement programs. Finally, the program will close with a Supreme Court update and predictions by Robert V. Percival, Robert F. Stanton Professor of Law and Director of the Environmental Law Program at the University of Maryland Francis King Carey School of Law. The program will conclude with drinks and hors d'oeuvres during an informal networking reception.

Look for more details on this May 18 Regional CLE, but in the meantime please block out your calendar.

Message

From: Swack, David [Swack.David@epa.gov]
Sent: 4/12/2017 2:54:20 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Warren, JohnM [Warren.JohnM@epa.gov]; Strickland, Francine [Strickland.Francine@epa.gov]; James, Christina [james.christina@epa.gov]
Subject: Draft FY 18 Budget Narratives
Attachments: EPM - Civil Enforcement (44).docx; Goal 5 Overview - OECA.docx; EPM - Criminal Enforcement (52)_4-11-17.docx; FY 2018 EPM - Compliance Monitoring (50)_Clean Copy - 4-11-17.docx; EPM - NEPA (90).docx; Superfund Enforcement (C7).docx

Larry,

Attached for your review are draft versions of the main elements of the FY 18 Congressional Justification. These are due into OCFO COB Friday (4/14), but they've generally been good about working with us to incorporate AA-level changes after the initial submission. Ex. 5 Deliberative Process (DP)

For the "Explanation of Change" section at the end of each of the Program Projects, we've generally left the numbers blank as the FTE and total $ changes are still moving around. Nevertheless, the language should reflect the general order of magnitude of the cuts for that account. While the offices provided first drafts of the various pieces, we drafted the Explanation of Change section centrally in my shop.

If you have questions or want to see additional write-ups, let us know. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/24/2017 2:50:18 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: overview
Attachments: OECA Overview Briefing DRAFT 2-24-17 v. 5.pptx

Larry,

I incorporated Matt's suggested changes for EJ (they are in blue). His comment on slide 3 was Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari
Sent: Friday, February 24, 2017 9:38 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: overview

Larry,

I've gone through this version, fixed formatting, caught a typo, readjusted pictures, etc. Did you want a photo for the NEPA/International slide? Latest version is attached.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Thursday, February 23, 2017 10:47 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: overview

Delete on slide 2 - not sure what image we might use.

Sent from my Windows Phone

From: Shiffman, Cari
Sent: 2/23/2017 8:18 PM
To: Starfield, Lawrence
Cc: Cozad, David; Miles, Erin
Subject: Re: overview

Larry,

Ex. 5 Deliberative Process (DP)

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

On Feb 23, 2017, at 7:55 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> Attached is a revised overview presentation. It is too long, and we need to cut it down, but I'd be interested in your reactions and suggestions. Thanks.
>
> Larry
> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

<OECA Overview Briefing DRAFT 2-23-17 pm.pptx>

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/27/2017 7:32:35 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]
Subject: Powerpoint v. 9
Attachments: OECA Overview Briefing DRAFT v. 9.pptx

Slide 2:

Ex. 5 Deliberative Process (DP)

Slide 12:

Ex. 5 Deliberative Process (DP)

Slide 14:

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Bohan, Suzanne [bohan.suzanne@epa.gov]
Sent: 3/3/2017 4:04:06 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: FW: Presentation to Administrator Pruitt
Attachments: OECA Overview Briefing 3-2-17.pptx

Larry –
What an excellent power point presentation. Given the strong presentation, I'm not surprised the briefing went well. Thanks for including regional representatives in the briefing.
Suzanne

From: Thomas, Deb
Sent: Friday, March 03, 2017 8:43 AM
To: Bohan, Suzanne <bohan.suzanne@epa.gov>
Subject: FW: Presentation to Administrator Pruitt

FYI

From: Starfield, Lawrence
Sent: Friday, March 03, 2017 8:33 AM
To: 2017Regionfirstassistants Ex. 6 Personal Privacy (PP); Studlien, Susan <Studlien.Susan@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Payne, James <payne.james@epa.gov>; Singletary, DeAndre <Singletary.DeAndre@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Opekar, Kimberly <Opekar.Kimberly@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Presentation to Administrator Pruitt

Acting RAs/EDs/RCs,

I wanted to share with you the power point presentation we used in the briefing for Administrator Pruitt yesterday (attached). In addition to the OECA Office Directors, Dave Cozad and I were joined for the presentation by our Lead Region Acting RA Ed Chu, ED Kathleen Johnson, and RC Eric Schaaf, highlighting the national nature of OECA's work. Comments by Ed, Kathleen and Eric were very helpful to the conversation.

I found the discussion with the Administrator to be quite positive, and resulted in a numbers of requests for follow-up briefings. In addition to the topics we listed on slide 19, the Administrator is interested in understanding the areas in which non-compliance has been the greatest, and in getting a sense of our allocation of resources among air, water, waste, and chemicals enforcement – we'll be following up with the EDs on how best to capture that information. The Administrator also expressed his interest in seeing metrics of accomplishment in Superfund, EJ, and other areas.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/24/2017 2:38:12 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: overview
Attachments: OECA Overview Briefing DRAFT 2-24-17 am.pptx

Larry,

I've gone through this version, fixed formatting, caught a typo, readjusted pictures, etc. Did you want a photo for the NEPA/International slide? Latest version is attached.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Thursday, February 23, 2017 10:47 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: overview

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Sent from my Windows Phone

From: Shiffman, Cari
Sent: 2/23/2017 8:18 PM
To: Starfield, Lawrence
Cc: Cozad, David; Miles, Erin
Subject: Re: overview

Larry,

Ex. 5 Deliberative Process (DP)

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

On Feb 23, 2017, at 7:55 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> Attached is a revised overview presentation. It is too long, and we need to cut it down, but I'd be interested in your reactions and suggestions. Thanks.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

<OECA Overview Briefing DRAFT 2-23-17 pm.pptx>

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 4/19/2017 1:20:23 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]
Subject: Should we share the slides and perhaps the regional narratives with the ED RCs for today's call.
Attachments: Where EPA Directly Implements Statutory Programs (OECA Briefing Paper - April 10, 2017).pdf; EPA's Role In Compliance Assurance (4-10-17).pdf; Master Narratives of Regional- State Collaboration as of April 8.docx

Larry and Dave:

Might be worth sharing with the regions since they provided us with a lot of information to do this.

I would share:
The slides, the regional work planning narratives, and the direct implementation one pager only.,

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Shiffman, Cari
Sent: Thursday, April 13, 2017 1:45 PM
To: Hindin, David <Hindin.David@epa.gov>
Subject: RE: Final copies of all the Monday briefing documents

Yes! Here you go. I also made binders for Mark and Larry of everything we have submitted to the Administrator.

This is your 4:07 pm version from Saturday of the work-share narratives – were any changes made subsequently?

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Hindin, David
Sent: Thursday, April 13, 2017 9:11 AM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Final copies of all the Monday briefing documents

DO you have the final documents neatly organized in a folder? I can go thru the flurry of emails to find them, but I think you may have made final typos fixes.

David A. Hindin
Director, Office of Compliance

Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 3/2/2017 11:28:55 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: final power point
Attachments: OECA Overview Briefing 3-2-17.pptx

From: Starfield, Lawrence
Sent: Thursday, March 02, 2017 6:28 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: final power point

Can you send me the final version? I want to send it to the EDs.

Larry

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/27/2017 2:50:28 AM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: Current OECA Power Point - Version 7
Attachments: OECA Overview Briefing DRAFT v. 8.pptx

Larry,

Additional updates for the powerpoint below. I also made some small additional tweaks to formatting and spacing. When you send it to the administrator I could convert it into a PDF or make another version with no notes.

Ex. 5 Deliberative Process (DP)

Current Slide 11:

Ex. 5 Deliberative Process (DP)

Other suggestions for Slide 11:

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Friday, February 24, 2017 5:45 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Cari,

Thanks again for tracking all of this. I just had a few comments, below, in CAPS. Thanks.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Shiffman, Cari
Sent: Friday, February 24, 2017 5:23 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: Current OECA Power Point - Version 7

Updates: made formatting, capitalization, photo and other spacing adjustments throughout.

Additional edits from the noon version highlighted below (they are not in different colors on the PP).

Blue points are additional changes I made to other suggested language. Please let me know if there are additional changes to be made or language added that we should take out.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Tejada, Matthew [Tejada.Matthew@epa.gov]
Sent: 2/24/2017 2:37:21 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Cozad, David [Cozad.David@epa.gov]
Subject: RE: overview
Attachments: OECA Overview Briefing DRAFT 2-23-17 pm + tejada.pptx

A comment from me on slide 3 and I changed up the EJ slide.

Matthew Tejada
Director - Office of Environmental Justice
Environmental Protection Agency
202-564-8047

From: Starfield, Lawrence
Sent: Thursday, February 23, 2017 7:56 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Subject: overview

Attached is a revised overview presentation. It is too long, and we need to cut it down, but I'd be interested in your reactions and suggestions. Thanks.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 3/20/2017 4:41:56 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Wilkes, Mary [Wilkes.Mary@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]
CC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]
Subject: OECA as the NPM for Enforcement
Attachments: Centralized OECA top reasons draft as of 3 13 17.docx

Hi all,

Thanks for everyone's work and input on this effort, which has obviously become quite important.

We have merged the different drafts on this topic into a single, shorter document that identifies nine benefits of having OECA as the National Program Manager (NPM) for Enforcement and Compliance Assurance.

We are hoping to be able to brief the Administrator on this topic sometime in the next few weeks. To help prepare for that, we want your input on this revised draft. We will schedule a conference call for later this week to get your input on this revised document. We're not looking for any written comments right now; we want to have a live discussion to get your input. Questions to consider for our discussion:

Ex. 5 Deliberative Process (DP)

Watch for an invite for a call to discuss this, probably on Thursday. And again, let's avoid email discussion on this for now and start with a live discussion.

Thanks –

Dave

Dave Cozad
Acting PDAA, OECA
Office 202-564-4861
Cell Ex. 6 Personal Privacy (PP)

Message

From: Johnson, Kathleen [Johnson.Kathleen@epa.gov]
Sent: 5/12/2017 11:08:17 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Mckeever, Michele [Mckeever.Michele@epa.gov]; Gargas, Toni [Gargas.Toni@epa.gov]; LaBoda, Sarah [LaBoda.Sarah@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Cozad, David [Cozad.David@epa.gov]
CC: Quast, Sylvia [Quast.Sylvia@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Strauss, Alexis [Strauss.Alexis@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Dunning, Connell [Dunning.Connell@epa.gov]; Goforth, Kathleen [Goforth.Kathleen@epa.gov]; Greenberg, Ken [Greenberg.Ken@epa.gov]; Jones, Joel E. [Jones.Joel@epa.gov]; Magnan, Eric [Magnan.Eric@epa.gov]; McDaniel, Doug [McDaniel.Doug@epa.gov]; Morimoto, Kaoru [Morimoto.Kaoru@epa.gov]; Moutoux, Nicole [Moutoux.Nicole@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]; Rodriguez, Roberto [Rodriguez.Roberto@epa.gov]; Salazar, Matt [Salazar.Matt@epa.gov]; TROMBADORE, CLAIRE [Trombadore.Claire@epa.gov]; Wampler, David [Wampler.David@epa.gov]
Subject: Strategic Plan
Attachments: ENFStratplanR9may12.docx

Please find attached our strategic plan.

Kathleen H. Johnson
Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 4/11/2017 4:30:47 PM
To: Cozad, David [Cozad.David@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: Half way done with slide edits, but Catherine M's comments will be harder to address and need live discussion
Attachments: OECA as the National Program Manager for Compliance -draft April 11th 1pm.pptx

Not for distribution, but here is where I am at. Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 4/18/2017 6:00:20 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]
Subject: Compliance Assistance in prep for Regional ED RC Call Tomorrow
Attachments: Compliance Assistance Past Present Future as of April 18.docx

Larry:

Ex. 5 Deliberative Process (DP)

I see on the Regional roundtable this item for tomorrow:

- Your practice in using compliance assistance tools, "find and fix it" approaches, etc., to help companies achieve compliance, before turning to enforcement.

Attached is a historical summary of our compliance assistance work. I plan to meet with my staff to discuss the future options, Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) The executive summary: Prior to 2011 we had an active compliance assistance program, including regional reporting of their compliance assistance work. After OC reorganized in 2011 and per direction of the AA, we dropped almost all our CA work, including regional funding.

There are two key compliance assistance documents that are still public, but not sure how well we use or push them.

- 2003 – OECA AA issues national policy on role of inspector in providing compliance assistance. I have not looked at this in years. Ex. 5 Deliberative Process (DP) It is still on our inspector WIKI site, which provides tools and guidances for our inspectors. See https://wiki.epa.gov/inspector/images/c/cb/Inspectorrole.pdf
- The Integrated Strategies Guide was published in 2007. This essentially indicated that compliance assistance and enforcement should be integrated. Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP)

Dave called me today and he astutely pointed out that expanding our compliance assistance work could also include revisiting our enforcement response policies, not a simple undertaking.

We also need to check in with ECOS to see status of their new resolution on compliance assistance. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460

Phone 202-564-1300

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 4/18/2017 3:16:47 PM
To: Studlien, Susan [Studlien.Susan@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Beers, Samantha [Beers.Samantha@epa.gov]; Gordon, Scott [Gordon.Scott@epa.gov]; Walts, Alan [walts.alan@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Singletary, DeAndre [Singletary.DeAndre@epa.gov]; Opekar, Kimberly [Opekar.Kimberly@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Kowalski, Ed [Kowalski.Edward@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Coe, Mary [Coe.Mary@epa.gov]; Wilkes, Mary [Wilkes.Mary@epa.gov]; Payne, James [payne.james@epa.gov]; Humphrey, Leslie [Humphrey.Leslie@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Nelson, Leverett [nelson.leverett@epa.gov]
CC: Shinkman, Susan [Shinkman.Susan@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Gargas, Toni [Gargas.Toni@epa.gov]; LaBoda, Sarah [LaBoda.Sarah@epa.gov]; Mckeever, Michele [Mckeever.Michele@epa.gov]
Subject: Regional Strategic Plans
Attachments: Regional strategic plan template with OECA revisions in blue as of April 18.pdf; Regional strategic plan template with OECA revisions as of April 18.clean.docx

Hi all,

Attached is a revised template for the regional strategic plans, per our prior discussions. The pdf version is the redline, and the word doc is the clean version. The redline will look like a lot of changes, but much of that is either (a) standard language to be inserted in a couple key areas; and (b) deletions. We tried to limit additions to those areas where it is important for us to strike the right tone and show national consistency in recognizing new policy directions.

A summary of the changes:

Ex. 5 Deliberative Process (DP)

Look forward to discussing on Wednesday.

Dave Cozad
Acting PDAA, OECA
Office 202-564-4861
Cell Ex. 6 Personal Privacy (PP)

Message

From: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Sent: 4/18/2017 12:54:24 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]
Subject: RE: Materials for April ED/RC Call Wednesday (April 19)

Great. I'll work with Ethel to schedule.

Rosemarie

From: Starfield, Lawrence
Sent: Tuesday, April 18, 2017 8:28 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>
Subject: RE: Materials for April ED/RC Call Wednesday (April 19)

I did read them, and both documents look good. However, it would be good to set up a quick call to discuss the timing for moving forward.

Larry

From: Kelley, Rosemarie
Sent: Monday, April 17, 2017 7:38 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>
Subject: FW: Materials for April ED/RC Call Wednesday (April 19)

Larry –

Kathleen and I noticed that the SEMM is on the agenda for tomorrow's ED/RC call and the SANE committee's work is one of the possible topics. This may prompt the ED/RCs to ask about where things stand with this effort, so I thought I'd check in with you to see if you have had a chance to look at the revised proposal that Kathleen sent you on April 6 or the markup of the CoE paper that I sent on 4/4. I know you have a lot on your plate right now so you may not have had the chance to review either of these documents. Let me know if you want Kathleen or I to give a brief update or if you plan on covering it. Thanks.

Rosemarie

From: Shiffman, Cari
Sent: Monday, April 17, 2017 4:38 PM
To: Albores, Richard <Albores.Richard@epa.gov>; amend, carol <amend.carol@epa.gov>; Anderson, Andrew <anderson.andrew@epa.gov>; Anderson, Julie <Anderson.Julie@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Armstead, John A. <Armstead.John@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Arnold, David <arnold.david@epa.gov>; Arrazola, Ignacio <arrazola.ignacio@epa.gov>; Bailey, Ethel <Bailey.Ethel@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Banister, Beverly <Banister.Beverly@epa.gov>; Baranco, Angela <Baranco.Angela@epa.gov>; Barnes, Betty <Barnes.Betty@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Barrino, Reginald <Barrino.Reginald@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>; Benitez-Clark, Rowena <benitez-clark.rowena@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Blevins, John <Blevins.John@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Braham, Maurice <Braham.Maurice@epa.gov>; Breneman, Sara

<breneman.sara@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Brown, Dannell <Brown.Dannell@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Bustos, Patrick <Bustos.Patrick@epa.gov>; Capacasa, Jon <Capacasa.jon@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Chavez, Kimberly <Chavez.Kimberly@epa.gov>; Chow, James <chow.james@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Conroy, David <Conroy.Dave@epa.gov>; Couch, Jim <Couch.Jim@epa.gov>; Cox, Sandra <Cox.Sandra@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Czerniak, George <Czerniak.George@epa.gov>; Dalrymple, Anne <Dalrymple.Anne@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Darling, Corbin <Darling.Corbin@epa.gov>; Davies, Lauris <Davies.Lauris@epa.gov>; Davies-Hilliard, Leslie <Davies-Hilliard.Leslie@epa.gov>; Davis, Anita <Davis.Anita@epa.gov>; Dawson, Shelly <Dawson.Shelly@epa.gov>; Diaz, Denisse <Diaz.Denisse@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Dwyer, Stacey <Dwyer.Stacey@epa.gov>; Edlund, Carl <Edlund.Carl@epa.gov>; Enforcement Coordinators <Ex. 6 Personal Privacy (PP)>; Enforcement Division Directors <Ex. 6 Personal Privacy (PP)>; Eppers, Jim <Eppers.Jim@epa.gov>; Esher, Diana <Esher.Diana@epa.gov>; Fernandez, Cristina <Fernandez.Cristina@epa.gov>; Filippelli, John <Filippelli.John@epa.gov>; Fisher, Mike <Fisher.Mike@epa.gov>; Flournoy, Karen <Flournoy.Karen@epa.gov>; Forster, Rosa <Forster.Rosa@epa.gov>; Frey, Bert <frey.bertram@epa.gov>; Galloway, Carol <Galloway.Carol@epa.gov>; Gardner, Monica <Gardner.Monica@epa.gov>; Gargas, Toni <Gargas.Toni@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Giattina, James <Giattina.Jim@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Guerriero, Margaret <guerriero.margaret@epa.gov>; Halstead, Amanda <halstead.amanda@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Hill, Franklin <Hill.Franklin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Hollimon, Shelia <Hollimon.Shelia@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Honker, William <honker.william@epa.gov>; Huffman, Diane <Huffman.Diane@epa.gov>; Jackson, Robert W. <Jackson.Robertw@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Jones, Joel E. <Jones.Joel@epa.gov>; Kabler, Lauren <Kabler.Lauren@epa.gov>; Kadish, Rochele <Kadish.Rochele@epa.gov>; Karl, Richard <karl.richard@epa.gov>; Kawakami, Cynthia <kawakami.cynthia@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; Knopes, Christopher <Knopes.Christopher@epa.gov>; Korleski, Christopher <korleski.christopher@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Lammie, Benjamin <Lammie.Benjamin@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Lewis, Sheila <Lewis.Sheila@epa.gov>; Libertz, Catherine <Libertz.Catherine@epa.gov>; Lott, Don <Lott.Don@epa.gov>; Lupton, Jane <lupton.jane@epa.gov>; Lyons, John <Lyons.John@epa.gov>; Madigan, Andrea <Madigan.Andrea@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Marcus, Pam <marcus.pam@epa.gov>; Mason, Michael <Mason.Michael@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; McCray, Deborah <Mccray.Deborah@epa.gov>; Mcgarry, Barbara <McGarry.Barbara@epa.gov>; Mckeever, Michele <Mckeever.Michele@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>; Miller, Mamie <Miller.Mamie@epa.gov>; Moon, Diane <Moon.Diane@epa.gov>; Moraff, Kenneth <Moraff.Ken@epa.gov>; Morlock, Nancy <morlock.nancy@epa.gov>; Mortensen, Ginah <mortensen.ginah@epa.gov>; Moses, Althea <Moses.Althea@epa.gov>; Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Murphy, Stacy <Murphy.Stacy@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Nguyen, Loan <Nguyen.Loan@epa.gov>; Nunn, Shirlita <Nunn.Shirlita@epa.gov>; OECA Office Directors and Deputy Directors <Ex. 6 Personal Privacy (PP)>; OKeefe, Susan <OKeefe.Susan@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Opekar, Kimberly <Opekar.Kimberly@epa.gov>; Overbay, Connie <Overbay.Connie@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Palomares, Art <Palomares.Art@epa.gov>; Pearson, Janice <pearson.janice@epa.gov>; Peterson, Mary <Peterson.Mary@epa.gov>; Peycke, Mark <Peycke.Mark@epa.gov>; Phillips, Pam <phillips.pam@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Regional Counsel Contacts <Regional_Counsel_Contacts@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Reynolds, Cynthia <reynolds.cynthia@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Sander, Matthew <Sander.Matthew@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Scott, Jeff <Scott.Jeff@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Singletary, DeAndre

<Singletary.DeAndre@epa.gov>; Sisario, Kelly <Sisario.Kelly@epa.gov>; Skelley, Dana <Skelley.Dana@epa.gov>; Smidinger, Betsy <Smidinger.Betsy@epa.gov>; Smith, Candace <Smith.Candace@epa.gov>; Smith, John <Smith.John@epa.gov>; Smith, Mark A. <Smith.Marka@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Stedeford, Todd <Stedeford.Todd@epa.gov>; Stockdale, Margaret <Stockdale.Margaret@epa.gov>; Stoy, Alyse <Stoy.Alyse@epa.gov>; Studlien, Susan <Studlien.Susan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Tapp, Joshua <Tapp.Joshua@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Thompson, Christopher <Thompson.Christopher@epa.gov>; Thompson, Patricia <thompson.patricia@epa.gov>; Toensing, Don <Toensing.Donald@epa.gov>; TROMBADORE, CLAIRE <Trombadore.Claire@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Wagner, Michael <wagner.michael@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Washington, Barbara <Washington.Barbara@epa.gov>; Washington, Debra <Washington.Debra@epa.gov>; Weber, Rebecca <Weber.Rebecca@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Werner, Leslye <Werner.Leslye@epa.gov>; Wightman, Katrina <Wightman.Katrina@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Wood, MelanieL <Wood.MelanieL@epa.gov>
Cc: Bailey, Ethel <Bailey.Ethel@epa.gov>; Washington, Debra <Washington.Debra@epa.gov>; Johnson, Natalie <Johnson.Natalie@epa.gov>; Forster, Rosa <Forster.Rosa@epa.gov>; Benitez-Clark, Rowena <benitez-clark.rowena@epa.gov>
Subject: RE: Materials for April ED/RC Call Wednesday (April 19)

EDs/RCs,

Please note that this month's call will be at **3:00-4:30 pm ET**. Note this is a change from the normally scheduled time and date. Corrected agenda with time is attached.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari
Sent: Monday, April 17, 2017 3:56 PM
To: ED/RC
Cc:
Subject: Materials for April ED/RC Call Wednesday (April 19)

Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference
April 19, 2017, 3:00-4:30 pm Eastern Time
Headquarters: WJC South Room 3216
Call-In: Ex. 6 Personal Privacy (PP), ID: Ex. 6 Personal Privacy (PP)

FINAL AGENDA

1) **General Updates** (25 min)
   - Topic Leader: Larry Starfield, OECA
   - Description: Sharing new developments and general updates with the EDs/RCs, including updates on briefings with the Administrator.
2) **Regional Roundtable** (25 min)
   - Please be prepared to discuss:
     - Your practice in using compliance assistance tools, "find and fix it" approaches, etc., to help companies achieve compliance, before turning to enforcement.

