From:	CC Grisham
To:	Nelson, Russell
Cc:	Charles Curtis Grisham Jr.; Meyer, John; Sanchez, Carlos; Tzhone, Stephen; Moran, Gloria; Seager, Cheryl; keogh@adeq.state.ar.us; Carpenter, Ellen; spencer@adeq.state.ar.us; katie.beck@governor.arkansas.gov; Mccarthy, Gina
Subject:	Re: item to which I was referring
Date:	Thursday, April 23, 2015 4:16:27 PM

Russell,

While I do find that EPA's organizational structure and standard operating procedures are very confusing and even disjointed, I don't think I am "confusing two different actions," as you said.

You are reviewing (for over a year now) ADEQ's revision of Arkansas' APC&EC Regulation No. 2, and Arkansas's APC&EC Regulation No. 2 governs the water quality standards that are part of EPA's enforcement action at Arkwood. That part is crystal-clear to me.

I did read your email carefully and I quoted to you the same sentence you quoted back to me in reply. I'm not sure what your point was in doing that.

I disagree with your statement below that "**the subject of the email had absolutely nothing to do with any WQS standards that may apply to Arkwood.**" That is ***exactly*** what the email and my inquiry that triggered the email are about.

Please do that "**digging to figure out what provisions would currently apply to any waters in that area**" (as you put it) and then write me back with whatever you dig up, if you would be so kind.

Thank you.

Curt (not "Kirk," though I get that a lot)

On Apr 23, 2015, at 1:53 PM, Nelson, Russell <nelson.russell@epa.gov> wrote:

Kirk,

The email is all I needed to see. Makes perfect sense now. It appears that you're confusing two different actions, my review of the state's WQS revisions and any compliance or enforcement action that may be considered or pending in another Division within EPA Region 6.

When initially contacted and informed that you may be interested in speaking with me, I was operating under the impression that you may have questions directly related to the state's revised standards, which I would not be at liberty to speak about with you or anyone ADEQ, only internally as it would be pre-decisional. It was, and is a very complicated revision and some decisions remain to me made even now. If you read the email carefully, you will note my statement that "We haven't acted on the submission as required within our statutory/regulatory time frame but there's a long back-story that cannot be discussed outside the agency." That is simply how I referred to my ongoing review of the state's triennial standards revision. The rest of the email simply elaborates on that issue.

The subject of the email had absolutely nothing to do with any WQS standards that may apply to

Arkwood. In fact, I'd have to do some digging to figure out what provisions would currently apply to any waters in that area.

Russell

Russell Nelson
Regional Standards Coordinator
Water Quality Protection Division
U.S. EPA, Region 6

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-----Original Message-----
From: CC Grisham [mailto:grish@me.com]
Sent: Thursday, April 23, 2015 3:19 PM
To: Nelson, Russell
Cc: Charles Curtis Grisham Jr.; Meyer, John; Sanchez, Carlos; Tzhone, Stephen; Moran, Gloria; Murray, Suzanne; keogh@adeq.state.ar.us; Carpenter, Ellen; spencer@adeq.state.ar.us; katie.beck@governor.arkansas.gov
Subject: item to which I was referring

Russell,

Please see attached your email I referred to today on the telephone with you.

On February 5, 2015, regarding my inquiry into ADEQ revision of Arkansas Water Quality Standards (Regulation No. 2) as "submitted to EPA for Approval March 14, 2014" (per ADEQ website,) you wrote to Stephen Tzhone:

"We haven't acted on the submission as required within our statutory/regulatory time frame but there's a long back-story that cannot be discussed outside the agency."

Obviously, I'd like to know what the Arkwood Water Quality Standards "back-story" is; that's pretty much a central purpose of my FOIA requests.

Can you tell me specifically why this potentially-crucial information "cannot be discussed outside the agency" and why EPA had not "acted on the submission as required within [y]our statutory/regulatory time frame" by the time of your writing this email?

Thanks,
Curt