    - Extent of giving a "heads up" to States on federal direct implementation cases.
    - Ballpark figure of CAA 114s and CWA 308s that people have sent out in the last year.

3) **Regional Plans** (20 min)
   - Topic leader: Larry Starfield, OECA
   - Description: Update on Regional Plans Template status.
   - Objective: Finalize Regional Plans Template with added caveats.
   - Materials: Regional Plans Template (forthcoming).
4) **SEMM Planning** (20 min)
   - Topic leader: Dave Cozad, OECA
   - Description: potential topics for a June SEMM
     - **Enforcement Priority Setting Discussion**: Focused discussion on identification of Enforcement Priorities that reduce the most risk and protect human health or have an EPA-lead role in context of budget constraints the Agency may face in the remainder of FY2017.
     - **Strategic Approach to National Enforcement**: Focused discussion on feedback received from the Regions on Steering Committee Recommendations, discuss path forward on implementation, and provide charge/next steps to Governance Committee. Discuss direction on delegated programs and direct implementation
     - **State/EPA Coordination**: Discussion regarding best practices to strengthen EPA/State relationships, joint planning, and ensuring national consistency in our interactions with states on enforcement.
     - **Enforcement Outlook:** Working with the incoming Administration to achieve compliance and enforcement goals – Discussion of various projects that are underway and forecast of upcoming actions
     - **Drinking Water Action Plan**: Discuss shared expectations of the Drinking Water Action Plan and its implementation expectations for OECA
     - **Joint Session with DOJ:** Overview common understanding of EPA and DOJ workloads and priorities.
     - **Regional Roundtable**: Discussion of top trends, issues, and challenges projected over the next three to six months
   - Objective: solicit and discuss potential topics for the SEMM and overview logistics.
   - Materials: June SEMM Availability Dates.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 4/18/2017 12:32:51 PM
To: Cozad, David [Cozad.David@epa.gov]
CC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]
Subject: RE: Strategic plans - Standard NEI language - PDF
Attachments: Regional strategic plan template with OECA revisions in blue as of April 18.pdf

Here is PDF version. I removed the blue-lining that showed changes among Dave, me and Michele. The blue lining now only shows changes from the version the regions saw.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Hindin, David
Sent: Monday, April 17, 2017 7:04 PM
To: Cozad, David <Cozad.David@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>
Subject: Re: Strategic plans - Standard NEI language

I am good with this. A few typos but I think this balances the competing needs well.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance, U.S. EPA, Washington, DC 20460
Phone 202-564-1300

On Apr 17, 2017, at 6:54 PM, Cozad, David <Cozad.David@epa.gov> wrote:

Hi

Ex. 5 Deliberative Process (DP)

Dave Cozad
Acting PDAA, OECA
Office 202-564-4861
Cell Ex. 6 Personal Privacy (PP)

<Regional strategic plan template with OECA revisions as of April 17.docx.redline.docx>

Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference
April 19, 2017, 3:00-4:30 pm Eastern Time
Headquarters: WJC South Room 3216
Call-In: Ex. 6 Personal Privacy (PP) ID Ex. 6 Personal Privacy (PP)

FINAL AGENDA

1) **General Updates** (25 min)
   - Topic Leader: Larry Starfield, OECA
   - Description: Sharing new developments and general updates with the EDs/RCs, including updates on briefings with the Administrator.
2) **Regional Roundtable** (25 min)
   - Please be prepared to discuss:
     - Your practice in using compliance assistance tools, "find and fix it" approaches, etc., to help companies achieve compliance, before turning to enforcement.
     - Extent of giving a "heads up" to States on federal direct implementation cases.
     - Ballpark figure of CAA 114s and CWA 308s that people have sent out in the last year.
3) **Regional Plans** (20 min)
   - Topic leader: Larry Starfield, OECA
   - Description: Update on Regional Plans Template status.
   - Objective: Finalize Regional Plans Template with added caveats.
   - Materials: Regional Plans Template (forthcoming).
4) **SEMM Planning** (20 min)
   - Topic leader: Dave Cozad, OECA
   - Description: potential topics for a June SEMM
     - **Enforcement Priority Setting Discussion**: Focused discussion on identification of Enforcement Priorities that reduce the most risk and protect human health or have an EPA-lead role in context of budget constraints the Agency may face in the remainder of FY2017.
     - **Strategic Approach to National Enforcement**: Focused discussion on feedback received from the Regions on Steering Committee Recommendations, discuss path forward on implementation, and provide charge/next steps to Governance Committee. Discuss direction on delegated programs and direct implementation.
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     - **Regional Roundtable**: Discussion of top trends, issues, and challenges projected over the next three to six months
   - Objective: solicit and discuss potential topics for the SEMM and overview logistics.
   - Materials: June SEMM Availability Dates.

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 4/17/2017 10:54:06 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Hindin, David [Hindin.David@epa.gov]
Subject: Strategic plans - Standard NEI language
Attachments: Regional strategic plan template with OECA revisions as of April 17.docx.redline.docx

Hi

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) See what I tried to do in the attached.

Dave Cozad
Acting PDAA, OECA
Office 202-564-4861
Cell Ex. 6 Personal Privacy (PP)

Message

From: Miles, Erin [Miles.Erin@epa.gov]
Sent: 4/11/2017 12:40:57 PM
To: Mazakas, Pam [Mazakas.Pam@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]
Subject: RE: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.
Attachments: OECA as the National Program Manager for Compliance - EMM Comments.pptx

Great job David! Here are my comments – not many. I agree with Mark's/Pam's comments, the attached version includes their comments as well as mine.

From: Mazakas, Pam
Sent: Monday, April 10, 2017 5:33 PM
To: Badalamente, Mark <Badalamente.Mark@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.

I added my thoughts to Mark's comments. I agree with his suggestions as well.

Thanks,

Pam

Pamela J. Mazakas
Deputy Director
Office of Criminal Enforcement, Forensics, and Training
U.S. EPA
202/564-2480

Confidential: This transmission may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release under FOIA without appropriate review. If this message has been received by you in error, you are instructed to delete this message from your machine and all storage media whether electronic or hard copy.

From: Badalamente, Mark
Sent: Monday, April 10, 2017 3:19 PM
To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.

Here are some comments (using the comment function in PowerPoint).

From: Hindin, David
Sent: Monday, April 10, 2017 2:49 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.

Here is revised slide deck per our discussion earlier today. The new title is " Opportunities to Improve OECA as the National Program Manager to Meet New Administration Direction"

Here is my rationale for the slides:

Ex. 5 Deliberative Process (DP)

Please send any comments by no later than 11am Tuesday. Redlining slides is a manual process and so big picture comments via email might be most efficient.
Do not share beyond this group unless other person really needs to know.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 4/28/2017 12:50:35 AM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: Organizational History of Enforcement and Compliance at EPA HQ
Attachments: Organizational History of Enforcement and Compliance at EPA Headquarters (Apr. 27, 2017).docx

Larry,

With great assistance from the library, David, and Gary and all of their historical documents, here is a timeline of all the various reorganizations of the enforcement and compliance office at EPA headquarters. I also included a flow chart that may assist with understanding the various changes. Please let me know if you have any questions or would like further detail on one of the reorganizations.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Payne, James [payne.james@epa.gov]
Sent: 4/26/2017 1:41:22 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: Re: R 6 meeting

Hi Larry,

At the outset of our senior mgt briefing for Ken W last Fri, Ken said they "love Sam"!

Ex. 5 Deliberative Process (DP)

Jim
Ex. 6 Personal Privacy (PP) cell

R6 MEETING WITH KEN W, 4/21/2017

1. Enforcement

I highlighted:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Apr 26, 2017, at 5:58 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Jim,

Did he provide any insight into his or the Administrator's priorities or concerns?

Larry

Sent from my Windows Phone

From: Payne, James
Sent: 4/25/2017 9:46 PM
To: Coleman, Sam; Gray, David; Starfield, Lawrence; Cozad, David; Minoli, Kevin
Subject: FW: R 6 meeting

FYI – a short exchange with Ken Wagner following his visit to R6 last Friday.

From: Payne, James
Sent: Monday, April 24, 2017 8:49 AM

To: Wagner, Kenneth <wagner.kenneth@epa.gov>
Subject: RE: R 6 meeting

Great to meet you and thanks for your note! Jim

From: Wagner, Kenneth
Sent: Saturday, April 22, 2017 10:20 AM
To: Payne, James <payne.james@epa.gov>
Subject: R 6 meeting

Jim:

I really appreciated your insight and the meeting yesterday. I look forward to getting to know you and your department better and continuing our dialogue.

Sincerely,

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: Ex. 6 Personal Privacy (PP)
wagner.kenneth@epa.gov

Message

From: Mazakas, Pam [Mazakas.Pam@epa.gov]
Sent: 4/10/2017 9:33:18 PM
To: Badalamente, Mark [Badalamente.Mark@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.
Attachments: OECA as the National Program Manager for Compliance - MFB pjm COMMENTS.pptx

I added my thoughts to Mark's comments. I agree with his suggestions as well.

Thanks,

Pam

Pamela J. Mazakas
Deputy Director
Office of Criminal Enforcement, Forensics, and Training
U.S. EPA
202/564-2480

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From: Badalamente, Mark
Sent: Monday, April 10, 2017 3:19 PM
To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.

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From: Hindin, David
Sent: Monday, April 10, 2017 2:49 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.

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Ex. 5 Deliberative Process (DP)

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David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Swack, David [Swack.David@epa.gov]
Sent: 4/25/2017 5:42:18 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Badalamente, Mark [Badalamente.Mark@epa.gov]; Warren, JohnM [Warren.JohnM@epa.gov]
Subject: Current Budget Narratives
Attachments: OECA_EPM_CivilEnforcement_44_SD_NPM_04-24-17.docx; OECA_SF_EnvironmentalJustice_57_ASD_NPM_04-24-17.docx; OECA_EPM_CriminalEnforcement_52_ASD_NPM_04-24-17.docx; OECA_SF_CriminalEnforcement_52_MA_DO_NPM_04-25-17.docx; OECA_EPM_NEPA_90_ASD_NPM_04-25-17.docx; OECA_CatGrant__PesticidesEnforcement_12_ASD_NPM_04-24-17.docx; OECA_CatGrant_ToxicSubstancesCompliance_14_ASD_NPM_04-24-17.docx; OECA_LUST__CivilEnforcement_44_SD_NPM_04-25-17.docx; OECA_Oil__CivilEnforcement_44_SD_NPM_04-25-17.docx; OECA_Oil_ComplianceMonitoring_50_SD_NPM_04-25-17.docx; OECA_SF_ComplianceMonitoring_50_SD_NPM_04-25-17.docx; OECA_SF_SFFedFacilities_H2_ASD_NPM_04-24-17.docx; OECA_SF_SuperfundEnforcement_C7_ASD_NPM_04-25-17.docx; OECA_EPM_ComplianceMonitoring_50_SD_NPM_04-24-17.docx; OECA_EPM_EnvironmentalJustice_57_ASD_SBO_04-24-17.docx; OECA_ST_ForensicsSupport_62_ASD_NPM_04-25-17.docx; OECA_SF_ForensicsSupport_62_MA_DO_NPM_04-25-17.docx; OECA_EPM_EnvironmentalJustice_57_ASD_SBO_04-24-17.docx

Larry,

Attached is the current set of FY 18 budget narratives. These reflect the comments you sent us most recently as well as OCFO comments from staff and from Carol Terris. These have not yet been reviewed by either the political team or OMB.

The documents are in redline/strikeout, though we will hand deliver a clean version and the redline/strikeout version in hard copy before you leave for travel today. There are a couple of places where we used a blend of your edits and Carol's in the same area so you may see some variation from your edits. Also, Carol was working from a version that already included OCFO staff edits which was different from the version you marked up (so sometimes you'll see edits to an edit that are all reflecting OCFO's collective comments).

Ex. 5 Deliberative Process (DP)

If you have additional thoughts on these, we can make those now and send back to OFCO. We understand they want to finalize a version by late morning Wednesday so they can begin the review by the political team. Thanks,

David

Message

From: Badalamente, Mark [Badalamente.Mark@epa.gov]
Sent: 4/10/2017 7:18:49 PM
To: Hindin, David [Hindin.David@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.
Attachments: OECA as the National Program Manager for Compliance - MFB COMMENTS.pptx

Here are some comments (using the comment function in PowerPoint).

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Sent: Monday, April 10, 2017 2:49 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.

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Ex. 5 Deliberative Process (DP)

Please send any comments by no later than 11am Tuesday. Redlining slides is a manual process and so big picture comments via email might be most efficient.
Do not share beyond this group unless other person really needs to know.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 4/17/2017 8:37:38 PM
To: Albores, Richard [Albores.Richard@epa.gov]; amend, carol [amend.carol@epa.gov]; Anderson, Andrew [anderson.andrew@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Armstead, John A. [Armstead.John@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Arnold, David [arnold.david@epa.gov]; Arrazola, Ignacio [arrazola.ignacio@epa.gov]; Bailey, Ethel [Bailey.Ethel@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Banister, Beverly [Banister.Beverly@epa.gov]; Baranco, Angela [Baranco.Angela@epa.gov]; Barnes, Betty [Barnes.Betty@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Barrino, Reginald [Barrino.Reginald@epa.gov]; Beers, Samantha [Beers.Samantha@epa.gov]; Belser, Evan [Belser.Evan@epa.gov]; Benitez-Clark, Rowena [benitez-clark.rowena@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]; Blevins, John [Blevins.John@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Braham, Maurice [Braham.Maurice@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Brown, Dannell [Brown.Dannell@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Bustos, Patrick [Bustos.Patrick@epa.gov]; Capacasa, Jon [Capacasa.jon@epa.gov]; Carbone, Chad [Carbone.Chad@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Chavez, Kimberly [Chavez.Kimberly@epa.gov]; Chow, James [chow.james@epa.gov]; Coe, Mary [Coe.Mary@epa.gov]; Conroy, David [Conroy.Dave@epa.gov]; Couch, Jim [Couch.Jim@epa.gov]; Cox, Sandra [Cox.Sandra@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Czerniak, George [Czerniak.George@epa.gov]; Dalrymple, Anne [Dalrymple.Anne@epa.gov]; Daly, Carl [Daly.Carl@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Darling, Corbin [Darling.Corbin@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Davies-Hilliard, Leslie [Davies-Hilliard.Leslie@epa.gov]; Davis, Anita [Davis.Anita@epa.gov]; Dawson, Shelly [Dawson.Shelly@epa.gov]; Diaz, Denisse [Diaz.Denisse@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; Dwyer, Stacey [Dwyer.Stacey@epa.gov]; Edlund, Carl [Edlund.Carl@epa.gov]; Enforcement Coordinators Ex. 6 Personal Privacy (PP)]; Enforcement Division Directors Ex. 6 Personal Privacy (PP)]; Eppers, Jim [Eppers.Jim@epa.gov]; Esher, Diana [Esher.Diana@epa.gov]; Fernandez, Cristina [Fernandez.Cristina@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Fisher, Mike [Fisher.Mike@epa.gov]; Flournoy, Karen [Flournoy.Karen@epa.gov]; Forster, Rosa [Forster.Rosa@epa.gov]; Frey, Bert [frey.bertram@epa.gov]; Galloway, Carol [Galloway.Carol@epa.gov]; Gardner, Monica [Gardner.Monica@epa.gov]; Gargas, Toni [Gargas.Toni@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Giattina, James [Giattina.Jim@epa.gov]; Gilrein, Stephen [gilrein.stephen@epa.gov]; Gordon, Scott [Gordon.Scott@epa.gov]; Greenwald, Kathryn [Greenwald.Kathryn@epa.gov]; Guerriero, Margaret [guerriero.margaret@epa.gov]; Halstead, Amanda [halstead.amanda@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Hill, Franklin [Hill.Franklin@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Hollimon, Shelia [Hollimon.Shelia@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Honker, William [honker.william@epa.gov]; Huffman, Diane [Huffman.Diane@epa.gov]; Jackson, Robert W. [Jackson.Robertw@epa.gov]; Jerison, Joanna [Jerison.Joanna@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Jones, Joel E. 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Subject: RE: Materials for April ED/RC Call Wednesday (April 19)

Attachments: April Joint ED_RC Call Agenda (Update).docx

EDs/RCs,

Please note that this month's call will be at **3:00-4:30 pm ET**. Note this is a change from the normally scheduled time and date. Corrected agenda with time is attached.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari
Sent: Monday, April 17, 2017 3:56 PM
To: ED/RC
Cc:
Subject: Materials for April ED/RC Call Wednesday (April 19)

Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference
April 19, 2017, 3:00-4:30 pm Eastern Time
Headquarters: WJC South Room 3216
Call-In Ex. 6 Personal Privacy (PP) ID Ex. 6 Personal Privacy (PP)

FINAL AGENDA

1) **General Updates** (25 min)
   - Topic Leader: Larry Starfield, OECA
   - Description: Sharing new developments and general updates with the EDs/RCs, including updates on briefings with the Administrator.
2) **Regional Roundtable** (25 min)
   - Please be prepared to discuss:
     - Your practice in using compliance assistance tools, "find and fix it" approaches, etc., to help companies achieve compliance, before turning to enforcement.
     - Extent of giving a "heads up" to States on federal direct implementation cases.
     - Ballpark figure of CAA 114s and CWA 308s that people have sent out in the last year.
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   - Topic leader: Larry Starfield, OECA
   - Description: Update on Regional Plans Template status.
   - Objective: Finalize Regional Plans Template with added caveats.
   - Materials: Regional Plans Template (forthcoming).
4) **SEMM Planning** (20 min)
   - Topic leader: Dave Cozad, OECA
   - Description: potential topics for a June SEMM

Ex. 5 Deliberative Process (DP)

   - Objective: solicit and discuss potential topics for the SEMM and overview logistics.
   - Materials: June SEMM Availability Dates.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 4/17/2017 7:55:38 PM
To: Albores, Richard [Albores.Richard@epa.gov]; amend, carol [amend.carol@epa.gov]; Anderson, Andrew [anderson.andrew@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Armstead, John A. [Armstead.John@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Arnold, David [arnold.david@epa.gov]; Arrazola, Ignacio [arrazola.ignacio@epa.gov]; Bailey, Ethel [Bailey.Ethel@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Banister, Beverly [Banister.Beverly@epa.gov]; Baranco, Angela [Baranco.Angela@epa.gov]; Barnes, Betty [Barnes.Betty@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Barrino, Reginald [Barrino.Reginald@epa.gov]; Beers, Samantha [Beers.Samantha@epa.gov]; Belser, Evan [Belser.Evan@epa.gov]; Benitez-Clark, Rowena [benitez-clark.rowena@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]; Blevins, John [Blevins.John@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Braham, Maurice [Braham.Maurice@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Brown, Dannell [Brown.Dannell@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Bustos, Patrick [Bustos.Patrick@epa.gov]; Capacasa, Jon [Capacasa.jon@epa.gov]; Carbone, Chad [Carbone.Chad@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Chavez, Kimberly [Chavez.Kimberly@epa.gov]; Chow, James [chow.james@epa.gov]; Coe, Mary [Coe.Mary@epa.gov]; Conroy, David [Conroy.Dave@epa.gov]; Couch, Jim [Couch.Jim@epa.gov]; Cox, Sandra [Cox.Sandra@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Czerniak, George [Czerniak.George@epa.gov]; Dalrymple, Anne [Dalrymple.Anne@epa.gov]; Daly, Carl [Daly.Carl@epa.gov]; Dalzell, Sally [Dalzell.Sally@epa.gov]; Darling, Corbin [Darling.Corbin@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Davies-Hilliard, Leslie [Davies-Hilliard.Leslie@epa.gov]; Davis, Anita [Davis.Anita@epa.gov]; Dawson, Shelly [Dawson.Shelly@epa.gov]; Diaz, Denisse [Diaz.Denisse@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; Dwyer, Stacey [Dwyer.Stacey@epa.gov]; Edlund, Carl [Edlund.Carl@epa.gov]; Enforcement Coordinators [Ex. 6 Personal Privacy (PP)]; Enforcement Division Directors [Ex. 6 Personal Privacy (PP)]; Eppers, Jim [Eppers.Jim@epa.gov]; Esher, Diana [Esher.Diana@epa.gov]; Fernandez, Cristina [Fernandez.Cristina@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Fisher, Mike [Fisher.Mike@epa.gov]; Flournoy, Karen [Flournoy.Karen@epa.gov]; Forster, Rosa [Forster.Rosa@epa.gov]; Frey, Bert [frey.bertram@epa.gov]; Galloway, Carol [Galloway.Carol@epa.gov]; Gardner, Monica [Gardner.Monica@epa.gov]; Gargas, Toni [Gargas.Toni@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Giattina, James [Giattina.Jim@epa.gov]; Gilrein, Stephen [gilrein.stephen@epa.gov]; Gordon, Scott [Gordon.Scott@epa.gov]; Greenwald, Kathryn [Greenwald.Kathryn@epa.gov]; Guerriero, Margaret [guerriero.margaret@epa.gov]; Halstead, Amanda [halstead.amanda@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Hill, Franklin [Hill.Franklin@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Hollimon, Shelia [Hollimon.Shelia@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Honker, William [honker.william@epa.gov]; Huffman, Diane [Huffman.Diane@epa.gov]; Jackson, Robert W. 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Subject: Materials for April ED/RC Call Wednesday (April 19)

Attachments: June SEMM dates - votes.docx; April Joint ED_RC Call Agenda.docx

Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference
April 19, 2017, 2:00-3:30 pm Eastern Time
Headquarters: WJC South Room 3216
Call-In: Ex. 6 Personal Privacy (PP) ID Ex. 6 Personal Privacy (PP)

FINAL AGENDA

1) **General Updates** (25 min)
   - Topic Leader: Larry Starfield, OECA
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     - Extent of giving a "heads up" to States on federal direct implementation cases.
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   - Topic leader: Larry Starfield, OECA
   - Description: Update on Regional Plans Template status.
   - Objective: Finalize Regional Plans Template with added caveats.
   - Materials: Regional Plans Template (forthcoming).
4) **SEMM Planning** (20 min)
   - Topic leader: Dave Cozad, OECA
   - Description: potential topics for a June SEMM

Ex. 5 Deliberative Process (DP)

- Objective: solicit and discuss potential topics for the SEMM and overview logistics.
- Materials: June SEMM Availability Dates.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference
April 19, 2017, 2:00-3:30 pm Eastern Time
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   - Objective: solicit and discuss potential topics for the SEMM and overview logistics.
   - Materials: June SEMM Availability Dates.

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 3/17/2017 5:31:23 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]
CC: Dombrowski, John [Dombrowski.John@epa.gov]
Subject: Agenda for our 3pm discussion if you have the time
Attachments: Centralized OECA top reasons draft as of 3 13 17.docx

Hi Larry and Dave:

I was going to cancel, but do have stuff to check in on:

1. Confirm that Dave will send out the Value of OECA as the NPM to the review group on Monday.
    a. Attached is the last version from when Larry and I exchanged drafts last Monday. I recommend we not further engage in wordsmithing now.
    b. Here is a slightly revised email for Dave C to send out on Monday. I have streamlined the

Ex. 5 Deliberative Process (DP)

2. Rule Effectiveness. Any response by Betsy Shaw to your email from Feb 26th? Seems like we need a new approach or to admit that the time for this has been lost.
3. Thanks for your input at ICIS 101 briefing.

DRAFT EMAIL FROM DAVE

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 4/17/2017 2:43:31 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: Fwd: Revised Regional Strategic Plan Templates
Attachments: regional strategic plan template 04 14 17 redline.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Hindin, David" <Hindin.David@epa.gov>
Date: April 14, 2017 at 5:38:24 PM EDT
To: "Cozad, David" <Cozad.David@epa.gov>
Cc: "Mckeever, Michele" <Mckeever.Michele@epa.gov>, "Knopes, Christopher" <Knopes.Christopher@epa.gov>
Subject: Revised Regional Strategic Plan Templates

Dave:

Attached is our revised template for your review. You will see we have kept the structure of the existing template, and actually deleted much more text than we added. Thanks to Michele here for a good job.

Two things to note:

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Stewart, Andrew [astewart@velaw.com]
Sent: 3/15/2017 8:41:13 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

Larry, many thanks.

From: Starfield, Lawrence [mailto:Starfield.Lawrence@epa.gov]
Sent: Wednesday, March 15, 2017 2:26 PM
To: Jonas, Lori (ENRD); Stewart, Andrew; 'Hsiao, Peter'
Cc: 'rbarker@wyche.com'
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

Friday at 4:30 pm would work for me.

Larry

From: Jonas, Lori (ENRD) [mailto:Lori.Jonas@usdoj.gov]
Sent: Wednesday, March 15, 2017 2:23 PM
To: 'Stewart, Andrew' <astewart@velaw.com>; 'Hsiao, Peter' <PHsiao@mofo.com>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: 'rbarker@wyche.com' <rbarker@wyche.com>
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

Jeff is free this Friday afternoon during the following times: 2:00-3:00 and 4:30-5:30 (eastern).

From: Stewart, Andrew [mailto:astewart@velaw.com]
Sent: Tuesday, March 14, 2017 8:23 PM
To: 'Hsiao, Peter' <PHsiao@mofo.com>; Jonas, Lori (ENRD) <LJonas@ENRD.USDOJ.GOV>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: 'rbarker@wyche.com' <rbarker@wyche.com>; Stewart, Andrew <astewart@velaw.com>
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

Greetings! We are now just over two weeks away from our ABA SEER panel, scheduled for 3/31 at 10:45 AM–12:15 PM.

I look forward to working with you all to finalize the format, topics, and potential questions that we can use for the Q&A time during our panel.

Please let me know your availability on March 17th and 20th for a call to discuss: what topics each person will cover in their 15-minute presentation time, how we will develop a small number of slides for the panel, and what are appropriate questions I can use for the Q&A session during our panel. I am also looking into the logistics of how audience questions would be presented to our panel, and questions asked about press coverage of our panel.

I've attached a draft proposed set of questions that I could use for the Q&A session of the panel. Note that I've drafted these questions just for our discussion purposes. I want to make sure we have a set of "back pocket"

questions to get the Q&A session started, and that all panelists are comfortable with these questions. Please also suggest other questions you feel are important and propose to strike questions if you believe they are peripheral. I have tried to adhere to the topic description for our panel developed by the ABA.

I would also propose that we meet in person in LA before our panel, perhaps over a meal, if your schedule permits. **Please let me know your availability** to meet in person.

Thanks again for working together on this panel, and I look forward to seeing everyone in person soon.

Best,
-Andrew

From: Stewart, Andrew
Sent: Saturday, February 18, 2017 12:29 PM
To: 'Hsiao, Peter'; Jonas, Lori (ENRD); Starfield, Lawrence
Cc: Smith, Justin (ENRD); 'rbarker@wyche.com'; Stewart, Andrew
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

All:

I hope this note finds you well and wanted to touch base with a proposed format for our panel.

Please let me know your thoughts by email on the proposal below, if possible, by Friday, February 24th.

Overall Schedule/Structure for Panel

- An agenda for the spring meeting can be found at this link, if you click "Event Schedule" on the left hand side: http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=258007789&sc_cid=NR1703-C3
- Our panel is scheduled from 10:45 AM – 12:15 PM on Friday, March 31st
- Our panel will begin with a brief introduction by ABA/Andrew and overview of topic and format for panel (5-10 minutes)
- Each panelist will provide a brief presentation (three presentations, approx. 15 minutes each)
- Q&A session
  - Andrew to lead Q&A for remainder of time (the panel will develop the questions together so we know at least the "lead off" and "back pocket" questions)
  - Q&A session will also include audience questions; I will investigate logistics for receiving audience questions
  - I understand there is an app that allows audience members to "vote" on questions posed by the panel; I will circulate further information on this option

Format for Individual Presentations

- The ABA strongly encourages visuals for all of our presentations
- Each panelist to prepare a very small number of Power Point slides for their initial presentation (2-5 slides)

Specific Enforcement Topics to be Covered

- The panel will need to cover at least the following topics, per the ABA and how our panel has been advertised; however, we are not limited to these topics
  - EPA enforcement priorities
  - Next Generation Compliance
  - Individual accountability for corporate wrongdoing
  - Citizen suits
  - Intersection between civil and criminal enforcement

Next Steps

- I will follow-up so we all know what each person proposes to cover to ensure coordinated presentations
- As the date approaches, I will schedule a check-in conference call with the full panel
- I will develop a proposed list of questions for the Q&A portion that we can all review and comment on
- It might also be nice to meet up for a meal at the conference to catch up in person and go over any last-minute matters

As always, feel free to reach out to me by phone or email with any related questions or issues in the meantime. Thanks again, and I'm looking forward to working together on this panel.

Best,

Andrew

Andrew R. Stewart
Counsel

E astewart@velaw.com
W [redacted]
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

From: Stewart, Andrew
Sent: Sunday, January 15, 2017 10:50 PM
To: 'bruce.gelber@usdoj.gov'; 'phsiao@mofo.com'; 'Starfield.lawrence@Epa.gov'
Cc: 'rbarker@wyche.com'
Subject: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE RESPOND TO PROPOSED TIMES

Happy new year! Thank you for agreeing to serve on the "Emerging Issues in Environmental Enforcement" panel on Friday, March 31st at the Spring 2017 ABA SEER conference in Hollywood. I'm excited to collaborate with such an expert and accomplished group for this panel.

As your moderator, I wanted to reach out to start the planning process for our topic, described as follows:

> *In the ever-changing environmental landscape, it can be difficult to stay abreast of environmental enforcement issues. Join us for a thought-provoking panel featuring federal government and private practice attorneys, who will explore recent trends in environmental enforcement at the federal and state levels, including enforcement priorities, the use of new technologies, in enforcement, individual accountability for corporate wrongdoing, the intersection between civil and criminal enforcement, and citizen suits. Attendees will learn how these trends will impact their clients with a focus on how to respond to enforcement actions and how to manage complex matters with both civil and criminal components.*

I look forward to strategizing with you all to make our panel discussion as lively and informative as possible. We'll need to decide up front: (i) how we want to use our time, including what specific topics each panelist will be prepared to cover; (ii) what questions would be best to spark interesting discussion on the

panel after our presentations; (iii) whether we'll use any Power Point slides during the panel; and (iv) how we will develop the paper required for our panel.

Please let me know your availability for a **30-minute planning call** in the following time windows, all times EST:

- January 17: 9 AM – 12 PM; 1 – 5 PM
- January 18: 9 AM – 12 PM; 2 – 3 PM; 4 – 5 PM
- January 19: 9 AM – 12 PM; 1 – 5 PM

Thank you again, and I look forward to speaking with you all soon. Please don't hesitate to reach out in the meantime with questions about the panel.

Best,

-Andrew

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Thank You.

Message

From: Stewart, Andrew [astewart@velaw.com]
Sent: 3/15/2017 6:28:59 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; 'Jonas, Lori (ENRD)' [Lori.Jonas@usdoj.gov]; 'Hsiao, Peter' [PHsiao@mofo.com]
CC: 'rbarker@wyche.com' [rbarker@wyche.com]
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

All, thanks.

It looks like 4:30 PM EST this Friday works for a call.

I will circulate an invite with a call-in number.

From: Starfield, Lawrence [mailto:Starfield.Lawrence@epa.gov]
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Best,

Andrew

Andrew R. Stewart
Counsel

E astewart@velaw.com
W +1 [redacted]
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

From: Stewart, Andrew
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-Andrew

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Thank You.

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 4/10/2017 6:48:58 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: Revised Slide Deck on OECA as the NPM Well Positioned to evolve to meet new direction.
Attachments: OECA as the National Program Manager for Compliance - April 10 draft.pptx

Here is revised slide deck per our discussion earlier today. The new title is " Opportunities to Improve OECA as the National Program Manager to Meet New Administration Direction"

Here is my rationale for the slides:

Ex. 5 Deliberative Process (DP)

Please send any comments by no later than 11am Tuesday. Redlining slides is a manual process and so big picture comments via email might be most efficient.
Do not share beyond this group unless other person really needs to know.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 4/9/2017 3:24:56 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: Fwd: Current Version PP
Attachments: EPAs Critical Role In Ensuring Compliance - Draft 4-8-17 v. 5.PM [Autosaved].pptx; ATT00001.htm

Ex. 5 Deliberative Process (DP) Just read inside EPA story.

Sent from my iPhone

Begin forwarded message:

From: "Cozad, David" <Cozad.David@epa.gov>
To: "Shiffman, Cari" <Shiffman.Cari@epa.gov>
Cc: "Mackey, Cyndy" <Mackey.Cyndy@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Hindin, David" <Hindin.David@epa.gov>, "Shinkman, Susan" <Shinkman.Susan@epa.gov>, "Mazakas, Pam" <Mazakas.Pam@epa.gov>, "Miles, Erin" <Miles.Erin@epa.gov>
Subject: Re: Current Version PP

Hi,

Revised version attached with edited case examples.

Ex. 5 Deliberative Process (DP)

From: Shiffman, Cari
Sent: Friday, April 7, 2017 6:54 PM
To: Cozad, David
Cc: Mackey, Cyndy; Starfield, Lawrence; Hindin, David; Shinkman, Susan; Mazakas, Pam; Miles, Erin
Subject: RE: Current Version PP

I've attached the new proposed slide 5. I've also attached a full version pm 4 with new slide 5 - if you haven't started editing. If you have started editing, you can just paste in attached slide 5.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

-----Original Message-----
From: Cozad, David
Sent: Friday, April 07, 2017 6:44 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: Re: Current Version PP

Got it. Thanks

Sent from my iPhone

> On Apr 7, 2017, at 6:18 PM, Shiffman, Cari <Shiffman.Cari@epa.gov> wrote:
>
> Pm v. 3 incorporates Cyndy's updated slide. Dave, please make edits on this version.
>
> Thanks,
>
> Cari Shiffman, Special Assistant
> U.S. Environmental Protection Agency
> Office of Enforcement and Compliance Assurance
> Office: (202) 564-2898 | Mobile Ex. 6 Personal Privacy (PP)
>
>
>
> From: Mackey, Cyndy
> Sent: Friday, April 07, 2017 6:09 PM
> To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence
> <Starfield.Lawrence@epa.gov>; Hindin, David <Hindin.David@epa.gov>;
> Shinkman, Susan <Shinkman.Susan@epa.gov>; Cozad, David
> <Cozad.David@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>
> Cc: Miles, Erin <Miles.Erin@epa.gov>
> Subject: RE: Current Version PP
>
> Dave
>
> Here is an updated CERCLA slide.
>
> Cyndy Mackey
> Director, Office of Site Remediation Enforcement EPA-Office of
> Enforcement and Compliance Assurance (Mail Code-2271A)
> 1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
> 202 564-8206 (Direct Line)
> 202 564-5110 (Office Line)
Ex. 6 Personal Privacy (PP) (Office Cell)
>
> This email is for the intended recipient only and may contain material
> that is privileged and/or confidential. If you believe you have

> received this email in error, please notify the sender. Thank you
>
> From: Shiffman, Cari
> Sent: Friday, April 07, 2017 5:59 PM
> To: Starfield, Lawrence
> <Starfield.Lawrence@epa.gov<mailto:Starfield.Lawrence@epa.gov>>;
> Hindin, David <Hindin.David@epa.gov<mailto:Hindin.David@epa.gov>>;
> Shinkman, Susan
> <Shinkman.Susan@epa.gov<mailto:Shinkman.Susan@epa.gov>>; Cozad, David
> <Cozad.David@epa.gov<mailto:Cozad.David@epa.gov>>; Mackey, Cyndy
> <Mackey.Cyndy@epa.gov<mailto:Mackey.Cyndy@epa.gov>>; Mazakas, Pam
> <Mazakas.Pam@epa.gov<mailto:Mazakas.Pam@epa.gov>>
> Cc: Miles, Erin <Miles.Erin@epa.gov<mailto:Miles.Erin@epa.gov>>
> Subject: Current Version PP
>
> Here is the current version of the PP.
>
>
> 1. Dave Cozad currently has the pen – he is working on revising the case descriptions.
>
>
> 2. This version incorporates Larry's summary slide and David Hindin's introductory slide (I made the arrow a little larger).
>
>
>
> 3. Includes Cyndy's edit on the Superfund slide.
>
>

Ex. 5 Deliberative Process (DP)

>
> Thanks,
>
> Cari Shiffman, Special Assistant
> U.S. Environmental Protection Agency
> Office of Enforcement and Compliance Assurance
> Office: (202) 564-2898 | Mobile Ex. 6 Personal Privacy (PP)
>
> <EPAs Critical Role In Ensuring Compliance - Draft 4-7-17 v. 3
> PM.pptx>

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 4/8/2017 10:26:50 PM
To: Shiffman, Cari [Shiffman.Cari@epa.gov]
CC: Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
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> Pm v. 3 incorporates Cyndy's updated slide. Dave, please make edits on this version.
>
> Thanks,
>
> Cari Shiffman, Special Assistant
> U.S. Environmental Protection Agency
> Office of Enforcement and Compliance Assurance
> Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)
>
>
>
> From: Mackey, Cyndy
> Sent: Friday, April 07, 2017 6:09 PM
> To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence
> <Starfield.Lawrence@epa.gov>; Hindin, David <Hindin.David@epa.gov>;
> Shinkman, Susan <Shinkman.Susan@epa.gov>; Cozad, David
> <Cozad.David@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>
> Cc: Miles, Erin <Miles.Erin@epa.gov>
> Subject: RE: Current Version PP
>
> Dave
>
> Here is an updated CERCLA slide.
>
> Cyndy Mackey
> Director, Office of Site Remediation Enforcement EPA-Office of
> Enforcement and Compliance Assurance (Mail Code-2271A)
> 1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
> 202 564-8206 (Direct Line)
> 202 564-5110 (Office Line)
Ex. 6 Personal Privacy (PP) (Office Cell)
>
> This email is for the intended recipient only and may contain material
> that is privileged and/or confidential. If you believe you have
> received this email in error, please notify the sender. Thank you
>
> From: Shiffman, Cari
> Sent: Friday, April 07, 2017 5:59 PM
> To: Starfield, Lawrence
> <Starfield.Lawrence@epa.gov<mailto:Starfield.Lawrence@epa.gov>>;
> Hindin, David <Hindin.David@epa.gov<mailto:Hindin.David@epa.gov>>;
> Shinkman, Susan
> <Shinkman.Susan@epa.gov<mailto:Shinkman.Susan@epa.gov>>; Cozad, David
> <Cozad.David@epa.gov<mailto:Cozad.David@epa.gov>>; Mackey, Cyndy
> <Mackey.Cyndy@epa.gov<mailto:Mackey.Cyndy@epa.gov>>; Mazakas, Pam
> <Mazakas.Pam@epa.gov<mailto:Mazakas.Pam@epa.gov>>
> Cc: Miles, Erin <Miles.Erin@epa.gov<mailto:Miles.Erin@epa.gov>>
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>
> Here is the current version of the PP.
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>
> 1. Dave Cozad currently has the pen – he is working on revising the case descriptions.
>
>
> 2. This version incorporates Larry's summary slide and David Hindin's introductory slide (I made the arrow a little larger).

>
>
>
> 3. Includes Cyndy's edit on the Superfund slide.
>
>

Ex. 5 Deliberative Process (DP)

>
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>
> <EPAs Critical Role In Ensuring Compliance - Draft 4-7-17 v. 3
> PM.pptx>

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 4/7/2017 11:54:36 PM
To: Cozad, David [Cozad.David@epa.gov]
CC: Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: Current Version PP
Attachments: Slide 5.pptx; EPAs Critical Role In Ensuring Compliance - Draft 4-7-17 v. 4 PM.pptx

I've attached the new proposed slide 5. I've also attached a full version pm 4 with new slide 5 - if you haven't started editing. If you have started editing, you can just paste in attached slide 5.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

-----Original Message-----
From: Cozad, David
Sent: Friday, April 07, 2017 6:44 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: Re: Current Version PP

Got it. Thanks

Sent from my iPhone

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> Sent: Friday, April 07, 2017 6:09 PM
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> <Mackey.Cyndy@epa.gov<mailto:Mackey.Cyndy@epa.gov>>; Mazakas, Pam
> <Mazakas.Pam@epa.gov<mailto:Mazakas.Pam@epa.gov>>
> Cc: Miles, Erin <Miles.Erin@epa.gov<mailto:Miles.Erin@epa.gov>>
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Ex. 5 Deliberative Process (DP)

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> U.S. Environmental Protection Agency
> Office of Enforcement and Compliance Assurance
> Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)
>
> <EPAs Critical Role In Ensuring Compliance - Draft 4-7-17 v. 3
> PM.pptx>

Message

From: Hindin, David [Hindin.David@epa.gov]
Sent: 5/12/2017 8:03:17 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]
Subject: FW: Background Materials for Tuesday may 16 conference call on Compliance Assistance
Attachments: Comp Assitance Tools Resources&Centers-5-12-17 clean.docx; Compl Assistance Past Present Future HQ&Regions clean 5-12-17.docx

We are moving forward to get ready for SEM discussion on expanding the compliance assurance tool box, and that starts with a refresher for everyone on compliance assistance. While these two documents are impressive and educational, no need to read them carefully. But the first page of the Past, Present, Future is worth a quick skim. I have pasted that page in below. I do want to apply our Next Gen principles so that we have a modernized compliance assistance approach, and don't simply restart our old work.

Thanks to Ed Messina, Catherine Tunis, Chad Carbone and Tracy Back for pulling this together. We have very limited FTE's on this now, although I do have some vacant Next Gen FTEs, that could be focused on modernizing compliance assistance, but currently no dollars to fill those positions.

OECA COMPLIANCE ASSISTANCE WORK SUMMARY

OC had been a major contributor and coordinator of compliance assistance (CA) work in the past and maintains a portion of that portfolio today. Other parts of the Agency, OECA, Regions, and states continue to provide some compliance assistance resources.

There are several key parts of the traditional compliance assistance function:

1. Virtual Compliance Assistance Centers (http://www.complianceassistance.net), many in partnership with outside organizations (see attached description of Centers work);
2. Answering requests from regulated entities and citizens;
3. Developing resources for inspectors;
4. Developing compliance assistance guides with rule writers for specific regulatory programs;
5. Developing various tools for specific initiatives (e.g., National Enforcement Initiative (NEI) compliance alerts);
6. Convening workgroups focused on updating web content for priority topics, and rules impacting small businesses;
7. Coordinating with Small Business and P2 programs to leverage resources;
8. Engaging in discussions with companies on ideas for leveraging technology; and
9. Past support for Regional Compliance Assistance Coordinators (formerly funded and staffed by OC)

QUESTIONS TO CONSIDER FOR JUNE SENIOR ENFORCEMENT MANAGERS' MEETING

If we are to shift additional resources towards a more modernized compliance assistance program we should do so strategically, as part of a broader compliance assurance program, and based on a new understanding of when compliance assistance can be most effective and measured.

Ex. 5 Deliberative Process (DP)

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Hindin, David
Sent: Friday, May 12, 2017 2:56 PM
To: Gargas, Toni <Gargas.Toni@epa.gov>; Studlien, Susan <Studlien.Susan@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Beers, Samantha <beers.samantha@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Singletary, DeAndre <Singletary.DeAndre@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Payne, James <payne.james@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Thompson, Christopher <Thompson.Christopher@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; LaBoda,

Sarah <LaBoda.Sarah@epa.gov>; Tunis, Catherine <Tunis.Catherine@epa.gov>
Cc: TROMBADORE, CLAIRE <Trombadore.Claire@epa.gov>; Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Jones, Joel E. <Jones.Joel@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Anderson, Julie <Anderson.Julie@epa.gov>; Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>; McDaniel, Doug <McDaniel.Doug@epa.gov>; Davies, Lauris <Davies.Lauris@epa.gov>; Martich, Tara <Martich.Tara@epa.gov>; Chalfant, Mark <Chalfant.Mark@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Back, Tracy <back.tracy@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Background Materials for Tuesday may 16 conference call on Compliance Assistance

In preparation for the June 21 Senior Enforcement Manager (SEM) Meeting session on the "Larger Compliance Assurance Tool Box", we have a conference call on May 16th to help us prepare for that. On the call on May 16th, we will briefly review our past and current practices on compliance assistance, and then see if we can identify a set of specific questions to focus on in the June 21 SEM meeting session.

Attached are two documents to help us all catch up on compliance assistance:

- Compliance Assistance Past, Present, and Future. This summarizes what we did on compliance assistance in the past and our current more limited work. It presents a series of questions to get us thinking about what we might do in the future to modernize compliance assistance as part of the larger compliance assurance tool box. Thanks to our lead Region for enforcement, Region 7, for compiling the current regional work. This document is worth at least skimming before or during the call.
- Compliance Assistance Tools and Resources. This provides a hyperlinked summary of existing compliance assistance tools, policies, websites.

Thanks.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

-----Original Appointment-----
From: Gargas, Toni
Sent: Friday, April 21, 2017 4:50 PM
To: Gargas, Toni; Studlien, Susan; LaPosta, Dore; Anderson, Kate; Beers, Samantha; Gordon, Scott; Walts, Alan; Seager, Cheryl; Singletary, DeAndre; Johnson, Kathleen; Kowalski, Ed; Jerison, Joanna; Simon, Paul; Coe, Mary; Wilkes, Mary; Nelson, Leverett; Payne, James; Humphrey, Leslie; Thompson, Christopher; Quast, Sylvia; Stern, Allyn; LaBoda, Sarah; Hindin, David; Tunis, Catherine
Cc: TROMBADORE, CLAIRE; Moutoux, Nicole; Jones, Joel E.; Berg, Elizabeth; Anderson, Julie; Chen, Christopher; McDaniel, Doug; Davies, Lauris; Martich, Tara; Chalfant, Mark; Duffy, Rick; Back, Tracy; Messina, Edward; Segall, Martha; Carbone, Chad
Subject: Compliance Assistance - Current Practices (Prep for SEMM), Ex. 6 Personal Privacy (PP) code Ex. 6 Personal Privacy (PP)
When: Tuesday, May 16, 2017 12:00 PM-1:00 PM (UTC-06:00) Central Time (US & Canada).
Where: R7-RO2.2-K08-10/R7-RO, Ex. 6 Personal Privacy (PP), code Ex. 6 Personal Privacy (PP)

Webinar and Discussion of current practices and a look at historical practices in prep for the Senior Enforcement Manager Meeting in June.

COMPLIANCE ASSISTANCE TOOLS AND RESOURCES
MAY 2017

LIST OF TOOLS/RESOURCES IN THIS DOCUMENT:

EPA COMPLIANCE ASSISTANCE / INCENTIVE POLICIES

- June 25, 2003, [HYPERLINK "https://wiki.epa.gov/inspector/images/c/cb/Inspectorrole.pdf" \o "Inspectorrole.pdf"]
- [HYPERLINK "https://www.epa.gov/compliance/epas-audit-policy"]
- Office of Compliance, FY2014-FY2019 Vision, (11/27/13 full version)

EPA SPONSORED / THIRD PARTY COMPLIANCE ASSISTANCE

- [HYPERLINK "http://www.complianceassistance.net/"]
- [HYPERLINK "http://www.envcap.org/statetools/"]

WORKING WITH STATE PARTNERS

- April 8, 2017 [HYPERLINK "https://www.ecos.org/documents/resolution-17-2-on-the-value-of-diverse-and-innovative-approaches-to-advance-compliance-with-environmental-requirements/"]
- [HYPERLINK "https://nationalsbeap.org/states/list"]

EPA'S OFFICE OF COMPLIANCE'S ASSISTANCE RESOURCES

- [HYPERLINK "https://www.epa.gov/compliance"]
- [HYPERLINK "https://www.epa.gov/compliance/resources-and-guidance-documents-compliance-monitoring"]
- [HYPERLINK "http://www2.epa.gov/compliance/small-business-resources-information-sheet"]
- [HYPERLINK "https://archive.epa.gov/compliance/resources/publications/assistance/sectors/web/html/index-3.html"]
- [HYPERLINK "https://www.epa.gov/compliance/audit-protocols"]

MEASURING COMPLIANCE ASSISTANCE

- October 2007 [HYPERLINK "https://wiki.epa.gov/inspector/images/b/b7/EPA_2002_Guide_for_Measuring_Compliance_Assistance_Outcomes.pdf" \o "EPA 2002 Guide for Measuring Compliance Assistance Outcomes.pdf"]
- "How To" Guide for Compliance Assistance Reporting within the Compliance Assistance Module of the Integrated Compliance Information System (ICIS), Working Draft – 9/13/10 (latest version). (Available as pdf file)
- [HYPERLINK "https://wiki.epa.gov/inspector/images/b/bf/Complia_nceCompliance_and_Deterrence_Research_project.pdf" \o "Complia nceCompliance and Deterrence Research project.pdf"]

DEVELOPING EFFECTIVE COMPLIANCE ASSURANCE APPROACHES

- March 2007 [HYPERLINK "https://nepis.epa.gov/Exe/ZyNET.exe/60000JO2.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2006+Thru+2010&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C06thru10%5CTxt%5C00000001%5C60000JO2.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&

SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL"] (aka Integrated Strategies Guide), EPA 305-R-07-001

- May 1999 [HYPERLINK "https://nepis.epa.gov/Exe/ZyNET.exe/300068NK.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1995+Thru+1999&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C95thru99%5CTxt%5C00000016%5C300068NK.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL"], EPA-305-R-99-001

CA TOOLS AND RESOURCES

EPA COMPLIANCE ASSISTANCE / INCENTIVE POLICIES

June 25, 2003, [HYPERLINK "https://wiki.epa.gov/inspector/images/c/cb/Inspectorrole.pdf" \o "Inspectorrole.pdf"]

- EPA compliance inspectors are encouraged to provide appropriate compliance assistance during inspections. The Policy defines and provides examples of appropriate compliance assistance.
- The Policy is not intended to address every inspection scenario or situation. The Policy does not supplant the need for prudent judgement by EPA inspectors, based on their knowledge, experience, and expertise.
- EPA inspectors should not provide site-specific interpretive technical or legal assistance during compliance inspections.
- EPA inspectors should not make applicability determinations in the field.
- Specific compliance assistance activities occurring during the inspection should be documented and reported after the inspection.
- [HYPERLINK "https://epawebconferencing.acms.com/e9bopa0dpmi/event/registration.html"] - covers major points and examples used in the June 25, 2003 Policy.

[HYPERLINK "https://www.epa.gov/compliance/epas-audit-policy"]

The Audit Policy provides several major incentives for regulated entities to voluntarily discover and fix violations of federal environmental laws and regulations. A regulated entity has 21 days from the time it discovers that a violation has, or may have, occurred to disclose the violation in writing to EPA. Entities must now make almost all disclosures through the eDisclosure System.

The Policy offers:

- Significant penalty reductions,
- No recommendation for criminal prosecution if certain conditions are met, and
- No routine requests for audit reports.

Office of Compliance, FY2014-FY2019 Vision, (11/27/13 full version)

- This document guides OC operations for Information Technology, Compliance Monitoring, Training, Compliance Assistance, Oversight, and Planning and Performance Measurement. The compliance assistance section states:

- **Principles:** OC leads efforts to build assistance into EPA's day-to-day work. OC focuses on sustainable e-distribution of agency generated materials.
    - **Build into other work:** OC leverages other efforts to develop and deliver assistance materials such as rules, inspector training and tools, web, prospective NEI strategies.
    - **Pursue self-sustaining Centers:** OC explores opportunities to transition to centers that can pay for themselves or transition information to EPA's web site.
    - **E-Enterprise portal for regulated entities:** OC collaborates with OEI and other offices to develop a sector portal that supports e-assistance.

EPA SPONSORED / THIRD PARTY COMPLIANCE ASSISTANCE

[HYPERLINK "http://www.complianceassistance.net/"]

Since 1996, in partnership with industry associations, universities and other government agencies, EPA has supported the development and maintenance of the Compliance Assistance Centers and Center resources. Each Center is targeted to a specific industry, group of industries, local government, or Federal facilities, and explains in plain language, environmental regulations that apply to that sector and offers technical assistance on compliance. The Centers provide web-based user-friendly "first-stop shops" where regulated entities can find comprehensive, easy-to-understand compliance information pre-packaged to fit their special needs. Also links to non-EPA Retail Center. (See additional attachment)

[HYPERLINK "http://www.envcap.org/statetools/"]

This gateway provides easy access to a wide variety of very powerful State Resource Locator (SRL) tools. State Resource Locators allow you to access state-specific compliance and permitting resources for a wide range of environmental compliance topics (e.g., storm water, asbestos, hazardous waste, universal waste.). Included are complete listings of state and Federal regulations impacting selected environmental topics along with individual state contacts, information, and permits for downloading, all at your fingertips.

WORKING WITH STATE PARTNERS

April 8, 2017 [HYPERLINK "https://www.ecos.org/documents/resolution-17-2-on-the-value-of-diverse-and-innovative-approaches-to-advance-compliance-with-environmental-requirements/"]

Requests partnering with EPA on several efforts:

- Requests EPA participate with states in their efforts to cultivate, design, and implement innovative compliance approaches to protect human health and the environment through pilots and shared governance;
- Seeks EPA participation with the regulated community and academic institutions in projects and efforts to measure the effectiveness of these approaches;
- Requests EPA allow, in state-EPA workplans, compliance assistance and innovative compliance approaches to function as true substitutes for traditional compliance activities, when the state can provide evidence that the approaches are effective;
- Encourages EPA to evaluate the effectiveness of its existing compliance assistance centers and to seek input from states, the regulated community, and the public on how its existing compliance centers can be made more modern, results oriented, and effective;
- Encourages EPA to incorporate significant language in the next version of its Office of Enforcement and Compliance Assurance (OECA) National Program Manager's Guidance on the value of piloting and/or evaluating

compliance and compliance assistance programs, and their eligibility to serve as alternatives to more traditional inspection activities, when carried out by EPA and/or states.

[HYPERLINK "https://nationalsbeap.org/states/list"] – Funded through a grant from the EPA Office of Small Business Programs, this site provides contacts and resources on how to comply for small businesses and for state small business assistance providers (SBAPs) in an easy-to-use format. (The Center grantees collaborate with the NSBEAP Website to coordinate Web content / Web links.)

EPA'S OFFICE OF COMPLIANCE'S ASSISTANCE RESOURCES

[HYPERLINK "https://www.epa.gov/compliance"]

Provides [HYPERLINK "https://www.epa.gov/compliance/resources-and-guidance-documents-compliance-assistance"] to compliance assistance and compliance monitoring resources.

[HYPERLINK "https://www.epa.gov/compliance/resources-and-guidance-documents-compliance-monitoring"]

Inspection manuals are made available to the public, the manuals provide guidance on conducting inspections under relevant authorities (e.g., FIFRA, NPDES)

[HYPERLINK "http://www2.epa.gov/compliance/small-business-resources-information-sheet"]

This information sheet provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies. The Small Business Resources Information Sheet is provided to every small business at the time EPA has initial enforcement contact.

[HYPERLINK "https://archive.epa.gov/compliance/resources/publications/assistance/sectors/web/html/index-3.html"]

The Sector Notebook series is a unique set of profiles containing a wealth of sector-specific environmental information. Unlike many resource materials, which are organized by air, water, and land pollutants, the Notebooks provide a holistic, "whole facility," approach by integrating manufacturing process, applicable regulations, and other relevant environmental information. The Notebooks were developed between 1995 and 2007. EPA is not actively maintaining this series, so regulations may have changed since the document publication dates.

Each Notebook includes:
- Overview of the industry, including size, geographic distribution, organizational structure, products, economic trends, financial status.
- Description of manufacturing processes, including inputs of raw materials
- Summary of chemical releases to the environment.
- Summary of applicable federal statutes and regulations.
- Compliance and enforcement history.
- Review of major legal actions.
- Pollution prevention opportunities.
- Government and industry initiatives for compliance assurance.

• Resource materials and contacts.

[HYPERLINK "https://www.epa.gov/compliance/audit-protocols"]

Audit protocols assist the regulated community in developing programs at individual facilities to evaluate their compliance with environmental requirements under federal law.

MEASURING COMPLIANCE ASSISTANCE

October 2007 [HYPERLINK "https://wiki.epa.gov/inspector/images/b/b7/EPA_2002_Guide_for_Measuring_Compliance_Assistance_Outcomes.pdf" \o "EPA 2002 Guide for Measuring Compliance Assistance Outcomes.pdf"]

This is the third version of this guide to assist EPA in proper measurement of compliance assistance outcomes to meet GPRA standards. The guide defines different types of compliance assistance activities and provides details on how to measure each aspect of this work. The guide has six sections:

- Section I: Introduction
- Section II: Compliance Assistance Activities and Outcomes discusses the types and purposes of compliance assistance activities and the outcomes associated with these activities.
- Section III: How to Plan and Design an Assessment provides a step-by-step overview of key planning and design issues and describes the benefits and limitations of different data collection tools.
- Section IV: How To Get The Most Out Of Your Survey includes tips on writing good surveys and suggestions on how to get more out of your evaluation using the Tailored Design Method.
- Section V: An Introduction To Statistical Sampling provides a simplified discussion of how to conduct a statistically valid evaluation.
- Section VI: OECA's Experience with the Dillman Tailored Design Method discusses the recent Metal Finishing and Marina Compliance Assistance Program Evaluation Study.

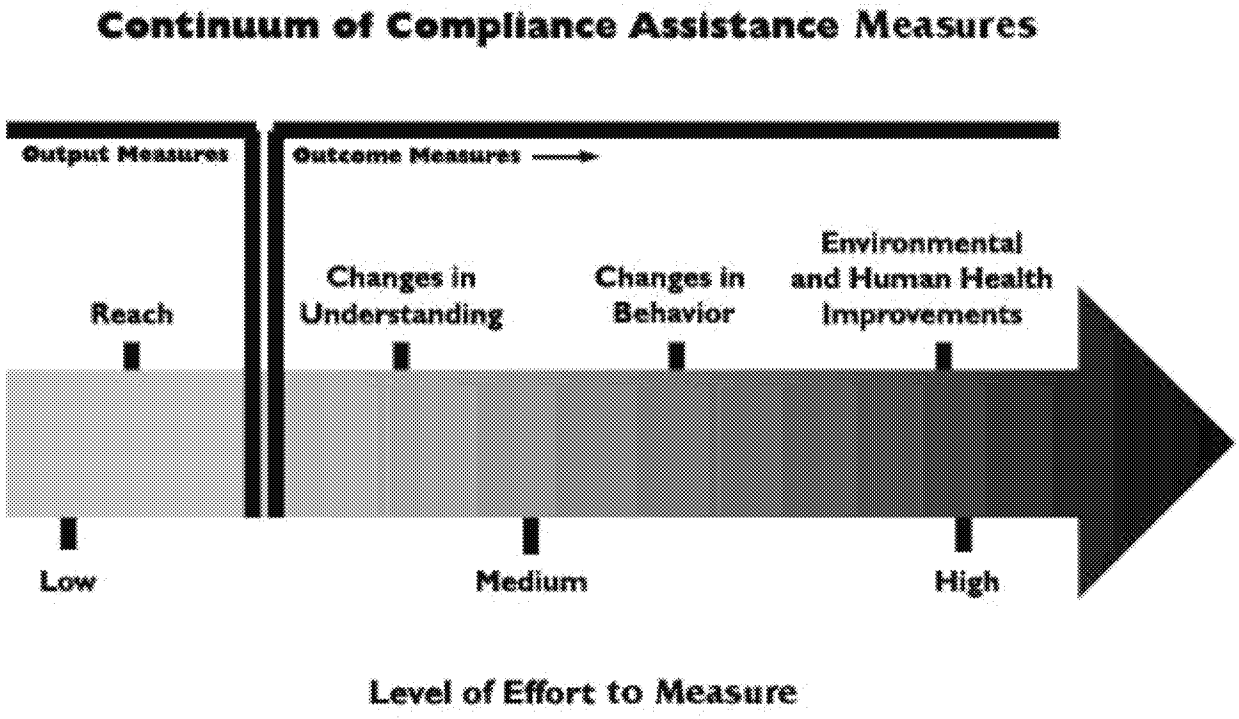
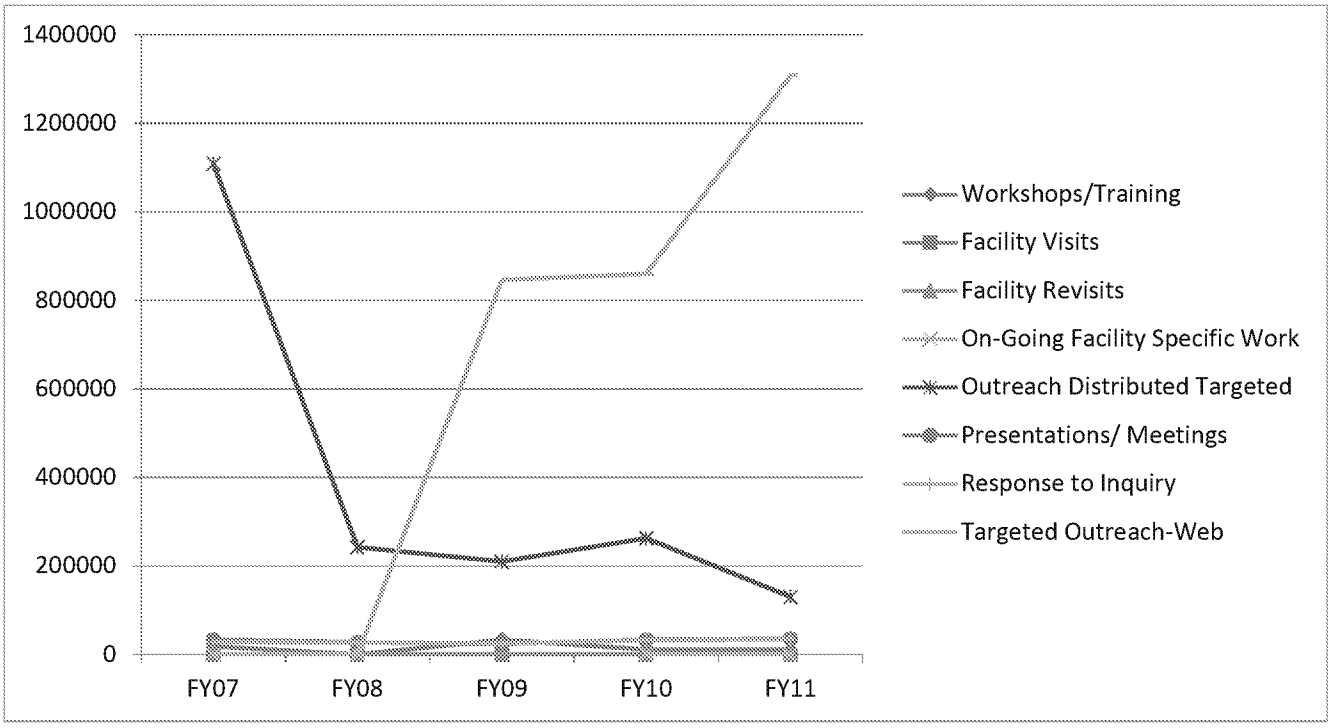


Figure 2-1 from the Guide for Measuring Compliance Assistance Outcomes.

"How To" Guide for Compliance Assistance Reporting within the Compliance Assistance Module of the Integrated Compliance Information System (ICIS), Working Draft – 9/13/10 (latest version). (Available as pdf file)

This document builds on the "Guide for Measuring Compliance Assistance Outcomes" by providing details for compliance assistance staff on how to enter data on their compliance assistance activities into ICIS, providing national consistency for these measures. The CA Module still exists in ICIS and is used by at least one region.



The chart above summarizes the number of entities reached by different types of CA activities for the years 2007-11 where we had relatively good ICIS data. Targeted outreach clearly reached the most entities, with paper handouts declining and EPA websites providing "how to comply" information increasing rapidly. This transition to electronic delivery of CA was driven by costs and availability of technology.

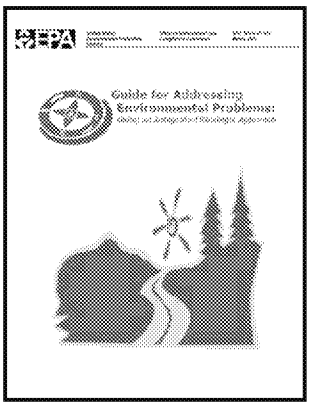
[HYPERLINK "https://wiki.epa.gov/inspector/images/b/bf/Complia_nceCompliance_and_Deterrence_Research_project.pdf" \o "Complia nceCompliance and Deterrence Research project.pdf"]

This paper seeks to inform EPA's efforts to measuring outcomes from CA efforts. Specifically, this research paper responds to the following questions posed by EPA:

1. Is OECA's current Government Performance and Results Act (GPRA) objective the most effective and compelling measure of compliance assistance performance? If not, what are potentially better measures and why?
2. According to the relevant compliance literature, when do regulated entities seek compliance assistance, how and when does compliance assistance drive behavior or motivate change, and how can these outcomes be measured?
3. Recommendations:
   - How should OECA act on the answers to questions 1 and 2 above?
   - How can OECA use information on the effectiveness of compliance assistance strategically to select and target future compliance and enforcement priorities and activities?

The paper also assesses EPA's 2008 GPRA measures for compliance assistance against six criteria: 1) comprehensibility and coherence, 2) motivation value, 3) diagnostic value, 4) replication value, 5) feasibility of measuring accurately and credibly, and 6) attribution.

March 2007 [HYPERLINK "https://nepis.epa.gov/Exe/ZyNET.exe/60000JO2.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2006+Thru+2010&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C06thru10%5CTxt%5C00000001%5C60000JO2.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL"] (aka Integrated Strategies Guide), EPA 305-R-07-001



This Guide provides a step by step approach for integrating compliance assistance, monitoring, and enforcement in an integrated strategy for optimum improvements in compliance. The Guide is structured around nine elements, combining the elements of the Framework and the Template that are needed to plan for and implement the strategic approach:

Element 1 - Developing a Statement of the Environmental Problem and Justification for its Selection
Element 2 - Establishing Goals and Measures
Element 3 - Selecting, Sequencing and Segmenting Tools
Element 4 - Establishing Roles and Assigning Responsibilities
Element 5 - Developing an Implementation Plan, Schedule and Milestones
Element 6 - Designating Resources/Workforce Deployment
Element 7 - Communicating the Strategy
Element 8 - Monitoring and Evaluating the Strategy
Element 9 - Exiting the Strategy

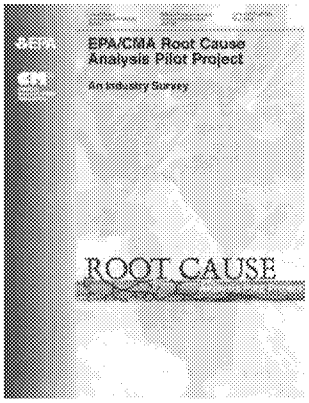
The compliance assurance tools considered are:

- Compliance Assistance (CA): activities, tools or technical assistance that provides clear and consistent information for helping: (1) the regulated community to understand and meet its obligations under environmental regulations; or (2) compliance assistance providers to aid the regulated community in complying with environmental regulations.
- Compliance Monitoring (CM): determining compliance status and detecting violations of regulatory requirements and other legal obligations. Includes developing/using targeting tools, conducting inspections, investigations, and evaluations, responding to citizen tips and complaints, and supporting case development. Includes developing state, local, tribal and international capacity for monitoring.
- Compliance Incentives (CI): may provide encouragement to take advantage of compliance assistance resources and opportunities, prompting facilities to monitor their own compliance. Includes Audit Policy to limit penalties or inspections if take voluntary measures to discover, disclose and correct violations and have a solid compliance record. May include partnerships between government and the regulated community.
- Enforcement: correct environmental problems and return violator to compliance. Includes deterrence, eliminating any economic advantage to noncompliance.
- Innovations & Sound Business Practice: innovative practices to improve facilities' compliance profile, including voluntary sustainability programs such as P2, EMS, BMPs, and peer mentoring to encourage environmental performance beyond compliance.

May 1999 [HYPERLINK "https://nepis.epa.gov/Exe/ZyNET.exe/300068NK.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1995+Thru+1999&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C95thru99%5CTxt%5C00000016%5C300068NK.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL"], EPA-305-R-99-001

This study identified the underlying causes of noncompliance at chemical manufacturing facilities, using a survey focused on four questions:

• What are the root causes of noncompliance?
• How do facilities respond to noncompliance events and what are the lessons learned?
• How have Responsible Care® and other management systems affected the overall environmental performance of facilities?
• What changes on the part of the facility or the Agency will improve compliance and the efficiency of the compliance process?



The study found multiple causes were identified for 94 percent of the noncompliance events identified. The root and specific causes identified most frequently, in order, are:
• Regulations and Permits - facility unaware of applicability of a regulation.
• Human Error - individual responsibility or professional judgment.
• Procedures - operating procedure not followed.
• Equipment Problems - design or installation.
• External Circumstances - contracted services, such as haulers or handlers.
• Communications Difficulties - between facility and regulatory agencies.
Contributing causes identified most frequently, in order, are:
• Management - environmental aspects of facility process and operations not identified.
• Procedures - reporting or notification procedures unclear.
• Regulations and Permits - contradictory interpretation of state or federal regulations.
• Compliance Monitoring - audit program insufficient and routine site and equipment checks not conducted.

Since this report was finished, several sector-focused integrated strategies found similar causes of noncompliance, e.g. Region 2 Colleges and Universities Initiative. These studies identify opportunities for both EPA and industry to take steps to systemically improve compliance.

COMPLIANCE ASSISTANCE CENTERS (CENTERS)

MAY 8, 2017

SUMMARY

- EPA's Office of Enforcement and Compliance Assurance (OECA) has funded industry, academic institutions, environmental groups, and other agencies to launch and support sector-specific Centers.
- See: [HYPERLINK "https://www.epa.gov/compliance/compliance-assistance-centers"].
- The Centers help businesses, local governments, and federal facilities understand their sector-specific and multi-media environmental obligations and save money through suggested pollution prevention techniques.
- In FY2016, the Centers supported over 3.5 million user sessions.
- Center specific funding has been reduced from over $1 million in the early 2000's to $220K in FY2016.
- Most of the individual Centers use a common EPA-funded "Center Platform" that provides easy access to state-specific regulations and resources for a variety of environmental compliance topics (e.g., hazardous waste, stormwater, asbestos).

CURRENT WEB CENTERS

Agriculture*	Construction	Metal Finishing
Automotive Service and Repair**	Education (K-12, colleges, universities) **	Paints and Coatings
Automotive Recycling**	Federal Facilities*	Ports
Beneficial Use	Food Processing	Printers**
Border Compliance (US/Mexico/Canada Border environmental issues)	Hazardous Waste Portal	Retail***
Chemical Manufacturers**	Health Care (including dental, veterinarian, assisted living)	Transportation (air, rail, road, water)
Combustion Portal	Local Governments	

* The National Agriculture Center and FedCenter are funded through a contract and Inter Agency Agreement respectively.
** These Centers, initially developed with EPA grants, now operate without EPA funding but still integrate Center Platform content.
*** Environmental Compliance Resources for Retailers was developed by the Retail Industry Leaders Association without EPA funding.

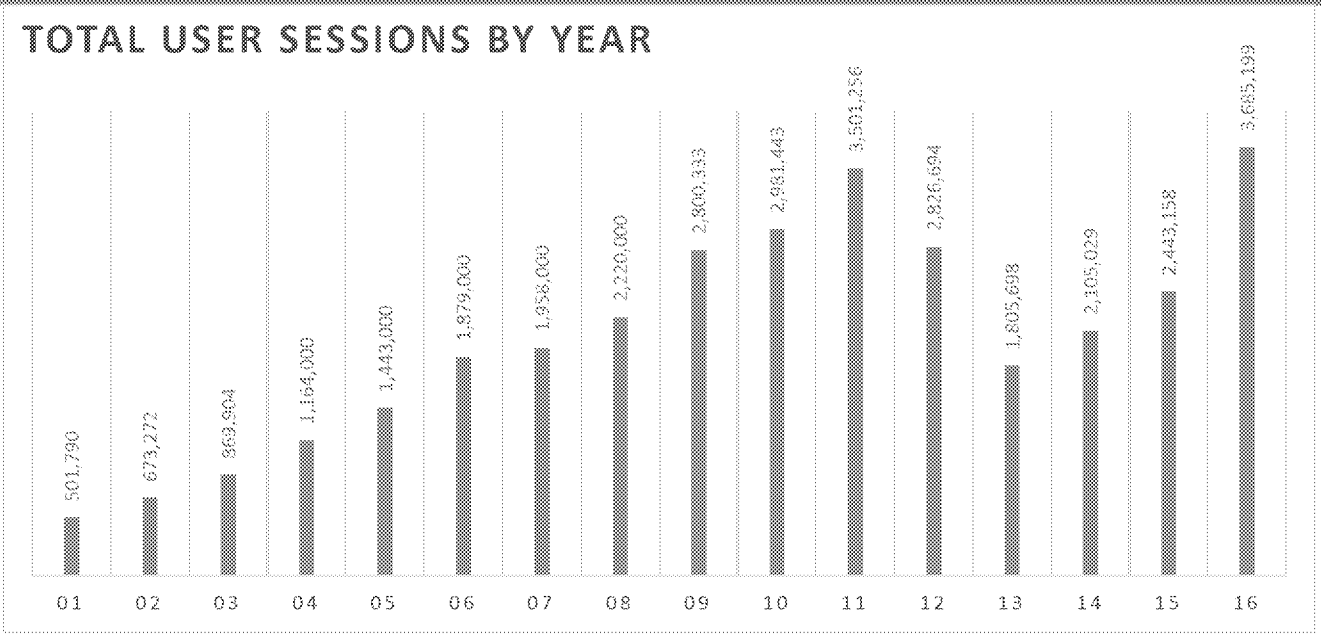
CENTER HIGHLIGHTS

- In FY 2001, the National Center for Manufacturing Sciences (NCMS) received a congressional earmark ($500K) to expand the scope of the Centers. With these funds, NCMS created a Compliance Assistance Center Platform (Center Platform) to support new and existing Centers. The Center Platform includes a suite of comprehensive web-based tools necessary to create a full-featured Center. Funding a single organization to efficiently create and manage the web-mechanics of a Center helps reduce the financial barrier to creating and maintaining new Centers.
- The Center Platform has developed a series of [HYPERLINK "http://www.envcap.org/statetools"] (SRL) providing easy access to state-specific regulations and resources for a variety of topics (e.g., universal waste, stormwater, asbestos.) Data collected April-September 2012 via on-line feedback survey

indicates that 90% of SRL user survey respondents are finding what they are looking for and 95% say they will revisit the SRLs.

- [HYPERLINK "https://www.epa.gov/agriculture"] was developed by EPA with the support of the US Department of Agriculture to serve growers, livestock producers, other agribusinesses, and agricultural information/ education providers. The Ag Center brings together regulatory and non-regulatory agriculture-related information and other items of interest to the agriculture community from across EPA.
- [HYPERLINK "https://www.fedcenter.gov/"] is a joint initiative between OECA and the Army Corps of Engineers' Construction Engineering Research Laboratory to provide an all-services technical and compliance assistance center to help federal environmental officials, especially those in the civilian sector, better address their environmental needs. Federal agencies currently collaborating on FedCenter include the Departments of Commerce, Energy, Treasury, State, Interior, Health and Human Services, Homeland Security and Veterans Affairs, as well as NASA, the U.S. Postal Service and Tennessee Valley Authority, EPA, Office of the Federal Environmental Executive, and U.S. Army Corps of Engineers.
- **CCAR-GreenLlink**, serving the auto service and repair industry, generates funds to support the Center through on-line safety and pollution prevention training for tech and vocational schools.
- **ChemAlliance**, serving chemical manufacturers, was acquired by the Society of Chemical Manufactures and Affiliates (SOCMA) in 2009. SOCMA members have full access to ChemAlliance content; an annual fee for full access to ChemAlliance is required for non-SOCMA members. Funds to support the Center are generated via ChemAlliance hosted webinars.
- **CampusERC**, serving the education sector, was developed collaboratively by the National Association of College and University Business Officials (NACUBO), Campus Consortium for Environmental Excellence (C2E2), Campus Safety, Health and Environmental Management Association (CSHEMA), Association of Physical Plant Administrators (APPA) and EPA. NACUBO currently maintains CampusERC as a serve to the education community.
- **Environmental Compliance for Automotive Recyclers (ECAR) Center**, serving the automotive dismantling and recycling facilities, is maintained by the Automotive Recyclers Association.
- **American General Contractors of America (AGC) partnership** provides $25K annually and in-kind support for the Construction Industry Compliance Assistance (CICA) Center.
- **National Association for Surface Finishing (NASF) partnership** provides $25K annually and in-kind support for the Surface Technology Environmental Resource Center (formally known as the National Metal Finishing Resource Center).
- **Waste Management** is a sponsor of the Healthcare Environmental Resource Center (HERC) providing $5K annually to support the Center.

CENTER USE (*WEBSITE USER SESSIONS*)



Message

From: Johnson, Kathleen [Johnson.Kathleen@epa.gov]
Sent: 5/9/2017 4:11:09 PM
To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: Draft intro to the SANE paper.

Looks great.

Kathleen H. Johnson
Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

From: Kelley, Rosemarie
Sent: Tuesday, May 9, 2017 9:10 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: Draft intro to the SANE paper.

Larry –

The note as revised by you and Dave looks very good. I removed the redline/strikeout to make it easier for me to read. I am pasting that clean version below to make it easier for you to send.

Rosemarie

***

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Starfield, Lawrence
Sent: Tuesday, May 09, 2017 10:33 AM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: Draft intro to the SANE paper.

Kathleen (and Rosemarie),

Thanks for drafting this transmittal note – it looks good. Dave Cozad and I had a few suggested edits, below.

Ex. 5 Deliberative Process (DP)

Let me know what you think, and then I'll send this out.

Larry

From: Johnson, Kathleen
Sent: Friday, May 05, 2017 7:57 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Kowalski, Ed <Kowalski.Edward@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Subject: Draft intro to the SANE paper.

Larry and Dave,
Following our call on the 9 small programs, below is a suggested intro to send to ED/RCs with the revised paper.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Larry

Kathleen H. Johnson
Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 5/8/2017 9:21:06 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: Draft intro to the SANE paper.

Couple suggestions in blue

From: Starfield, Lawrence
Sent: Monday, May 8, 2017 4:57 PM
To: Cozad, David <Cozad.David@epa.gov>
Subject: FW: Draft intro to the SANE paper.

Dave,

This looks pretty good to me. I suggested a few edits, below. Let me know what you think, and then I can respond to the group.

Thanks.

Larry

From: Johnson, Kathleen
Sent: Friday, May 05, 2017 7:57 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Kowalski, Ed <Kowalski.Edward@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Subject: Draft intro to the SANE paper.

Larry and Dave,
Following our call on the 9 small programs, below is a suggested intro to send to ED/RCs with the revised paper.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Larry

Kathleen H. Johnson
Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 3/2/2017 4:55:38 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]; OECA Office Directors and Deputy Directors [Ex. 6 Personal Privacy (PP)]; Chu, Ed [Chu.Ed@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]; Hautamaki, Jared [Hautamaki.Jared@epa.gov]; LaBoda, Sarah [LaBoda.Sarah@epa.gov]; Gargas, Toni [Gargas.Toni@epa.gov]
Subject: OECA Next Steps Handout
Attachments: OECA Next Steps.docx

Attached is the 1-page handout provided to the Administrator at today's OECA briefing.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 3/1/2017 11:11:24 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: hand out
Attachments: OECA Next Steps.docx

Larry,

Here is the one-page handout.

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Wednesday, March 01, 2017 6:04 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: hand out

Cari,

On the one-page handout that I'd like you have ready at tomorrow's overview briefing, please include the items from slide 19 plus a third category:

Ex. 5 Deliberative Process (DP)

Thanks.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Shinkman, Susan [Shinkman.Susan@epa.gov]
Sent: 3/1/2017 5:18:50 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Thompson, Christopher [Thompson.Christopher@epa.gov]; Schefski, Melissa [Schefski.Melissa@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: OIG Response - Benzene Standards
Attachments: OIG Gasoline Benzene Official Draft Report -- for Agency Comment -- 2-8-17.pdf; Response to the Office of Inspector General Discussion Document - (Proje....pdf; Benzene IG response 2.28.17.docx

Larry,

Attached is a draft response to the OIG Report re. compliance with Benzene Standards. Ex. 5 Deliberative Process (DP)

We have been coordinating with OTAQ and sharing drafts with them. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

I have also attached the Report and the response we sent last October. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Please let us know if you have questions.

Thanks,
Susan

Susan Shinkman
Director, Office of Civil Enforcement
U.S. Environmental Protection Agency
Washington, DC
202-564-3257

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.

Message

From: Shiffman, Cari [Shiffman.Cari@epa.gov]
Sent: 2/28/2017 10:13:19 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Cozad, David [Cozad.David@epa.gov]
Subject: Administrator Powerpoint with Notes
Attachments: OECA Overview Briefing 3-1-17 with Notes.pptx

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 2/26/2017 9:55:25 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: files
Attachments: Next Gen ACC speech draft 2 25 17.docx; Pruitt at CPAC 2 25 17.docx

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

(202) 564-2440 (office)
(202) 564-8179 (direct)
Ex. 6 Personal Privacy (PP) (cell)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 5/23/2017 8:47:17 PM
To: Hindin, David [Hindin.David@epa.gov]
CC: Badalamente, Mark [Badalamente.Mark@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Kadish, Rochele [Kadish.Rochele@epa.gov]
Subject: RE: Susan Bodine background docs

Ex. 5 Deliberative Process (DP)

Larry

From: Hindin, David
Sent: Tuesday, May 23, 2017 3:59 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Badalamente, Mark <Badalamente.Mark@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Kadish, Rochele <Kadish.Rochele@epa.gov>
Subject: RE: Susan Bodine background docs

I am going to submit a one pager that addresses number 3 and 4 below. Not a lot of work for us, since have done most of it already. Use as you wish.

Ex. 5 Deliberative Process (DP)

Rochele Kadish is our point of contact on all these.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Starfield, Lawrence
Sent: Monday, May 22, 2017 12:20 PM
To: Hindin, David <Hindin.David@epa.gov>
Subject: FW: Susan Bodine
Importance: High

David,

Here is the list that was sent to us, FYI.

Larry

Sent from my Windows Phone

From: Lyons, Troy
Sent: 5/17/2017 5:59 PM
To: Starfield, Lawrence
Cc: Palich, Christian; Shimmin, Kaitlyn; Jackson, Ryan
Subject: Susan Bodine

Lawrence,

I hope this email finds you well.

As you know, Susan Bodine has been nominated by President Trump to serve as the AA for the Office of Enforcement and Compliance Assurance. OCIR will lead the Susan's confirmation process; however, we will work closely with OCEA to assist.

One of the first steps we need to do is to compile a briefing book for Susan. There will be many components and I will need your team's help in compiling information regarding OCEA; specifically:

Ex. 5 Deliberative Process (DP)

I appreciate your assistance in this process and look forward to working with you.

Troy M. Lyons
Associate Administrator
Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
Ex. 6 Personal Privacy (PP)

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 4/5/2017 10:19:05 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: FW: EPAs Critical Role In Ensuring Compliance - Draft 040517.pptx
Attachments: EPAs Critical Role In Ensuring Compliance - Draft 040517.pptx

Share slide in red w Bob K.

Sent from my Windows Phone

From: Palmer, Daniel
Sent: 4/5/2017 5:48 PM
To: Starfield, Lawrence; Cozad, David; Hindin, David; Shinkman, Susan; Fogarty, Johnpc; Kelley, Rosemarie; Barnet, Henry; Mazakas, Pam; Gardner, Monica; Mackey, Cyndy
Cc: Shiffman, Cari; Klaus, Dan; Miles, Erin; Sprague, David; Nicholson, Timothy; Dombrowski, John
Subject: EPAs Critical Role In Ensuring Compliance - Draft 040517.pptx

Larry et al.,

Attached is the latest draft of the "EPA Critical Role in Enforcement" PPT presentation, prepared for the Monday briefing for the Administrator. Everyone but Larry has had at least some input into this document. Note, the case examples included in this draft are still under review. Please use this document for the briefing discussion tomorrow.

I am leaving town tomorrow so Cari Shiffman will take over the proverbial pen on this document. Thank you Cari.

Daniel Palmer, Deputy Director
Planning, Measures and Oversight Division
OECA/Office of Compliance
(202) 564-5034

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 6/1/2017 7:39:46 PM
To: Bailey, Ethel [Bailey.Ethel@epa.gov]
Subject: FW: State Regional Collaboration
Attachments: Master Narratives of Regional- State Collaboration as of May 22.docx; Table on Enforcement Planning with States as of May 22 2017.docx

Please print and put it on my chair. Thanks.

Sent from my Windows Phone

From: Hindin, David
Sent: 6/1/2017 11:27 AM
To: Starfield, Lawrence; Dalzell, Sally; Layne, Kenda; Leff, Karin; Muller, Marie; Miles, Erin; DePaul, Kimberley; Mackey, Cyndy; Murphy, Stacy; Shiffman, Cari; Tomiak, Robert; LaBoda, Sarah; Gargas, Toni; Marshall, Tom; Mazakas, Pam; Shinkman, Susan; Tejada, Matthew; DeLeon, Rafael; Barnet, Henry; Fisher, Mike; Badalamente, Mark; Seager, Cheryl; Harrison, Ben; Porter, Amy; Fogarty, Johnpc; Kelley, Rosemarie; Senn, John; Caraballo, Mario; Patterson, Kenneth; Gardner, Monica; Singletary, DeAndre; Cozad, David; Threet, Derek; Dombrowski, John
Cc: Knopes, Christopher; Palmer, Daniel; Mckeever, Michele; Mason, Michael
Subject: State Regional Collaboration

As discussed at the OD meeting this morning, here are the two documents we compiled on state regional collaboration. The table shows a summary of the processes by region, and the narratives are more specific to show programmatic collaboration and work sharing. We shared an earlier version of the narratives with the Administrator in our briefing with him on role of EPA enforcement in states on April 10th. Thanks to Region 7 for their assistance in updating these documents.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 5/22/2017 10:54:40 PM
To: Bailey, Ethel [Bailey.Ethel@epa.gov]
Subject: FW: Revised paper on Underfunded Programs
Attachments: Underfunded programs paper revised April 7 17.docx

Please print this for me. Thanks.

Sent from my Windows Phone

From: Johnson, Kathleen
Sent: 5/22/2017 5:50 PM
To: Breen, Barry; Cleland-Hamnett, Wendy; Dunham, Sarah; Shapiro, Mike
Cc: Grevatt, Peter; Morris, Jeff; Tsirigotis, Peter; Sawyers, Andrew; Johnson, Barnes; Hoskinson, Carolyn; Starfield, Lawrence; Cozad, David; Beers, Samantha; Messina, Edward; Kowalski, Ed; Kelley, Rosemarie; Walts, Alan
Subject: FW: Revised paper on Underfunded Programs

Dear Colleagues,

Please find attached a memo from Larry Starfield to the Enforcement Division Directors and Regional Counsels forwarding the latest version of the underfunded programs paper. As you know, this has been a work in progress over the past several months. Based on a number of comments, the document has changed substantially from previous versions and we encourage your review. This version presents analysis and options, but does not proceed to implementation at this time. As you can see from Larry's note, we may expand this effort to analyze additional programs as well. Thank you for your continued interest and input into this process.

On behalf of the SANE committee:
Kathleen H. Johnson
Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

From: Starfield, Lawrence
Sent: Tuesday, May 9, 2017 2:53 PM
To: Studlien, Susan <Studlien.Susan@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Singletary, DeAndre <Singletary.DeAndre@epa.gov>; Opekar, Kimberly <Opekar.Kimberly@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Payne, James <payne.james@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Gargas, Toni <Gargas.Toni@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>
Subject: Revised paper on Underfunded Programs

EDs/RCs:

Attached is a revised paper on underfunded programs. Based on your comments, the document has changed substantially from previous versions. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) While I'm not asking for any action on this document, I do feel it is important to share it now to help advance our future discussions in a budget-constrained environment.

As you may recall, last summer I started a dialogue with you about the need to take a collective approach to covering high priority compliance and enforcement work where it impacts public health. Even last summer, we understood that the lack of capacity was contributing to uneven coverage for many of our programs, particularly in the nine historically "underfunded programs". I think we all agreed on the importance of having a national program under all of the environmental statutes. In that spirit, I asked that we evaluate the role of compliance and enforcement in these nine programs, and develop recommendations for more effective implementation in the face of resource constraints. The Strategic Approach to National Enforcement (SANE) workgroup was formed to lead this effort. Over the course of several months, the workgroup engaged staff and managers working in these programs as well as senior national program managers, gathered and analyzed information about these programs, and produced draft recommendations in November and January.

The attached proposal highlights the public health and environmental benefits that result from the use of compliance and enforcement tools in these programs, the importance of federal/state partnership, current best practices, and recommendations for next steps.

Ex. 5 Deliberative Process (DP)

Thank you for your support, and thanks very much to the members of SANE committee for their good work.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 4/2/2017 2:30:55 PM
To: Bailey, Ethel [Bailey.Ethel@epa.gov]
Subject: FW: Centralized enforcement
Attachments: OECA as the NPM - five funtions draft as of 3 30 17 pm.docx

Please print this for me. Thanks.

From: Hindin, David
Sent: Thursday, March 30, 2017 6:24 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Cc: Shinkman, Susan <Shinkman.Susan@epa.gov>
Subject: RE: Centralized enforcement

Ex. 5 Deliberative Process (DP)

I handed the pen to Susan Shinkman on this late today (thanks, Susan) and after she plays with it, I will try to do a diagram.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Starfield, Lawrence
Sent: Thursday, March 30, 2017 6:19 PM
To: Cozad, David <Cozad.David@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: Centralized enforcement

Two thoughts on this paper, for your reaction:

Ex. 5 Deliberative Process (DP)

Let me know what you think.

Larry

Sent from my Windows Phone

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 3/29/2017 12:04:04 PM
To: Badalamente, Mark [Badalamente.Mark@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Shinkman, Susan [Shinkman.Susan@epa.gov]; Swack, David [Swack.David@epa.gov]; Warren, JohnM [Warren.JohnM@epa.gov]
BCC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: FW: FY18 OECA budget impacts for regions

Ex. 5 Deliberative Process (DP)

Sent from my Windows Phone

From: Chu, Ed
Sent: 3/29/2017 12:21 AM
To: Szaro, Deb; Mccabe, Catherine; Rodrigues, Cecil; Heard, Anne; Kaplan, Robert; Coleman, Sam; Thomas, Deb; Strauss, Alexis; Pirzadeh, Michelle
Cc: Starfield, Lawrence
Subject: FY18 OECA budget impacts for regions

Colleagues,

Based on your input on our call with OECA yesterday and input from EDs and RCs today, here's a short paragraph that I hope captures the impacts that we discussed. I am copying Larry – please feel free to suggest any changes as you see fit.

Ex. 5 Deliberative Process (DP)

Edward H. Chu | Regional Administrator (Acting)
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
(913) 551-7333
epa.gov | epa.gov/region7

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 3/29/2017 12:04:03 PM
To: Chu, Ed [Chu.Ed@epa.gov]
Subject: RE: FY18 OECA budget impacts for regions

Ex. 5 Deliberative Process (DP)

Sent from my Windows Phone

From: Chu, Ed
Sent: 3/29/2017 12:21 AM
To: Szaro, Deb; Mccabe, Catherine; Rodrigues, Cecil; Heard, Anne; Kaplan, Robert; Coleman, Sam; Thomas, Deb; Strauss, Alexis; Pirzadeh, Michelle
Cc: Starfield, Lawrence
Subject: FY18 OECA budget impacts for regions

Colleagues,

Based on your input on our call with OECA yesterday and input from EDs and RCs today, here's a short paragraph that I hope captures the impacts that we discussed. I am copying Larry – please feel free to suggest any changes as you see fit.

Ex. 5 Deliberative Process (DP)

Edward H. Chu | Regional Administrator (Acting)
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
(913) 551-7333
epa.gov | epa.gov/region7

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 5/22/2017 4:18:23 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Susan Bodine
Attachments: ABA talk Starfield 5 18 17.docx

Sure. I expanded on a number of issues, but the attached outline shows the major points and flow.

Larry

From: Lyons, Troy
Sent: Monday, May 22, 2017 9:41 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Re: Susan Bodine

Larry-could send me a copy of your remarks to the ABA?

Sent from my iPhone

On May 17, 2017, at 6:18 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

> Troy,
>
> This is great news, and we are happy to help. We will start assembling the requested materials. Our primary point of contact will be Caroline Emmerson, Director of OECA's Policy & Legislative Coordination Division.
>
> Acting DAA Mark Badalamente and I are also available to help.
>
> Thanks.
>
> Larry
>
> Larry Starfield
> Acting Assistant Administrator
> Office of Enforcement and Compliance Assurance
>
> Sent from my Windows Phone
>
> ---
>
> **From:** Lyons, Troy
> **Sent:** 5/17/2017 5:59 PM
> **To:** Starfield, Lawrence
> **Cc:** Palich, Christian; Shimmin, Kaitlyn; Jackson, Ryan
> **Subject:** Susan Bodine
>
> Lawrence,
>
> I hope this email finds you well.

As you know, Susan Bodine has been nominated by President Trump to serve as the AA for the Office of Enforcement and Compliance Assurance. OCIR will lead the Susan's confirmation process; however, we will work closely with OCEA to assist.

One of the first steps we need to do is to compile a briefing book for Susan. There will be many components and I will need your team's help in compiling information regarding OCEA; specifically:

1. Background/Mission of OCEA
2. Highlights/Hot Spots for OCEA
3. Delegations and lines of authority from regions to HQ
4. Some regional counsel report to oeca and some to OGC
5. State review framework info
6. NPM guidance
7. Enforcement priorities

I appreciate your assistance in this process and look forward to working with you.

Troy M. Lyons
Associate Administrator
Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
Ex. 6 Personal

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 5/25/2017 11:49:55 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: ABA

OK, thanks.

From: Lyons, Troy
Sent: Thursday, May 25, 2017 7:09 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Re: ABA

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On May 25, 2017, at 7:00 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Troy,

Ex. 5 Deliberative Process (DP)

Larry

(202) 564-2440 (office)
(202) 564-8179 (direct)

From: Starfield, Lawrence
Sent: Monday, May 22, 2017 12:18 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Susan Bodine

Sure. I expanded on a number of issues, but the attached outline shows the major points and flow.

Larry

From: Lyons, Troy
Sent: Monday, May 22, 2017 9:41 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Re: Susan Bodine

Larry-could send me a copy of your remarks to the ABA?

Sent from my iPhone

On May 17, 2017, at 6:18 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Troy,

This is great news, and we are happy to help. We will start assembling the requested materials. Our primary point of contact will be Caroline Emmerson, Director of OECA's Policy & Legislative Coordination Division.

Acting DAA Mark Badalamente and I are also available to help.

Thanks.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

Sent from my Windows Phone

From: Lyons, Troy
Sent: 5/17/2017 5:59 PM
To: Starfield, Lawrence
Cc: Palich, Christian; Shimmin, Kaitlyn; Jackson, Ryan
Subject: Susan Bodine

Lawrence,

I hope this email finds you well.

As you know, Susan Bodine has been nominated by President Trump to serve as the AA for the Office of Enforcement and Compliance Assurance. OCIR will lead the Susan's confirmation process; however, we will work closely with OCEA to assist.

One of the first steps we need to do is to compile a briefing book for Susan. There will be many components and I will need your team's help in compiling information regarding OCEA; specifically:

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7. Enforcement priorities

I appreciate your assistance in this process and look forward to working with you.

Troy M. Lyons
Associate Administrator
Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
Ex. 6 Personal

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 5/18/2017 7:38:33 PM
To: Cozad, David [Cozad.David@epa.gov]
CC: Shiffman, Cari [Shiffman.Cari@epa.gov]
Subject: RE: Susan Bodine

Sounds good.

From: Cozad, David
Sent: Thursday, May 18, 2017 2:48 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>
Subject: Fwd: Susan Bodine

Ex. 6 Personal Privacy (PP)

Dave Cozad
Acting Deputy AA, OECA

Sent from my iPhone

Begin forwarded message:

> **From:** "Emmerson, Caroline" <Emmerson.Caroline@epa.gov>
> **Date:** May 18, 2017 at 2:43:35 PM EDT
> **To:** "Cozad, David" <Cozad.David@epa.gov>
> **Cc:** "Shiffman, Cari" <Shiffman.Cari@epa.gov>
> **Subject: RE: Susan Bodine**
>
> Yes, we can handle this on Monday.
>
> Ex. 6 Personal Privacy (PP)
>
> ---
>
> **From:** Cozad, David
> **Sent:** Thursday, May 18, 2017 2:37 PM
> **To:** Emmerson, Caroline <Emmerson.Caroline@epa.gov>
> **Cc:** Shiffman, Cari <Shiffman.Cari@epa.gov>
> **Subject:** Re: Susan Bodine
>
> Let me talk to Larry and get back to you. Ex. 6 Personal Privacy (PP) Is Monday ok for getting stuff to you? Or do you need it tomorrow?
>
> Dave Cozad
> Acting Deputy AA, OECA
>
> Sent from my iPhone

On May 18, 2017, at 2:31 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:

Good afternoon Cari and Dave,

OCIR contacted Larry (please see emails below) about putting together a briefing book for Susan Bodine and I am assisting with this effort. OCIR is looking for the items below and I wanted to get your thoughts about appropriate materials. My comments are in red text. I am happy to meet about this if you have time. Thanks, Caroline

Ex. 5 Deliberative Process (DP)

From: Starfield, Lawrence
Sent: Wednesday, May 17, 2017 6:19 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Susan Bodine

Troy,

This is great news, and we are happy to help. We will start assembling the requested materials. Our primary point of contact will be Caroline Emmerson, Director of OECA's Policy & Legislative Coordination Division.

Acting DAA Mark Badalamente and I are also available to help.

Thanks.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

Sent from my Windows Phone

From: Lyons, Troy
Sent: 5/17/2017 5:59 PM
To: Starfield, Lawrence
Cc: Palich, Christian; Shimmin, Kaitlyn; Jackson, Ryan
Subject: Susan Bodine

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As you know, Susan Bodine has been nominated by President Trump to serve as the AA for the Office of Enforcement and Compliance Assurance. OCIR will lead the Susan's confirmation process; however, we will work closely with OCEA to assist.

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I appreciate your assistance in this process and look forward to working with you.

Troy M. Lyons
Associate Administrator
Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
Ex. 6 Personal

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 2/26/2017 9:55:23 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: file
Attachments: OECA Overview Briefing DRAFT 2-25-17.pptx

Add a few visual slides to the 4 slides for ACC, Ex. 5 Deliberative

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

(202) 564-2440 (office)
(202) 564-8179 (direct)
Ex. 6 Personal (cell)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 5/24/2017 3:51:03 PM
To: Lyons, Troy [lyons.troy@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Folkemer, Nathaniel [Folkemer.Nathaniel@epa.gov]
Subject: RE: Susan Bodine

Excellent. We'll jump on those action items, and will help out in any other way we can.

Larry

From: Lyons, Troy
Sent: Wednesday, May 24, 2017 11:36 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>
Subject: RE: Susan Bodine
Importance: High

Larry,

Thank you for the briefing book—Nathaniel dropped it off earlier. EPW is working to hold a confirmation hearing for Susan the week after Memorial Day recess.

Given the short timeline, and to give Susan what she needs, I ask for OECA to:

1. Written Testimony (no later than **Wednesday, May 31**, so it can be cleared through OMB)

2. Facilitate a Murder Board (target date of **Thursday, June 1 or Friday, June 2**).

    a. OCIR will help rope in the appropriate staff from OP, OPA and others.
    b. OCIR will also work to identify questions that may arise from the confirmation hearing

Many thanks for your assistance in pulling this together. Please let me know if you wish to discuss further.

Troy

From: Starfield, Lawrence
Sent: Tuesday, May 23, 2017 3:34 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Susan Bodine

Troy,

We are collecting information in response to your request, and it falls into three categories:

Ex. 5 Deliberative Process (DP)

We are preparing a binder with all three categories of materials, and we can discuss which ones you'd like to share. Let us know if that works.

Larry

From: Lyons, Troy
Sent: Tuesday, May 23, 2017 2:26 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Susan Bodine

Larry—I wanted to circle back to see if you have compiled the requested information?

From: Starfield, Lawrence
Sent: Wednesday, May 17, 2017 6:19 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
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Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

Sent from my Windows Phone

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7. Enforcement priorities

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Troy M. Lyons
Associate Administrator
Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
Ex. 6 Personal

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 3/26/2017 8:49:56 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: files
Attachments: ABA Questions LS 3 24 17.docx; ABA slides 3 26 17.pptx; ABA speech 3 26 17.docx

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

(202) 564-2440 (office)
(202) 564-8179 (direct)
Ex. 6 Personal (cell)

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Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 5/17/2017 11:49:54 AM
To: Hindin, David [Hindin.David@epa.gov]
Subject: RE: Background Materials for Tuesday may 16 conference call on Compliance Assistance

Sounds good.

Sent from my Windows Phone

From: Hindin, David
Sent: 5/16/2017 8:23 PM
To: Starfield, Lawrence
Cc: Cozad, David; Messina, Edward; Dombrowski, John
Subject: Re: Background Materials for Tuesday may 16 conference call on Compliance Assistance

Larry

Thanks for your helpful insights. We discussed this with regions today. We can catch you up on that, get you copies of the documents you indicate, and talk about next steps in our OC Biweekly on next Monday.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance, U.S. EPA, Washington, DC 20460
Phone 202-564-1300

On May 16, 2017, at 6:19 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

This is a very helpful, and incredibly comprehensive, review. Thank you for assembling it. Among the points you make, three stand out for me:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Larry

From: Hindin, David
Sent: Friday, May 12, 2017 4:03 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>
Subject: FW: Background Materials for Tuesday may 16 conference call on Compliance Assistance

Ex. 5 Deliberative Process (DP)

<image001.png>

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

From: Hindin, David
Sent: Friday, May 12, 2017 2:56 PM
To: Gargas, Toni <Gargas.Toni@epa.gov>; Studlien, Susan <Studlien.Susan@epa.gov>; LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Beers, Samantha <beers.samantha@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Singletary, DeAndre <Singletary.DeAndre@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Kowalski, Ed <Kowalski.Edward@epa.gov>; Jerison, Joanna <Jerison.Joanna@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Payne, James <payne.james@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Thompson, Christopher <Thompson.Christopher@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Tunis, Catherine <Tunis.Catherine@epa.gov>
Cc: TROMBADORE, CLAIRE <Trombadore.Claire@epa.gov>; Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Jones, Joel E. <Jones.Joel@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Anderson, Julie <Anderson.Julie@epa.gov>; Chen, Christopher <CHEN.CHRISTOPHER@EPA.GOV>; McDaniel, Doug <McDaniel.Doug@epa.gov>; Davies, Lauris

<Davies.Lauris@epa.gov>; Martich, Tara <Martich.Tara@epa.gov>; Chalfant, Mark <Chalfant.Mark@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Back, Tracy <back.tracy@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Background Materials for Tuesday may 16 conference call on Compliance Assistance

Ex. 5 Deliberative Process (DP)

Thanks.

David A. Hindin
Director, Office of Compliance
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency, Washington, DC 20460
Phone 202-564-1300

-----Original Appointment-----
From: Gargas, Toni
Sent: Friday, April 21, 2017 4:50 PM
To: Gargas, Toni; Studlien, Susan; LaPosta, Dore; Anderson, Kate; Beers, Samantha; Gordon, Scott; Walts, Alan; Seager, Cheryl; Singletary, DeAndre; Johnson, Kathleen; Kowalski, Ed; Jerison, Joanna; Simon, Paul; Coe, Mary; Wilkes, Mary; Nelson, Leverett; Payne, James; Humphrey, Leslie; Thompson, Christopher; Quast, Sylvia; Stern, Allyn; LaBoda, Sarah; Hindin, David; Tunis, Catherine
Cc: TROMBADORE, CLAIRE; Moutoux, Nicole; Jones, Joel E.; Berg, Elizabeth; Anderson, Julie; Chen, Christopher; McDaniel, Doug; Davies, Lauris; Martich, Tara; Chalfant, Mark; Duffy, Rick; Back, Tracy; Messina, Edward; Segall, Martha; Carbone, Chad
Subject: Compliance Assistance - Current Practices (Prep for SEMM), 866-299-3188 code 9135517193
When: Tuesday, May 16, 2017 12:00 PM-1:00 PM (UTC-06:00) Central Time (US & Canada).
Where: R7-RO2.2-K08-10/R7-RO, 866-299-3188, code 9135517193

Webinar and Discussion of current practices and a look at historical practices in prep for the Senior Enforcement Manager Meeting in June.

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 3/10/2017 9:57:20 PM
To: John Senn (Senn.John@epa.gov) [Senn.John@epa.gov]
Subject: FW: ABA CLE on May 18, 2017 - Washington DC
Attachments: ABA DC Regional CLE - May 12, 2016.pdf

John,

Ex. 5 Deliberative Process (DP)

Larry

From: Bruno, Kevin J. [mailto:kbruno@BlankRome.com]
Sent: Wednesday, March 08, 2017 1:04 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Dighe, Kris (ENRD) <Kris.Dighe@usdoj.gov>
Subject: RE: ABA CLE on May 18, 2017 - Washington DC

Thank you for the introduction, Kris.

Larry, it would be an honor and our pleasure to have you speak at the annual conference our ABA Section of Litigation Environmental & Energy Litigation Committee has been holding for the last four years. The program is scheduled to be held at the DC offices of Morgan Lewis on May 18, and will run from 1 pm to ~5:15 pm, with a cocktail reception to follow. As you can see from the attached brochure from last year's event, our practice has been to have the lead environmental enforcement counsel from USDOJ (until now, John Cruden) be one of our keynote speakers and to have that person address for ~60 minutes the anticipated DOJ enforcement initiatives in the environmental and energy areas. This year that spot will be handled by DOJ's Acting Assistant Attorney General for the Environment & Natural Resources Division, Jeff Wood. We have then followed that discussion with our 2nd keynote speaker from USEPA, which in the past has been Cynthia Giles. This is the spot you would fill and we would let you determine the topics you would like to cover. In that regard, you can expect that most of the audience will be well-experienced environmental and energy regulatory counsel and litigators.

With respect to our Committee, we have ~2,000 members nationwide and this event draws not only from that membership but also from the ~60,000 members of the Section of Litigation, as well as members of SEER. I mention these numbers not because we expect hundreds of people to be attending, although we would not turn them away (we expect at least 100 people will attend, as well as members of the press), but because this particular event, and John Cruden and Cynthia Giles' remarks

in particular, have been picked up each year and widely distributed within the ABA, by the Associated Press and by most of the major environmental news outlets and publications. As such, it would be expected that news of your attendance and remarks would be widely distributed, hopefully to an audience that you and EPA would like to reach.

Please let us know/confirm your availability to speak at this May 18 event whenever you get the chance, or if you have any questions please feel free to call or e-mail me.

Regards,

Kevin

Kevin J. Bruno | Blank Rome LLP
Partner and Chair, Environmental, Energy & Mass Torts Practice Group
The Chrysler Building
405 Lexington Avenue| New York, NY 10174-0208
Phone: Ex. 6 Personal | Fax: 212.885.5002 | Email: KBruno@BlankRome.com

From: Dighe, Kris (ENRD) [mailto:Kris.Dighe@usdoj.gov]
Sent: Wednesday, March 8, 2017 11:17 AM
To: Bruno, Kevin J. <kbruno@BlankRome.com>; Starfield.lawrence@Epa.gov
Subject: ABA CLE on May 18, 2017 - Washington DC

Good morning, gentlemen. Larry Starfield meet Kevin Bruno; Kevin, Larry.

Larry: Kevin will be able to provide more information about the program than I, as well as logistical details. We understand that you are a "probable" participant, but we do like to think optimistically.

Thanks,

Kris Dighe
Senior Counsel
Environmental Crimes Section
U.S. Department of Justice

From: Bruno, Kevin J. [mailto:kbruno@BlankRome.com]
Sent: Friday, March 03, 2017 10:55 AM
To: Abby L. Risner (alr@greensfelder.com) <alr@greensfelder.com>; Allan Kanner <a.kanner@kanner-law.com>; Angela M. Dorrell Green Esq. (agreen@psrb.com) <agreen@psrb.com>; Ann E. Prouty (aprouty@faegre.com) <aprouty@faegre.com>; Aron, Debra J. (debra.aron@naviganteconomics.com) <debra.aron@naviganteconomics.com>; Becky Raftery (braftery@bp.com) <braftery@bp.com>; Boyd, Meaghan Goodwin (meaghan.boyd@alston.com) <meaghan.boyd@alston.com>; Buddy Cox <wcox@lightfootlaw.com>; Catherine Riegle Finley <CRiegle@wm.com>; Charles Denton <CDENTON@BTLAW.COM>; Christopher Dean <cdean@mcdonaldhopkins.com>; Cisselon Nichols Hurd <Cisselon.Nichols@shell.com>; Coglianese, Matthew P. <mpcoglianese@arnstein.com>; Daniel J. Dunn (dan.dunn@hoganlovells.com) <dan.dunn@hoganlovells.com>; Dave R. Erickson Esquire (derickson@shb.com) <derickson@shb.com>; David J. Scriven-Young <DScriven-young@pecklaw.com>; David Weinstein <weinsteind@gtlaw.com>; DeMoss, A. Nicole (nicole.demoss@alston.com) <nicole.demoss@alston.com>; Drapalski Joseph (joseph.drapalski@nortonrosefulbright.com) <joseph.drapalski@nortonrosefulbright.com>; Duke K. McCall III <duke.mccall@morganlewis.com>; Gail Wurtzler <Gail.Wurtzler@dgslaw.com>; Irv Freilich (ifreilich@gibbonslaw.com)

<ifreilich@gibbonslaw.com>; Jack Edwards <jedwards@ajamie.com>; James Price <jprice@spencerfane.com>; Jeff Zimmerman [Ex. 6 Personal Privacy (PP)]; Jerry F. English <jenglish@lindabury.com>; Jim Ray <JRAY@RC.com>; jmpollock@foxrothschild.com; John DiChello (john.dichello@aecom.com) <john.dichello@aecom.com>; John Fogarty <Fogarty.Johnpc@epamail.epa.gov>; Jon Rohrer <jrohrer@rouxinc.com>; Jon Schuyler Brooks <jbrooks@phillipsnizer.com>; Julie Carey <julie.carey@navigant.com>; Karen Aldridge Aldridge Crawford Esq. (karen.crawford@nelsonmullins.com) <karen.crawford@nelsonmullins.com>; ken@anspachlawoffice.com; Bruno, Kevin J. <kbruno@BlankRome.com>; Dighe, Kris (ENRD) <KDighe@ENRD.USDOJ.GOV>; Margaret Witherup <mwitherup@gfrlaw.com>; Mark Myers <mmyers@williamskastner.com>; Megan Baroni (mbaroni@rc.com) <mbaroni@rc.com>; Michael R. Leslie (leslie@caldwell-leslie.com) <leslie@caldwell-leslie.com>; Nessa Horewitch Coppinger Esquire (ncoppinger@bdlaw.com) <ncoppinger@bdlaw.com>; Orell@StrategicPropertyAnalytics.com; Patrick McGrath <pmcgrath@navigantconsulting.com>; Peter R. Knight (pknight@rc.com) <pknight@rc.com>; Raftery, Becky (Rebecca.Raftery@uk.bp.com) <Rebecca.Raftery@uk.bp.com>; Ron Oran <ron.oran@strasburger.com>; Rudy R. Perrino <rperrino@wfbm.com>; Sandra Kearney Edwards <sedwards@fbm.com>; Sawula, Andrew N. (asawula@schiffhardin.com) <asawula@schiffhardin.com>; Shawn LaTourette <SLaTourette@gibbonslaw.com>; Stewart D. Fried (sfried@ofwlaw.com) <sfried@ofwlaw.com>; Ted Warpinski <taw@ffsj.com>; Thomas D. Lupo (TLupo@hinshawlaw.com) <TLupo@hinshawlaw.com>; Todd Drucker <tdrucker@jamsadr.com>; Tyler L. Weidlich <tweidlich@bakerdonelson.com>; Will R Taylor <wrtaylor@JonesDay.com>; William Kammer <wkammer@swsslaw.com>
Cc: Rudy R. Perrino (rperrino@wfbm.com) <rperrino@wfbm.com>; Karen Aldridge Crawford Esq. (karen.crawford@nelsonmullins.com) <karen.crawford@nelsonmullins.com>
Subject: FW: SAVE THE DATE: May 18, 2017 - Washington DC

Folks,
All of you should have received the Save The Date message below. Please try to attend and/or send this around to your colleagues. It will be a great program and we need it to be well attended. Thanks everyone!

Kevin

Kevin J. Bruno | Blank Rome LLP
Partner and Chair, Environmental, Energy & Mass Torts Practice Group
The Chrysler Building
405 Lexington Avenue| New York, NY 10174-0208
Phone[Ex. 6 Personal] | Fax: 212.885.5002 | Email: KBruno@BlankRome.com

From: Environmental & Energy Litigation Committee [mailto:ltserve@americanbar.org]
Sent: Thursday, March 2, 2017 4:45 PM
To: Bruno, Kevin J. <kbruno@BlankRome.com>
Subject: SAVE THE DATE: May 18, 2017 - Washington DC

Trouble Viewing? View online.

Environmental and Energy Litigation Committee

Dear Committee Members:

SAVE THE DATE: May 18, 2017 -Washington DC

The ABA Environmental & Energy Litigation Committee will present a Regional CLE program at the Washington DC offices of Morgan, Lewis & Bockius with top officials from EPA and DOJ, as well as State, industry and NGO representatives, discussing how the new Trump administration will be impacting environmental compliance and enforcement. We are excited to begin the afternoon with Jeff Wood, Acting Assistant Attorney General for the Environment & Natural Resources Division of DOJ. Mr. Wood will be followed by a leading civil enforcement official from EPA, who will be updating us on the Agency's expected enforcement priorities. Following that discussion, we will be convening a panel that will include Ben H. Grumbles, Secretary of the Environment for the Maryland Department of the Environment, Leslie A. Hulse, Assistant General Counsel of the American Chemistry Council (invited, awaiting confirmation), Michael Wall, Co-Director, Litigation at the Natural Resources Defense Council and Derb S. Carter, Jr., Director, Chapel Hill Office of the Southern Environmental Law Center. The panelists will be discussing what lies ahead for States, industry and NGOs as we enter a rather uncertain future for Federal environmental compliance and enforcement programs. Finally, the program will close with a Supreme Court update and predictions by Robert V. Percival, Robert F. Stanton Professor of Law and Director of the Environmental Law Program at the University of Maryland Francis King Carey School of Law. Following the conclusion of the speakers' presentations, there will be an informal networking reception with drinks and hors d'oeuvres.

Look for more details on this May 18 Regional CLE, but in the meantime please block out your calendar and plan to attend. Also, please circulate this announcement to your friends and colleagues.

For more information, contact Charlie Denton Ex. 6 Personal , Dave Erickson Ex. 6 Personal Privacy (PP), Duke McCall Ex. 6 Personal Privacy (PP) or Jim Price Ex. 6 Personal).

Kevin Bruno

Blank Rome, LLP

Ex. 6 Personal Privacy (PP)

Karen A. Crawford

Nelson Mullins Riley & Scarborough LLP

Ex. 6 Personal

Rudy Perrino

WFBM, LLP

Ex. 6 Personal

Co-Chairs - Environmental and Energy Litigation Committee

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800-285-2221 | 312-988-5522

▪

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****

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 3/31/2017 4:57:24 AM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: FW: FY18 OECA budget impacts for regions

Sent from my Windows Phone

From: Starfield, Lawrence
Sent: 3/30/2017 9:55 PM
To: Strauss, Alexis; Chu, Ed; Szaro, Deb; Mccabe, Catherine; Rodrigues, Cecil; Heard, Anne; Kaplan, Robert; Coleman, Sam; Thomas, Deb; Pirzadeh, Michelle
Subject: RE: FY18 OECA budget impacts for regions

DELIBERATIVE AND CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

And we provided more detailed comments in the papers on each appropriations line.

Larry

Sent from my Windows Phone

From: Strauss, Alexis
Sent: 3/30/2017 10:31 AM
To: Chu, Ed; Szaro, Deb; Mccabe, Catherine; Rodrigues, Cecil; Heard, Anne; Kaplan, Robert; Coleman, Sam; Thomas, Deb; Pirzadeh, Michelle
Cc: Starfield, Lawrence
Subject: RE: FY18 OECA budget impacts for regions

Taking Larry and Ed's notes together, I realize time is not on our side today, but if we took a substantial FTE and $ reduction to Enforcement resources in FY18, I'd rather be saying

Ex. 5 Deliberative Process (DP)

Alexis

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

From: Chu, Ed
Sent: Thursday, March 30, 2017 10:11 AM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Szaro, Deb <Szaro.Deb@epa.gov>; Mccabe, Catherine <McCabe.Catherine@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: FY18 OECA budget impacts for regions

Thank you your suggestions – I hope this version works for all of us (and Larry). Larry, I will defer to you on the numbers from the binning exercise:

Ex. 5 Deliberative Process (DP)

Edward H. Chu | Regional Administrator (Acting)
U.S. Environmental Protection Agency
Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)
(913) 551-7333
epa.gov | epa.gov/region7

From: Strauss, Alexis
Sent: Wednesday, March 29, 2017 12:59 PM
To: Chu, Ed <Chu.Ed@epa.gov>; Szaro, Deb <Szaro.Deb@epa.gov>; Mccabe, Catherine <McCabe.Catherine@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>; Kaplan, Robert

<kaplan.robert@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: FY18 OECA budget impacts for regions

Thanks Ed. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

From: Chu, Ed
Sent: Tuesday, March 28, 2017 9:22 PM
To: Szaro, Deb <Szaro.Deb@epa.gov>; Mccabe, Catherine <McCabe.Catherine@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Coleman, Sam <Coleman.Sam@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FY18 OECA budget impacts for regions

Colleagues,

Based on your input on our call with OECA yesterday and input from EDs and RCs today, here's a short paragraph that I hope captures the impacts that we discussed. I am copying Larry – please feel free to suggest any changes as you see fit.

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epa.gov | epa.gov/region7

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 3/31/2017 4:55:14 AM
To: Strauss, Alexis [Strauss.Alexis@epa.gov]; Chu, Ed [Chu.Ed@epa.gov]; Szaro, Deb [Szaro.Deb@epa.gov]; Mccabe, Catherine [McCabe.Catherine@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Heard, Anne [Heard.Anne@epa.gov]; Kaplan, Robert [kaplan.robert@epa.gov]; Coleman, Sam [Coleman.Sam@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
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DELIBERATIVE AND CONFIDENTIAL

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Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
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U.S. Environmental Protection Agency
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(913) 551-7333
epa.gov | epa.gov/region7

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 4/28/2017 11:09:38 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: FW: R 6 meeting

Sent from my Windows Phone

From: Starfield, Lawrence
Sent: 4/26/2017 11:52 AM
To: Bailey, Ethel
Subject: FW: R 6 meeting

Please print this for me. Thanks.

Sent from my Windows Phone

From: Payne, James
Sent: 4/26/2017 8:41 AM
To: Starfield, Lawrence
Subject: Re: R 6 meeting

Hi Larry,

At the outset of our senior mgt briefing for Ken W last Fri, Ken said they "love Sam"!

Ex. 5 Deliberative Process (DP)

Jim
Ex. 6 Personal cell

R6 MEETING WITH KEN W, 4/21/2017

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Apr 26, 2017, at 5:58 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Jim,

Did he provide any insight into his or the Administrator's priorities or concerns?

Larry

Sent from my Windows Phone

From: Payne, James
Sent: 4/25/2017 9:46 PM
To: Coleman, Sam; Gray, David; Starfield, Lawrence; Cozad, David; Minoli, Kevin
Subject: FW: R 6 meeting

FYI – a short exchange with Ken Wagner following his visit to R6 last Friday.

From: Payne, James
Sent: Monday, April 24, 2017 8:49 AM
To: Wagner, Kenneth <wagner.kenneth@epa.gov>
Subject: RE: R 6 meeting

Great to meet you and thanks for your note! Jim

From: Wagner, Kenneth
Sent: Saturday, April 22, 2017 10:20 AM
To: Payne, James <payne.james@epa.gov>
Subject: R 6 meeting

Jim:

I really appreciated your insight and the meeting yesterday. I look forward to getting to know you and your department better and continuing our dialogue.

Sincerely,

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: 202-309-2418
wagner.kenneth@epa.gov

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 4/26/2017 3:52:10 PM
To: Bailey, Ethel [Bailey.Ethel@epa.gov]
Subject: FW: R 6 meeting

Please print this for me. Thanks.

Sent from my Windows Phone

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Sent: 4/26/2017 8:41 AM
To: Starfield, Lawrence
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Ex. 5 Deliberative Process (DP)

Jim
Ex. 6 Personal Privacy (PP) cell

R6 MEETING WITH KEN W, 4/21/2017

1. Enforcement

I highlighted:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

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Larry

Sent from my Windows Phone

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To: Coleman, Sam; Gray, David; Starfield, Lawrence; Cozad, David; Minoli, Kevin
Subject: FW: R 6 meeting

FYI – a short exchange with Ken Wagner following his visit to R6 last Friday.

From: Payne, James
Sent: Monday, April 24, 2017 8:49 AM
To: Wagner, Kenneth <wagner.kenneth@epa.gov>
Subject: RE: R 6 meeting

Great to meet you and thanks for your note! Jim

From: Wagner, Kenneth
Sent: Saturday, April 22, 2017 10:20 AM
To: Payne, James <payne.james@epa.gov>
Subject: R 6 meeting

Jim:

I really appreciated your insight and the meeting yesterday. I look forward to getting to know you and your department better and continuing our dialogue.

Sincerely,

Ken

Kenneth E. Wagner
Senior Advisor to the Administrator
For Regional & State Affairs
US Environmental Protection Agency
Office: 202-564-1988
Cell: Ex. 6 Personal
wagner.kenneth@epa.gov

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 4/21/2017 11:06:57 PM
To: Swack, David [Swack.David@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Warren, JohnM [Warren.JohnM@epa.gov]
Subject: RE: Full Set of FY 18 Narratives
Attachments: LUST - Civil Enforcement (44) rev LS 4-21-17.docx; Oil - Civil Enforcement (44) rev LS 4-21-17.docx; Oil - Compliance Monitoring (50) rev LS 4-21-17.docx; SF - Superfund Enforcement (C7) rev LS 4-21-17.docx; SF - Criminal Enforcement (52) rev LS 4-21-17.docx; SF - Compliance Monitoring (50) rev LS 4-21-17.docx; ST - Forensics Support (62) rev LS 4-21-17.docx; STAG - Toxic Substances (14) rev LS 4-21-17.docx; EPM - NEPA (90) rev LS 4-21-17.docx; SF - Forensics Support (62) rev LS 4-21-17.docx; EPM - Compliance Monitoring (50) LS rev 4-21-17.docx

David and John,

Ex. 5 Deliberative Process (DP)

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From: Swack, David
Sent: Wednesday, April 19, 2017 12:33 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>; Warren, JohnM <Warren.JohnM@epa.gov>
Subject: Full Set of FY 18 Narratives

Larry,

This should be a full set of the budget narratives as submitted to OCFO. They've begun their review and will be providing the pieces to Carol Terris for her review later in the week. They'll then go for review by the political team before going over to OMB.

Let us know if you have any questions/concerns.

David

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 3/24/2017 9:50:16 PM
To: Stewart, Andrew [astewart@velaw.com]; 'Hsiao, Peter' [PHsiao@mofo.com]
Subject: RE: ABA SEER Panel - Proposed Questions
Attachments: ABA SEER Enforcement Panel - Proposed Questions LS 3 24 17.docx

Andrew,

Here are my thoughts on the questions. Happy to engage on many of them, as indicated in blue.

Larry

From: Stewart, Andrew [mailto:astewart@velaw.com]
Sent: Wednesday, March 22, 2017 8:29 PM
To: 'Hsiao, Peter' <PHsiao@mofo.com>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: ABA SEER Panel - Proposed Questions

Peter and Larry, FYI

If you have any notes along these lines, I'm happy to incorporate them into the proposed questions.

Andrew R. Stewart
Counsel

E astewart@velaw.com
W Ex. 6 Personal
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

From: Jonas, Lori (ENRD) [mailto:Lori.Jonas@usdoj.gov]
Sent: Wednesday, March 22, 2017 2:10 PM
To: Stewart, Andrew
Cc: Wood, Jeffrey (ENRD); Smith, Justin (ENRD)
Subject: Panel questions Jeff is prepared to answer:

Andrew: Here are the questions from the list you circulated that Jeff Wood is prepared to answer at the panel. We ask that question 3 be slightly re-framed and we think question 6 is a bit less interesting than the others. Thanks for your help.

Lori Jonas, LPS

Cc: Jeff Wood, Justin Smith

1. What are the current priority enforcement areas for OECA? For ENRD?

2. How does the federal government work with its state regulatory partners on enforcement actions?

3. When is overfiling appropriate? RESTATE as:

ENRD has, on rare occasions, overfiled in situations in which the relevant state has already settled an action. Do you have a view as to the appropriateness of overfiling in that situation?

4. Why should companies agree to a requirement in a settlement document, such as a Consent Decree, that is not specifically required in the applicable regulations (e.g., posting environmental information on a website, or conducting fence line monitoring not specifically required by applicable regulations)?

5. Are there ways "Next Generation Compliance" practices and other mechanisms like Supplemental Environmental Projects can be used to build ties with local communities where regulated entities are located? Are there ways these practices can be expanded? ENRD would address SEPs – Next Generation is presumably for EPA.

6. We think this is less interesting than the other questions on the list and therefore suggest it be deleted, but Jeff is prepared to answer it: Enforcement results, from looking at the most recently published enforcement results from OECA and ENRD, often swing due to a single settlement or prosecution in a given year. This is the proverbial "Black Swan" case. How will the enforcement offices at EPA and DOJ continue to address those types of the most significant environmental violations?

7. Is there a constructive role for citizen suits to play?

8. How do government criminal and civil enforcement teams work together (e.g., how do they share information, coordinate, what policy and guidance applies)?

9. In recent years, there has been a focus on prosecuting individuals (versus organizational defendants) as high up the corporate hierarchy as the evidence supports, to achieve enhanced deterrence. Is there still a focus on prosecuting individuals for environmental crimes?

9a. Are there common fact patterns where the criminal agents say, this looks like a suitable case for criminal processing?

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Thank You.

Message

From: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Sent: 3/23/2017 12:10:58 AM
To: Miles, Erin [Miles.Erin@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]
Subject: RE: Meeting requests

Dates are fine.

Sent from my Windows Phone

From: Miles, Erin
Sent: 3/22/2017 6:44 PM
To: Starfield, Lawrence
Cc: Cozad, David
Subject: RE: Meeting requests

Will do.

Ex. 5 Deliberative Process (DP)

-----Original Message-----
From: Starfield, Lawrence
Sent: Wednesday, March 22, 2017 6:33 PM
To: Miles, Erin <Miles.Erin@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>
Subject: RE: Meeting requests

Thanks, Erin. These look good. A few modest changes.

Ex. 5 Deliberative Process (DP)

-----Original Message-----
From: "Miles, Erin" <Miles.Erin@epa.gov>
Sent: 3/22/2017 4:36 PM
To: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
Cc: "Cozad, David" <Cozad.David@epa.gov>

Subject: Meeting requests

Here are meeting requests for the other 4 topics for your review. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 3/8/2017 3:46:23 PM
To: Brown, Byron [brown.byron@epa.gov]
Subject: Response to OIG - Benzene Standards
Attachments: OIG Gasoline Benzene Official Draft Report -- for Agency Comment -- 2-8-17.pdf; Benzene IG response 2.28.17.docx

Byron,

As I mentioned this morning, OECA's response is due today, March 8, to an OIG Report re: compliance with Benzene Standards in gasoline. Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) The key point in our draft response is as follows:

Ex. 5 Deliberative Process (DP)

We have been coordinating with OAR/OTAQ and sharing drafts with them, as the OIG report makes recommendations to both of our organizations. (We and OAR plan to submit separate responses.) I have also attached the OIG Report for your further information.

Please let us know if you have questions or would like to discuss.

Thank you.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 564-2440 (office)
(202) 564-8179 (direct)

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Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 4/18/2017 1:48:42 PM
To: Cozad, David [Cozad.David@epa.gov]
Subject: FW: suggested talking points

Replace Cheryl Seager for Stacey Dwyer.

From: Starfield, Lawrence
Sent: Wednesday, February 01, 2017 11:30 AM
To: Studlien, Susan <Studlien.Susan@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Beers, Samantha <beers.samantha@epa.gov>; Gordon, Scott <Gordon.Scott@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Dwyer, Stacey <Dwyer.Stacey@epa.gov>; Singletary, DeAndre <Singletary.DeAndre@epa.gov>; Suzanne Bohan (bohan.suzanne@epa.gov) <bohan.suzanne@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Edward Kowalski <Kowalski.Edward@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Wilkes, Mary <Wilkes.Mary@epa.gov>; Leverett Nelson (nelson.leverett@epa.gov) <nelson.leverett@epa.gov>; James Payne (payne.james@epa.gov) <payne.james@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Sylvia Quast (Quast.Sylvia@epa.gov) <Quast.Sylvia@epa.gov>; Stern, Allyn <stern.allyn@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; John Senn (Senn.John@epa.gov) <Senn.John@epa.gov>
Subject: suggested talking points

EDs and RCs:

For today's quick call, I wanted to share a few suggested Q's and A's that our Communications Director (John Senn) developed, in case you are giving a speech on enforcement. Of course, you should coordinate with the Public Affairs Director, but I thought it would be useful to see if these bullets seem reasonable to all of you as a consistent starting point.

Ex. 5 Deliberative Process (DP)

If asked:

Ex. 5 Deliberative Process (DP)

If asked about a specific case:

Ex. 5 Deliberative Process (DP)

Larry

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Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 3/6/2017 5:10:33 PM
To: Stewart, Andrew [astewart@velaw.com]
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

Good. Thanks.

Larry

From: Stewart, Andrew [mailto:astewart@velaw.com]
Sent: Monday, March 06, 2017 11:36 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

Larry, I can write up some questions that we can all kick around before the panel. We can try to have a bunch that you and Jeff can address.

I'm coordinating with Ethel to schedule lunch. Perhaps can discuss then as well.

Best,
Andrew

From: Starfield, Lawrence [mailto:Starfield.Lawrence@epa.gov]
Sent: Sunday, March 05, 2017 5:06 PM
To: Stewart, Andrew
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

Andrew,

I expect to have similar issues to Jeff. No clear how much I'll be able to say about the questions folks have. FYI.

Larry

Sent from my Windows Phone

From: Jonas, Lori (ENRD)
Sent: 2/28/2017 10:33 AM
To: Hsiao, Peter; Stewart, Andrew
Cc: justin.smith@usdoj.gov; Starfield, Lawrence
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

Peter: Thanks for your thoughts. Because of the timing of the panel, I suspect we will need to tamp down expectations that Jeff will announce Administration priorities or changes. We do not have a full complement of senior leadership within ENRD yet and there is not even a nominee for the ENRD Assistant Attorney General position (the AAG would ordinarily be the one to formulate any new priorities). I do expect that he will want to introduce himself and provide

valuable background on the senior leadership of the Department. He will also provide updates on the Division's work and activities, but there may not be much to say yet about some of the (interesting and important) questions you raise. Please keep me involved as the panel shapes up and I will keep you updated when I hear more from Jeff about specific topics he intends to cover. Thanks!

Lori Jonas
LPS
514-4080

From: Hsiao, Peter [mailto:PHsiao@mofo.com]
Sent: Thursday, February 23, 2017 11:58 PM
To: Jonas, Lori (ENRD) <LJonas@ENRD.USDOJ.GOV>; Stewart, Andrew <astewart@velaw.com>
Cc: Smith, Justin (ENRD) <JSmith2@ENRD.USDOJ.GOV>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

Thanks Lori for these very helpful materials, and kudos to Andrew for all of his work to organize this panel. I have some suggestions for Jeff's presentation and mine for your consideration.

1. I think everyone realizes this is a potentially unprecedented change in administrations. In California where the conference will be held (and probably elsewhere), I think our audience will be energized and most interested in the following topics for Jeff (and similarly from Larry, substituting EPA for DOJ below):

A. What are three (or five) of the most important changes we can expect to see from ENRD in the new Administration?

B. What are three (or five) of the most important priorities for ENRD in the new Administration?

C. What are three (or five) of the most important pending cases for ENRD that we should be watching?

Jeff also may want to talk about any changes in Superfund or DOJ policies that may be on the horizon. I am excited to be on the panel because I would like to learn from Jeff and Larry about these issues.

2. Andrew and I represent the loyal opposition in the form of private practitioners representing defendants in enforcement actions. I think I would discuss (a) the implications of state enforcement in delegation from EPA in place of federal enforcement; (b) suggested and possible changes in enforcement policy, for example, the audit/self-reporting policy, or the expanded use supplemental environmental projects in civil actions, or of deferred prosecution agreements in criminal actions, or of the use of overfilling of federal actions in civil cases, or the federal response to variance relief granted by state agencies; and (c) the use of expedited settlement procedures for certain types of cases. If you or Larry have other suggestions for topic from the defense side, please let us know.

I hope we can get together by phone in advance, or in person here in beautiful Los Angeles, before our presentation. I am honored to be part of this panel and very much look forward to working with all of you.

Best regards,

Peter

Peter Hsiao ǁ Partner ǁ Morrison & Foerster LLP
707 Wilshire Boulevard, Suite 6000 ǁ Los Angeles, California 90017-3543

p Ex. 6 | f: 213.892.5454
phsiao@mofo.com | www.mofo.com

From: Jonas, Lori (ENRD) [mailto:Lori.Jonas@usdoj.gov]
Sent: Thursday, February 23, 2017 6:14 AM
To: Stewart, Andrew
Cc: Smith, Justin (ENRD); Hsiao, Peter
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

- External Email -

Andrew: There is a lot of good information in our 2016 Accomplishments Report. You can find it on the ENRD website under Selected Publications.
The key paragraph you probably want is on page 7 and reprinted here:
In addition to the BP and Volkswagen litigation, the Division successfully litigated over 790 cases and handled a total of 6,972 cases, matters, and appeals in fiscal year 2016. We achieved over $14 billion in civil and criminal fines, penalties, and costs recovered. The estimated value of federal injunctive relief—clean-up and pollution prevention actions funded by private parties—exceeded $3 billion. And, in the Volkswagen settlement alone (which was approved by the court after the 2016 fiscal year), over $14 billion more will go to protecting con-sumers, remediating the environment, and achieving full compliance with the Clean Air Act. ENRD also saved the taxpayers over $12.3 billion by defeating monetary claims against the United States or reaching litigated or negotiated resolutions for substantially less than was sought in such suits. The Division achieved a favorable outcome in 95% of our cases, resulting in cleaner air, land, and water in the United States.

Jeff does not want to produce any slides, so could you divide his allotment to the other panelists?

Please keep me in the loop as this progresses. I am hoping to meet with Jeff in the near future to see what he'd like to cover. So, if we know what the other panelists hope to cover, that would help. Thanks! Lori

From: Stewart, Andrew [mailto:astewart@velaw.com]
Sent: Saturday, February 18, 2017 2:07 PM
To: Jonas, Lori (ENRD) <LJonas@ENRD.USDOJ.GOV>
Cc: Smith, Justin (ENRD) <JSmith2@ENRD.USDOJ.GOV>; 'Hsiao, Peter' <PHsiao@mofo.com>
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

Lori:

Per ABA requirements for this panel, Peter and I are developing a paper.

We will rely in part on the attached annual results presentation from EPA.

I seem to recall there is a similar DOJ case results presentation. If so, would you be able to send a copy?

Thanks in advance,

Andrew

From: Stewart, Andrew
Sent: Saturday, February 18, 2017 12:29 PM
To: 'Hsiao, Peter'; Jonas, Lori (ENRD); Starfield, Lawrence

Cc: Smith, Justin (ENRD); 'rbarker@wyche.com'; Stewart, Andrew
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

All:

I hope this note finds you well and wanted to touch base with a proposed format for our panel.

Please let me know your thoughts by email on the proposal below, if possible, by Friday, February 24th.

Overall Schedule/Structure for Panel

- An agenda for the spring meeting can be found at this link, if you click "Event Schedule" on the left hand side: http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=258007789&sc_cid=NR1703-C3
- Our panel is scheduled from 10:45 AM – 12:15 PM on Friday, March 31st
- Our panel will begin with a brief introduction by ABA/Andrew and overview of topic and format for panel (5-10 minutes)
- Each panelist will provide a brief presentation (three presentations, approx. 15 minutes each)
- Q&A session
  - Andrew to lead Q&A for remainder of time (the panel will develop the questions together so we know at least the "lead off" and "back pocket" questions)
  - Q&A session will also include audience questions; I will investigate logistics for receiving audience questions
  - I understand there is an app that allows audience members to "vote" on questions posed by the panel; I will circulate further information on this option

Format for Individual Presentations

- The ABA strongly encourages visuals for all of our presentations
- Each panelist to prepare a very small number of Power Point slides for their initial presentation (2-5 slides)

Specific Enforcement Topics to be Covered

- The panel will need to cover at least the following topics, per the ABA and how our panel has been advertised; however, we are not limited to these topics
  - EPA enforcement priorities
  - Next Generation Compliance
  - Individual accountability for corporate wrongdoing
  - Citizen suits
  - Intersection between civil and criminal enforcement

Next Steps

- I will follow-up so we all know what each person proposes to cover to ensure coordinated presentations
- As the date approaches, I will schedule a check-in conference call with the full panel
- I will develop a proposed list of questions for the Q&A portion that we can all review and comment on
- It might also be nice to meet up for a meal at the conference to catch up in person and go over any last-minute matters

As always, feel free to reach out to me by phone or email with any related questions or issues in the meantime. Thanks again, and I'm looking forward to working together on this panel.

Best,

Andrew

Andrew R. Stewart
Counsel

E astewart@velaw.com
W
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

From: Stewart, Andrew
Sent: Sunday, January 15, 2017 10:50 PM
To: 'bruce.gelber@usdoj.gov'; 'phsiao@mofo.com'; 'Starfield.lawrence@Epa.gov'
Cc: 'rbarker@wyche.com'
Subject: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE RESPOND TO PROPOSED TIMES

Happy new year! Thank you for agreeing to serve on the "Emerging Issues in Environmental Enforcement" panel on Friday, March 31st at the Spring 2017 ABA SEER conference in Hollywood. I'm excited to collaborate with such an expert and accomplished group for this panel.

As your moderator, I wanted to reach out to start the planning process for our topic, described as follows:

> *In the ever-changing environmental landscape, it can be difficult to stay abreast of environmental enforcement issues. Join us for a thought-provoking panel featuring federal government and private practice attorneys, who will explore recent trends in environmental enforcement at the federal and state levels, including enforcement priorities, the use of new technologies, in enforcement, individual accountability for corporate wrongdoing, the intersection between civil and criminal enforcement, and citizen suits. Attendees will learn how these trends will impact their clients with a focus on how to respond to enforcement actions and how to manage complex matters with both civil and criminal components.*

I look forward to strategizing with you all to make our panel discussion as lively and informative as possible. We'll need to decide up front: (i) how we want to use our time, including what specific topics each panelist will be prepared to cover; (ii) what questions would be best to spark interesting discussion on the panel after our presentations; (iii) whether we'll use any Power Point slides during the panel; and (iv) how we will develop the paper required for our panel.

Please let me know your availability for a **30-minute planning call** in the following time windows, all times EST:

- January 17: 9 AM – 12 PM; 1 – 5 PM
- January 18: 9 AM – 12 PM; 2 – 3 PM; 4 – 5 PM
- January 19: 9 AM – 12 PM; 1 – 5 PM

Thank you again, and I look forward to speaking with you all soon. Please don't hesitate to reach out in the meantime with questions about the panel.

Best,

-Andrew

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Thank You.

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Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 4/17/2017 4:09:29 PM
To: Shiffman, Cari [Shiffman.Cari@epa.gov]; Cozad, David [Cozad.David@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: Draft ED/RC Agenda for April 19 Call

Good idea.

From: Shiffman, Cari
Sent: Monday, April 17, 2017 11:56 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Draft ED/RC Agenda for April 19 Call

Larry,

Toni and Sarah raised one additional question - Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal

From: Starfield, Lawrence
Sent: Friday, April 14, 2017 10:04 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Draft ED/RC Agenda for April 19 Call

OC needs to send out a template by COB Monday. If so, I'm ok with the agenda if Dave is.

Sent from my Windows Phone

From: Shiffman, Cari
Sent: 4/14/2017 5:16 PM
To: Starfield, Lawrence; Cozad, David
Cc: Miles, Erin; LaBoda, Sarah; Gargas, Toni
Subject: RE: Draft ED/RC Agenda for April 19 Call

Please find the updated draft agenda for the ED/RC call on Wednesday. After you have had a chance to review, I will send it out.

Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference
April 19, 2017, 2:00-3:30 pm Eastern Time
Headquarters: WJC South Room 3216
Call-In: Ex. 6 Personal, ID: Ex. 6 Personal

DRAFT AGENDA

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant

U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Starfield, Lawrence
Sent: Wednesday, April 12, 2017 4:45 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Draft ED/RC Agenda for April 19 Call

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

(202) 564-2440 (office)
(202) 564-8179 (direct)
Ex. 6 Personal Privacy (PP) (cell)

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From: Shiffman, Cari
Sent: Wednesday, April 12, 2017 2:23 PM
To: Cozad, David <Cozad.David@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Subject: Draft ED/RC Agenda for April 19 Call

Dave,

As I mentioned, we haven't really received any agenda items for next week's call. I've reached out to all the OECA offices and Toni/Sarah have reached out to all the Regions.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 5/14/2017 8:38:09 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: FILE
Attachments: ABA speech 5 18 17.docx

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

(202) 564-2440 (office)
(202) 564-8179 (direct)
Ex. 6 Personal (cell)

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Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 2/24/2017 12:55:47 AM
To: Cari Shiffman (Shiffman.Cari@epa.gov) [Shiffman.Cari@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]; OECA Office Directors and Deputy Directors
Ex. 6 Personal Privacy (PP)]
Subject: overview
Attachments: OECA Overview Briefing DRAFT 2-23-17 pm.pptx

Attached is a revised overview presentation. It is too long, and we need to cut it down, but I'd be interested in your reactions and suggestions. Thanks.

Larry

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Sent: 5/12/2017 1:13:31 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: files
Attachments: NEJAC Talking Points for Larry 4 20 17.docx; ABA Questions LS 3 24 17.docx; ABA speech 3 31 17.docx

Larry Starfield
Principal Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. EPA
Washington, DC

(202) 564-2440 (office)
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Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 3/3/2017 7:27:03 PM
To: OECA All [OECA_All@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]
Subject: update
Attachments: Slides from OECA Overview Briefing 3-2-17.pptx

A couple of items to share:

1. Budget: Ex. 5 Deliberative Process (DP)

   Ex. 5 Deliberative Process (DP)

2. OECA Briefing of the Administrator: We had a very positive discussion with the Administrator yesterday, and briefed him on the great work you all do in OECA. (Attached, FYI, are the key slides we used in the briefing.) The Office Directors, Dave Cozad and I were joined for the presentation by our Lead Region Acting RA Ed Chu, ED Kathleen Johnson, and RC Eric Schaaf, highlighting the national nature of OECA's work.

As always, thank you for your continued hard work and focus. Enjoy the weekend.

Larry

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 3/15/2017 6:30:20 PM
To: Bailey, Ethel [Bailey.Ethel@epa.gov]
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

Ethel – please look for an invitation to a call Friday at 4:30 pm on this conference. Thanks.

Larry

From: Starfield, Lawrence
Sent: Wednesday, March 15, 2017 2:26 PM
To: 'Jonas, Lori (ENRD)' <Lori.Jonas@usdoj.gov>; 'Stewart, Andrew' <astewart@velaw.com>; 'Hsiao, Peter' <PHsiao@mofo.com>
Cc: 'rbarker@wyche.com' <rbarker@wyche.com>
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

Friday at 4:30 pm would work for me.

Larry

From: Jonas, Lori (ENRD) [mailto:Lori.Jonas@usdoj.gov]
Sent: Wednesday, March 15, 2017 2:23 PM
To: 'Stewart, Andrew' <astewart@velaw.com>; 'Hsiao, Peter' <PHsiao@mofo.com>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: 'rbarker@wyche.com' <rbarker@wyche.com>
Subject: RE: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

Jeff is free this Friday afternoon during the following times: 2:00-3:00 and 4:30-5:30 (eastern).

From: Stewart, Andrew [mailto:astewart@velaw.com]
Sent: Tuesday, March 14, 2017 8:23 PM
To: 'Hsiao, Peter' <PHsiao@mofo.com>; Jonas, Lori (ENRD) <LJonas@ENRD.USDOJ.GOV>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: 'rbarker@wyche.com' <rbarker@wyche.com>; Stewart, Andrew <astewart@velaw.com>
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - PLEASE LET ME KNOW YOUR AVAILABILITY FOR A FINAL PLANNING CALL / POTENTIAL QUESTIONS FOR Q&A PORTION OF OUR PANEL

Greetings! We are now just over two weeks away from our ABA SEER panel, scheduled for 3/31 at 10:45 AM–12:15 PM.

I look forward to working with you all to finalize the format, topics, and potential questions that we can use for the Q&A time during our panel.

Please let me know your availability on March 17th and 20th for a call to discuss: what topics each person will cover in their 15-minute presentation time, how we will develop a small number of slides for the panel, and what are appropriate questions I can use for the Q&A session during our panel. I am also looking into the

logistics of how audience questions would be presented to our panel, and questions asked about press coverage of our panel.

I've attached a draft proposed set of questions that I could use for the Q&A session of the panel. Note that I've drafted these questions just for our discussion purposes. I want to make sure we have a set of "back pocket" questions to get the Q&A session started, and that all panelists are comfortable with these questions. Please also suggest other questions you feel are important and propose to strike questions if you believe they are peripheral. I have tried to adhere to the topic description for our panel developed by the ABA.

I would also propose that we meet in person in LA before our panel, perhaps over a meal, if your schedule permits. **Please let me know your availability** to meet in person.

Thanks again for working together on this panel, and I look forward to seeing everyone in person soon.

Best,
-Andrew

From: Stewart, Andrew
Sent: Saturday, February 18, 2017 12:29 PM
To: 'Hsiao, Peter'; Jonas, Lori (ENRD); Starfield, Lawrence
Cc: Smith, Justin (ENRD); 'rbarker@wyche.com'; Stewart, Andrew
Subject: FW: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE REVIEW PROPOSED FORMAT FOR OUR PANEL AND RESPOND BY FEBRUARY 24TH

All:

I hope this note finds you well and wanted to touch base with a proposed format for our panel.

Please let me know your thoughts by email on the proposal below, if possible, by Friday, February 24th.

Overall Schedule/Structure for Panel

- An agenda for the spring meeting can be found at this link, if you click "Event Schedule" on the left hand side: http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=258007789&sc_cid=NR1703-C3
- Our panel is scheduled from 10:45 AM – 12:15 PM on Friday, March 31st
- Our panel will begin with a brief introduction by ABA/Andrew and overview of topic and format for panel (5-10 minutes)
- Each panelist will provide a brief presentation (three presentations, approx. 15 minutes each)
- Q&A session
    - Andrew to lead Q&A for remainder of time (the panel will develop the questions together so we know at least the "lead off" and "back pocket" questions)
    - Q&A session will also include audience questions; I will investigate logistics for receiving audience questions
    - I understand there is an app that allows audience members to "vote" on questions posed by the panel; I will circulate further information on this option

Format for Individual Presentations

- The ABA strongly encourages visuals for all of our presentations
- Each panelist to prepare a very small number of Power Point slides for their initial presentation (2-5 slides)

Specific Enforcement Topics to be Covered

- The panel will need to cover at least the following topics, per the ABA and how our panel has been advertised; however, we are not limited to these topics
    - EPA enforcement priorities

- Next Generation Compliance
- Individual accountability for corporate wrongdoing
- Citizen suits
- Intersection between civil and criminal enforcement

Next Steps

- I will follow-up so we all know what each person proposes to cover to ensure coordinated presentations
- As the date approaches, I will schedule a check-in conference call with the full panel
- I will develop a proposed list of questions for the Q&A portion that we can all review and comment on
- It might also be nice to meet up for a meal at the conference to catch up in person and go over any last-minute matters

As always, feel free to reach out to me by phone or email with any related questions or issues in the meantime. Thanks again, and I'm looking forward to working together on this panel.

Best,

Andrew

Andrew R. Stewart
Counsel

E astewart@velaw.com
W {Ex. 6}
F +1.202.315.3392

Vinson & Elkins LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037-1701

bio | vcard | velaw.com

From: Stewart, Andrew
Sent: Sunday, January 15, 2017 10:50 PM
To: 'bruce.gelber@usdoj.gov'; 'phsiao@mofo.com'; 'Starfield.lawrence@Epa.gov'
Cc: 'rbarker@wyche.com'
Subject: Spring ABA SEER "Emerging Issues in Environmental Enforcement" Panel - Welcome and Scheduling our Planning Call - PLEASE RESPOND TO PROPOSED TIMES

Happy new year! Thank you for agreeing to serve on the "Emerging Issues in Environmental Enforcement" panel on Friday, March 31st at the Spring 2017 ABA SEER conference in Hollywood. I'm excited to collaborate with such an expert and accomplished group for this panel.

As your moderator, I wanted to reach out to start the planning process for our topic, described as follows:

> *In the ever-changing environmental landscape, it can be difficult to stay abreast of environmental enforcement issues. Join us for a thought-provoking panel featuring federal government and private practice attorneys, who will explore recent trends in environmental enforcement at the federal and state levels, including enforcement priorities, the use of new technologies, in enforcement, individual accountability for corporate wrongdoing, the intersection between civil and criminal enforcement, and citizen suits. Attendees will learn how these trends will impact their clients with a focus on how to respond to enforcement actions and how to manage complex matters with both civil and criminal components.*

I look forward to strategizing with you all to make our panel discussion as lively and informative as possible. We'll need to decide up front: (i) how we want to use our time, including what specific topics each panelist will be prepared to cover; (ii) what questions would be best to spark interesting discussion on the panel after our presentations; (iii) whether we'll use any Power Point slides during the panel; and (iv) how we will develop the paper required for our panel.

Please let me know your availability for a **30-minute planning call** in the following time windows, all times EST:

- January 17: 9 AM – 12 PM; 1 – 5 PM
- January 18: 9 AM – 12 PM; 2 – 3 PM; 4 – 5 PM
- January 19: 9 AM – 12 PM; 1 – 5 PM

Thank you again, and I look forward to speaking with you all soon. Please don't hesitate to reach out in the meantime with questions about the panel.

Best,

-Andrew

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Thank You.

Message

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Sent: 3/2/2017 6:15:28 PM
To: Schwab, Justin [schwab.justin@epa.gov]
CC: Shinkman, Susan [Shinkman.Susan@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]
Subject: FW: OIG Response - Benzene Standards
Attachments: Benzene IG response 2.28.17.docx

Justin,

Here's our draft response to the IG on compliance with the gasoline benzene standard. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Larry

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Sent: 2/28/2017 11:49:12 PM
To: Hale, Michelle [hale.michelle@epa.gov]; Willis, Sharnett [Willis.Sharnett@epa.gov]; Burton, Tamika [burton.tamika@epa.gov]
CC: Reeder, John [Reeder.John@epa.gov]; Bailey, Ethel [Bailey.Ethel@epa.gov]
Subject: FW: Briefing for the Administrator tomorrow
Attachments: OECA Overview Briefing 3-1-17.pptx

I believe that the OECA overview briefing has been moved to Thursday at 10:45 am, and we hand-delivered copies of the materials to the Administrator's office and to the Chief of Staff's Office this afternoon. In case you did not receive them, and for Mike Flynn, attached is an electronic copy.

Thank you.

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

Message

From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 2/27/2017 11:01:14 PM
To: Cari Shiffman (Shiffman.Cari@epa.gov) [Shiffman.Cari@epa.gov]
Subject: ver 12
Attachments: OECA Overview Briefing DRAFT v. 12.pptx

Cari,

I added a few words to the notes on version 11.

Larry

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From: Starfield, Lawrence [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: 2/27/2017 9:07:03 PM
To: Shiffman, Cari [Shiffman.Cari@epa.gov]
CC: Miles, Erin [Miles.Erin@epa.gov]
Subject: RE: Current OECA Power Point - Version 7
Attachments: OECA Overview Briefing DRAFT v. 9.pptx

Ex. 5 Deliberative Process (DP)

Here are the slides with a few small adjustments to the slides on NEIs, EJ, and OFA. I didn't redline the changes, but hopefully you can see them. Thanks.

Larry

From: Shiffman, Cari
Sent: Monday, February 27, 2017 2:16 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

For Slide 11 – Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal

From: Starfield, Lawrence
Sent: Monday, February 27, 2017 2:14 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Those changes look good. Thanks. Ex. 5 Deliberative Process (DP) I think it's important information.

Larry

From: Shiffman, Cari
Sent: Sunday, February 26, 2017 9:50 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>

Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Larry,

Additional updates for the powerpoint below. I also made some small additional tweaks to formatting and spacing. When you send it to the administrator I could convert it into a PDF or make another version with no notes.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal

From: Starfield, Lawrence
Sent: Friday, February 24, 2017 5:45 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: RE: Current OECA Power Point - Version 7

Cari,

Thanks again for tracking all of this. I just had a few comments, below, in CAPS. Thanks.

Larry

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From: Shiffman, Cari
Sent: Friday, February 24, 2017 5:23 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Miles, Erin <Miles.Erin@epa.gov>
Subject: Current OECA Power Point - Version 7

Updates: made formatting, capitalization, photo and other spacing adjustments throughout.

Additional edits from the noon version highlighted below (they are not in different colors on the PP).

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Cari Shiffman, Special Assistant
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal