Message

From: Anamaria Argandona [translates@gmail.com]
Sent: 3/5/2018 11:23:57 PM
To: lconklin@tiinc.com; Nieves-Munoz, Waleska [Nieves-Munoz.Waleska@epa.gov]; Younes, Lina [Younes.Lina@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Robinson, Brittany [Robinson.Brittany@epa.gov]
Subject: Re: FW: For translation -- FW: Animal Waste Updates
Attachments: Animal Waste Updates_sp.docx; CERCLA EPCRA Factsheet FINAL 3-5-18 0900 (002)_SP.docx

Hi All,

Attached are the translated files due today.
Please note that several EPA links appearing in the factsheet should go to the respective Spanish site, if available. Therefore, these links may have to be changed.

Thanks and best regards,
Anamaria

On Mon, Mar 5, 2018 at 5:42 PM, Larry Conklin <lconklin@tiinc.com> wrote:

Please rush translate the attached 2 pieces. The Fact Sheet is very similar to one you did earlier under V0046.

"Regular" and not Puerto Rican Spanish

Thank you,

Larry Conklin

Project Manager

Translations International Inc.
The Center For Technical Translation™
(T) 571.274.5436 | (F) 202.330.5784
www.TIINC.com

From: "Nieves-Munoz, Waleska" <Nieves-Munoz.Waleska@epa.gov>
Date: Monday, March 5, 2018 at 1:31 PM
To: Larry Conklin <lconklin@tiinc.com>
Cc: "Younes, Lina" <Younes.Lina@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Conklin, Jeanne" <Conklin.Jeanne@epa.gov>,

"Robinson.Brittany@epa.gov" <Robinson.Brittany@epa.gov>
Subject: RE: For translation -- FW: Animal Waste Updates

Hi Larry

Please translate into Spanish (regular/standar) under task 5. See below

---

From: Grantham, Nancy
Sent: Monday, March 5, 2018 1:17 PM
To: Nieves-Munoz, Waleska <Nieves-Munoz.Waleska@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Conklin, Jeanne <Conklin.Jeanne@epa.gov>
Cc: Younes, Lina <Younes.Lina@epa.gov>
Subject: For translation -- FW: Animal Waste Updates

Please translate the text below – including the new fact sheet at the link below – into regular (not Puerto Rican) spanish under task 5

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

PSA Audio File

Due to a recent court action, many farms with animal operations across the United States will be required to report emissions from animal waste as early as May 1st. EPA had exempted most farms from this requirement under the EPCRA and CERCLA laws but due to a recent lawsuit, the courts eliminated this exemption. EPA

has online tools to help animal ag producers determine if this requirement applies to their operations and help them comply with the law. To learn more, visit www.epa.gov/animalwaste or call 1-800-424-9346.

Widget

Due to a recent court action, many farms with animal operations will be required to report emissions from animal waste as early as May 1.

https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal

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From: Grantham, Nancy
Sent: Monday, March 05, 2018 10:59 AM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Subject: RE: Animal Waste Updates

We will get this translated ..

Can you send me the proposed edits to the widgets and psas? Sorry if I missed them thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Thomas, Latosha
Sent: Monday, March 05, 2018 10:50 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Animal Waste Updates

Hi,

FYI –

- The animal waste fact sheet has been updated to reflect the May 1 date. The Spanish version will need to be updated as well. https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal
- We're still waiting until the PSA/widget are updated to put all of the materials back on the site.
- Printed materials are still on hold until we can all figure out how we would like to move forward. This will be brought up on next CERCLA/EPCRA call with Barry.

Latosha Thomas

U.S. Environmental Protection Agency

OLEM/OEM/RMD

(202) 564-2621 (desk)

(202) 568-0851 (cell)

thomas.latosha@epa.gov

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Anamaría Argandoña - A&L Spanish Translations
T 772-245-0799 or 772-240-0942
English & French into Spanish
Twitter: @translates
http://www.linkedin.com/in/anamariaargandona

Appointment

From: Thomas, Latosha [Thomas.Latosha@epa.gov]
Sent: 1/17/2018 3:38:55 PM
To: Thomas, Latosha [Thomas.Latosha@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; jklippenstein@dfamilk.com; barbara.obrien@rosedmi.com; cwoodall@beef.org; pauls@fb.org; bpatterson@nfudc.org; jjonker@nmpf.org; apeterson@chickenusa.org; dwells@turkeyfed.org; astokes@pork.org; davisb@nppc.org; kbryan@unitedegg.com; pbredwell@uspoultry.org; dairyspot@milk4u.org; innovationcenter@usdairy.com; tammy.dennee@oregondairyfarmers.org; richard@aradc.org; ethomas@tfi.org; christinegeith@extension.org; barb@nasda.org; mkeogh@4cleanair.org; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]; Colip, Matthew [colip.matthew@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Nitsch, Chad [Nitsch.Chad@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Janifer, Pamela [Janifer.Pamela@epa.gov]; Sands, Jeffrey [sands.jeffrey@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Bowles, Jack [Bowles.Jack@epa.gov]; Barbery, Andrea [Barbery.Andrea@epa.gov]; crichter@thepolicygroup.com; Andrew Walmsley [andreww@fb.org]; clehn@niseifarmersleague.com; Clay Detlefsen [cdetlefsen@nmpf.org]; tom.hebert@bayardridge.com; Scott Yager [syager@beef.org]; Michael Formica [formicam@nppc.org]; christopher_eyestone@seaboardcorp.com; courtney.bourgoin@sierraclub.org; baja@arizonabeef.org; pbray@arizonabeef.org; Heinemann, Kristina [Heinemann.Kristina@epa.gov]
CC: tgablehouse@gcgllc.com; Danielle Quist [danielleq@fb.org]; Hinda Mitchell [Hinda@InspirePRGroup.com]; Lisa Wallenda Picard [lpicard@turkeyfed.org]; Leslee Oden [LOden@turkeyfed.org]; Keith Williams [KeithWilliams@turkeyfed.org]; Tesoriero, Richard [Richard_Tesoriero@seaboardcorp.com]; Green, Ryan [ryan.green@nebraska.gov]; David Warner [warnerd@nppc.org]; Phillip Assmus [passmus@4cleanair.org]

Subject: EPA Animal Waste Reporting Outreach Call with Stakeholders
Attachments: CERCLA EPCRA Factsheet FINAL (SPANISH) 2.pdf; CERCLA EPCRA Factsheet FINAL.pdf
Location: Conference Number / Ex. 6

Start: 1/18/2018 4:00:00 PM
End: 1/18/2018 5:00:00 PM
Show Time As: Busy

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of this call is to provide an overview and basic information for our stakeholders who are impacted by this new requirement.

The number of lines is limited, so it is recommend that participants consolidate call-in location if possible. Also, please remember to place your phone on mute while you're not speaking or asking a question. Thanks!

Message

From: Negron, Nesmarie [Negron.Nesmarie@epa.gov]
Sent: 1/18/2018 6:42:00 PM
To: Heinemann, Kristina [Heinemann.Kristina@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]
CC: Somboonlakana, Donna [Somboonlakana.Donna@epa.gov]
Subject: FW: EPA factsheets on CERCLA-EPCRA reporting for animal waste

FYI

From: Hall, Lynda
Sent: Thursday, January 18, 2018 1:32 PM
To: Brown, Yolanda <Brown.Yolanda@epa.gov>; Carlin, Jayne <Carlin.Jayne@epa.gov>; Ellington, Natalie <Ellington.Natalie@epa.gov>; Fancieullo, Sandra <fancieullo.sandra@epa.gov>; Lamb, Brad <Lamb.Brad@epa.gov>; Gluckman, Matthew <gluckman.matthew@epa.gov>; Mendelman, Krista <Mendelman.Krista@epa.gov>; Monahan, Peter <Monahan.Peter@epa.gov>; Nuhfer, Mark <Nuhfer.Mark@epa.gov>; Schaff, Steve <Schaff.Steve@epa.gov>; Somboonlakana, Donna <Somboonlakana.Donna@epa.gov>; Suffian, Fred <Suffian.Fred@epa.gov>; Yin, Christina <Yin.Christina@epa.gov>; Bloom, Judy <Bloom.Judy@epa.gov>; Cote, Mel <Cote.Mel@epa.gov>; Crocker, Philip <crocker.philip@epa.gov>; Croxton, David <Croxton.David@epa.gov>; Curtis, Glenn <curtis.glenn@epa.gov>; Feuerbach, MaryJo <feuerbach.maryjo@epa.gov>; Gluckman, Matthew <gluckman.matthew@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>; Negron, Nesmarie <Negron.Nesmarie@epa.gov>; Price-Fay, Michelle <Price-Fay.Michelle@epa.gov>; Thomas, Chris <Thomas.Chris@epa.gov>
Cc: Jorge, Adam <Jorge.Adam@epa.gov>; Curtis, Cynthia <Curtis.Cynthia@epa.gov>; Wiitala, Megan <Wiitala.Megan@epa.gov>
Subject: FYI: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Regional NPS coordinators and managers,

FYI and for situational awareness

From: Subramanian, Hema
Sent: Tuesday, January 16, 2018 4:26 PM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: FW: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Dear Animal Ag Discussion Group participants:

FYI, please see the announcement below from EPA's Office of Emergency Management regarding a new factsheet for outreach on CERCLA-EPCRA reporting for animal waste.

Thank you,
---Hema.

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.

If you have any questions, please contact the Environmental Protection Agency via the information provided below:

- Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms (including new factsheet)
- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
- Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
- Call with questions: 1-800-424-9346

Message

From: Coats, Andrea [Coats.Andrea@epa.gov]
Sent: 1/16/2018 10:58:17 PM
To: Heinemann, Kristina [Heinemann.Kristina@epa.gov]; Arcaya, Alyssa [arcaya.alyssa@epa.gov]; Arvizu, Christy [Arvizu.Christy@epa.gov]
Subject: Re: Release of CERCLA/EPCRA reporting fact sheets

Feel free to send if you like. I was going to send it to Jackie - NYSDEC, Wanda - EQB and not sure yet at NJDEP. Just let me know.

From: Heinemann, Kristina
Sent: Tuesday, January 16, 2018 5:56:11 PM
To: Coats, Andrea; Arcaya, Alyssa; Arvizu, Christy
Subject: RE: Release of CERCLA/EPCRA reporting fact sheets

Andrea – thanks. Please copy me on any notes you send so I know who has been contacted. I am about to send to NYSDAM and others in NYS. I will hold off on sending anything to DEC and DEP, and EQB. Thanks.

From: Coats, Andrea
Sent: Tuesday, January 16, 2018 5:54 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>; Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Arvizu, Christy <Arvizu.Christy@epa.gov>
Subject: Fw: Release of CERCLA/EPCRA reporting fact sheets

Hello,

FYI in case you did not receive these Fact Sheets. Kristina, I will forward to NYSDEC, NJDEP and EQB.

Andrea

From: Galloway, Carol
Sent: Tuesday, January 16, 2018 4:39 PM
To: Galloway, Carol
Subject: FW: Release of CERCLA/EPCRA reporting fact sheets

Bcc'd to CAFO contacts email list (with apologies to those who have asked to be removed, I'm in the middle of revising the list.)

Attached are factsheets (in English and Spanish) from EPA on the CERCLA/EPCRA reporting requirements for air releases of hazardous substances from animal waste. Please distribute to your networks for outreach.

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.

If you have any questions, please contact the Environmental Protection Agency via the information provided below:

- Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms
- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
- Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
- Call with questions: 1-800-424-9346

The factsheets are also available on the CERCLA/EPCRA website. A link is available at the top of the page: www.eap.gov/animalwaste or you can link to the factsheets directly at https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal.

Message

From: Maimone, Francesco [Maimone.Francesco@epa.gov]
Sent: 1/16/2018 10:44:00 PM
To: Heinemann, Kristina [Heinemann.Kristina@epa.gov]
CC: Banner, Ellen [Banner.Ellen@epa.gov]
Subject: FW: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Fyi, please see below regarding the website.

Be safe tonight/tomorrow!

Francesco

From: Gioffre, Patricia
Sent: Tuesday, January 16, 2018 5:42 PM
To: Haas, Craig <Haas.Craig@epa.gov>; Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David <magdangal.david@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Phillips, Peter <Phillips.Peter@epa.gov>; Schulze, Chad <Schulze.Chad@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dholakia, Umesh <Dholakia.Umesh@epa.gov>; Ghaffari, Mozafar <Ghaffari.Mozafar@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Leung, Chao <Leung.Chao@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Mosher, Eric <Mosher.Eric@epa.gov>; Ouedraogo, Idrissa <ouedraogo.idrissa@epa.gov>; Petty, Joel <petty.joel@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Rivera, Carlos <Rivera.Carlos@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Baginski, Alfred <Baginski.Alfred@epa.gov>; Beckley, Patrick <Beckley.Patrick@epa.gov>; Daniel, Kevin <Daniel.Kevin@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; Hunt, Mary <Hunt.Mary@epa.gov>; Nilsen, Ashley <Nilsen.Ashley@epa.gov>; pandya, perry <pandya.perry@epa.gov>; Parent, Suzanne <Parent.Suzanne@epa.gov>; VanOrden, James <VanOrden.James@epa.gov>; Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Ziegler, Lauren <Ziegler.Lauren@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Caplan, Robert W. <Caplan.Robert@epa.gov>; Chow, Eddie <Chow.Eddie@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Crum, Lynda <Crum.Lynda@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Groendyke, Todd <Groendyke.Todd@epa.gov>; Juan, Rodolfo <Juan.Rodolfo@epa.gov>; Kono, Michiko <Kono.Michiko@epa.gov>; Noles, Jordan <Noles.Jordan@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Poole, Vinson <Poole.Vinson@epa.gov>; Rouch, Ellen <Rouch.Ellen@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Toney, Anthony <Toney.Anthony@epa.gov>; Warrilow, Phyllis <Warrilow.Phyllis@epa.gov>; Weeks, Victor <weeks.victor@epa.gov>; White, Erika <White.Erika@epa.gov>; Bezerra, Joana <bezerra.joana@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Chrzaszcz, Monika <chrzaszcz.monika@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Jager, Ginger <jager.ginger@epa.gov>; Kaiser, Steven <kaiser.steven@epa.gov>; Mayhugh, Robert <mayhugh.robert@epa.gov>; Moore, Cecilia <moore.cecilia@epa.gov>; Palomo, Silvia <palomo.silvia@epa.gov>; Riley, Ellen <riley.ellen@epa.gov>; Smith, Robert H <smith.roberth@epa.gov>; Stillman, Sarah <Stillman.Sarah@epa.gov>; Wagner, William <wagner.william@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Clay, Jeffrey <clay.jeffrey@epa.gov>; Ford, Debbie <Ford.Debbie@epa.gov>; Foster, Althea

<Foster.Althea@epa.gov>; Hodges, Angela <Hodges.Angela@epa.gov>; Howard, AshleyA <Howard.AshleyA@epa.gov>; Mason, Steve <mason.steve@epa.gov>; Moore, Nathaniel <Moore.Nathaniel@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Phelps, Sherronda <Phelps.Sherronda@epa.gov>; Robledo, Tony <Robledo.Tony@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Trawick, Matthew <Trawick.Matthew@epa.gov>; Ward, Misty <ward.misty@epa.gov>; Bieri, Britt <bieri.britt@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Bosch, Raymond <Bosch.Raymond@epa.gov>; Brewer, Laura <brewer.laura@epa.gov>; Bunch, Howard <Bunch.Howard@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>; Hoard, Christine <Hoard.Christine@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Mills, Clarissa <mills.clarissa@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Reitz, Katherine <reitz.katherine@epa.gov>; Rosado-Chaparro, Wilfredo <Rosado-Chaparro.Wilfredo@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>; Trotter, Jennifer <Trotter.Jennifer@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Bockstahler, Breann <Bockstahler.breann@epa.gov>; Broussard, Rebecca <Broussard.Rebecca@epa.gov>; Chavez, Luke <Chavez.Luke@epa.gov>; Cobb, David <cobb.david@epa.gov>; Meyer, Jeff <Meyer.Jeff@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; Reed, Lori <Reed.Lori@epa.gov>; Robinson, Janis <Robinson.Janis@epa.gov>; Weiner, Marc <Weiner.Marc@epa.gov>; Bazley, Greg <Bazley.Greg@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Deyoe, Jeremy <deyoe.jeremy@epa.gov>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Henry, Karen <Henry.Karen@EPA.GOV>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; jones, bill <jones.bill@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Lucas, Robert <Lucas.Robert@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>; Rongone, Marie <Rongone.Marie@epa.gov>; Steiner, Cyntia <Steiner.Cyntia@epa.gov>; Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Brown, Stephanie <Brown.Stephanie@epa.gov>; Burnett, Michael <Burnett.Michael@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mears, Gilbert <Mears.Gilbert@epa.gov>; Miles, James <miles.james@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Santacroce, Jeffrey <Santacroce.Jeffrey@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Tekrony, Linda <Tekrony.Linda@epa.gov>; Varco, Joseph <varco.joseph@epa.gov>; Yonce, Stacey <yonce.stacey@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Mendez, Lucia <Mendez.Lucia@epa.gov>; Perrin, Karla <perrin.karla@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Rountree, Jillian <Rountree.Jillian@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Galloway, Carol <Galloway.Carol@epa.gov>; Mortensen, Ginah <mortensen.ginah@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

My apologies- There is a typo in the website address below. The correct link is www.epa.gov/animalwaste

---

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Gioffre, Patricia
Sent: Tuesday, January 16, 2018 4:16 PM
To: Haas, Craig <Haas.Craig@epa.gov>; Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David <magdangal.david@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Phillips, Peter <Phillips.Peter@epa.gov>; Schulze, Chad <Schulze.Chad@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dholakia, Umesh <Dholakia.Umesh@epa.gov>; Ghaffari, Mozafar <Ghaffari.Mozafar@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Leung, Chao <Leung.Chao@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Mosher, Eric <Mosher.Eric@epa.gov>; Ouedraogo, Idrissa <ouedraogo.idrissa@epa.gov>; Petty, Joel <petty.joel@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Rivera, Carlos <Rivera.Carlos@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Baginski, Alfred <Baginski.Alfred@epa.gov>; Beckley, Patrick <Beckley.Patrick@epa.gov>; Daniel, Kevin <Daniel.Kevin@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; Hunt, Mary <Hunt.Mary@epa.gov>; Nilsen, Ashley <Nilsen.Ashley@epa.gov>; pandya, perry <pandya.perry@epa.gov>; Parent, Suzanne <Parent.Suzanne@epa.gov>; VanOrden, James <VanOrden.James@epa.gov>; Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Ziegler, Lauren <Ziegler.Lauren@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Caplan, Robert W. <Caplan.Robert@epa.gov>; Chow, Eddie <Chow.Eddie@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Crum, Lynda <Crum.Lynda@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Groendyke, Todd <Groendyke.Todd@epa.gov>; Juan, Rodolfo <Juan.Rodolfo@epa.gov>; Kono, Michiko <Kono.Michiko@epa.gov>; Noles, Jordan <Noles.Jordan@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Poole, Vinson <Poole.Vinson@epa.gov>; Rouch, Ellen <Rouch.Ellen@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Toney, Anthony <Toney.Anthony@epa.gov>; Warrilow, Phyllis <Warrilow.Phyllis@epa.gov>; Weeks, Victor <weeks.victor@epa.gov>; White, Erika <White.Erika@epa.gov>; Bezerra, Joana <bezerra.joana@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Chrzaszcz, Monika <chrzaszcz.monika@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Jager, Ginger <jager.ginger@epa.gov>; Kaiser, Steven <kaiser.steven@epa.gov>; Mayhugh, Robert <mayhugh.robert@epa.gov>; Moore, Cecilia <moore.cecilia@epa.gov>; Palomo, Silvia <palomo.silvia@epa.gov>; Riley, Ellen <riley.ellen@epa.gov>; Smith, Robert H <smith.roberth@epa.gov>; Stillman, Sarah <Stillman.Sarah@epa.gov>; Wagner, William <wagner.william@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Clay, Jeffrey <clay.jeffrey@epa.gov>; Ford, Debbie <Ford.Debbie@epa.gov>; Foster, Althea <foster.althea@epa.gov>; Hodges, Angela <Hodges.Angela@epa.gov>; Howard, AshleyA <Howard.AshleyA@epa.gov>; Mason, Steve <mason.steve@epa.gov>; Moore, Nathaniel <Moore.Nathaniel@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Phelps, Sherronda <Phelps.Sherronda@epa.gov>; Robledo, Tony <Robledo.Tony@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Trawick, Matthew <Trawick.Matthew@epa.gov>; Ward, Misty <ward.misty@epa.gov>; Bieri, Britt <bieri.britt@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Bosch, Raymond <Bosch.Raymond@epa.gov>; Brewer, Laura <brewer.laura@epa.gov>; Bunch, Howard <Bunch.Howard@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>; Hoard, Christine <Hoard.Christine@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Mills, Clarissa <mills.clarissa@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Reitz, Katherine

<reitz.katherine@epa.gov>; Rosado-Chaparro, Wilfredo <Rosado-Chaparro.Wilfredo@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>; Trotter, Jennifer <Trotter.Jennifer@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Bockstahler, Breann <Bockstahler.breann@epa.gov>; Broussard, Rebecca <Broussard.Rebecca@epa.gov>; Chavez, Luke <Chavez.Luke@epa.gov>; Cobb, David <cobb.david@epa.gov>; Meyer, Jeff <Meyer.Jeff@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; Reed, Lori <Reed.Lori@epa.gov>; Robinson, Janis <Robinson.Janis@epa.gov>; Weiner, Marc <Weiner.Marc@epa.gov>; Bazley, Greg <Bazley.Greg@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Deyoe, Jeremy <deyoe.jeremy@epa.gov>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Henry, Karen <Henry.Karen@EPA.GOV>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; jones, bill <jones.bill@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Lucas, Robert <Lucas.Robert@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Nixon, Donald <nixon.donald@epa.gov>; Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>; Rongone, Marie <Rongone.Marie@epa.gov>; Steiner, Cyntia <Steiner.Cyntia@epa.gov>; Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Brown, Stephanie <Brown.Stephanie@epa.gov>; Burnett, Michael <Burnett.Michael@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mears, Gilbert <Mears.Gilbert@epa.gov>; Miles, James <miles.james@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Santacroce, Jeffrey <Santacroce.Jeffrey@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Tekrony, Linda <Tekrony.Linda@epa.gov>; Varco, Joseph <varco.joseph@epa.gov>; Yonce, Stacey <yonce.stacey@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Mendez, Lucia <Mendez.Lucia@epa.gov>; Perrin, Karla <perrin.karla@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Rountree, Jillian <Rountree.Jillian@epa.gov>
Cc: Jennings, Kim (Jennings.Kim@epa.gov) <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Michele Indermark (Indermark.Michele@epa.gov) <Indermark.Michele@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Becki Clark (Clark.Becki@epa.gov) <Clark.Becki@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Galloway, Carol <Galloway.Carol@epa.gov>; Mortensen, Ginah <mortensen.ginah@epa.gov>; Gerain Cogliano <Cogliano.Gerain@epa.gov>; William Noggle (Noggle.William@epa.gov) <Noggle.William@epa.gov>
Subject: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Attached are factsheets (in English and Spanish) on the CERCLA/EPCRA reporting requirements for air releases of hazardous substances from animal waste. These are final and ready to go public. Please distribute to your networks for outreach. Here is some stock language (with contact info) that can be inserted into emails:

> Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.
>
> If you have any questions, please contact the Environmental Protection Agency via the information provided below:
>
> - Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms
> - Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
> - Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
> - Call with questions: 1-800-424-9346

The factsheets are also available on the CERCLA/EPCRA website. A link is available at the top of the page: www.eap.gov/animalwaste or you can link to the factsheets directly at https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal.

A public service announcement (PSA) is expected to be released to ag radio networks later today, and an online toolkit with other outreach materials will also be out soon. For the time being, feel free to share this factsheet with any contacts who may field questions from farmers once the PSA airs.

Let me know if you have any questions/concerns.
Thank you!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

REGION 6 EXECUTIVE SUMMARY

TOPIC: Release Reporting Requirements under CERCLA

DATE: December 18, 2017 CONTACT: Steve Mason, 214-665-2276

PURPOSE/ACTION NEEDED: For Information DEADLINE DATE: N/A

BACKGROUND:

- In 2008, EPA exempted most farms, particularly Consolidated Animal Feeding Operations (CAFOs) from the emergency release reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- Several citizen groups challenged the EPA rule, and a Circuit Court of Appeals vacated the EPA rule in April, 2017. The Court ruled agricultural facilities/farms would be required to report air releases of ammonia and/or hydrogen sulfide ≥ 100 lbs. in a 24-hour period from animal wastes under EPCRA and CERCLA to federal, state, and local government officials.
- The court granted an EPA request to delay the reporting start date to November 15, 2017. On November 22, 2017, the DC Circuit Court of Appeals granted EPA's motion to further stay the mandate until January 22, 2018 for the agricultural facilities to begin reporting.
- Once the court issues the mandate, farms subject to the reporting requirements will have to notify the National Response Center; submit a written report to the EPA regional office within 30-days of the call; and submit a follow up report one year later.

CURRENT STATUS:

- EPA issued guidance on October 25, 2017 to provide compliance assistance to farmers on the CERCLA requirements, and to set forth EPA's preliminary interpretation of the "routine agricultural operations" exemption in EPCRA as it applies to farms: that farms using substances in "routine agricultural operations" are not subject to EPCRA's reporting requirements.
- EPA is continuing to communicate with animal ag stakeholders, States, and other entities. EPA has a website (https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms) where all stakeholders can find the most up-to-date information, including resources and questions and answers. As Frequently Asked Questions (FAQs) are identified, EPA adds these to the website. Questions may be submitted to EPA through CERCLA103.guidance@epa.gov.
- EPA has developed a streamlined 30-day report form for farms, which is being reviewed by OMB following expedited information collection procedures to make it available to farmers quickly. A Federal Register notice was published December 5, 2017, for a 10 day comment period which closed on December 15, 2017. EPA will finalize the form before January 22, 2018.

FUTURE ACTIONS:

- EPA HQ and the Regions continue to work on processes to assist the regulated community in streamlining the reporting requirements.
- Additionally, HQ and the Regions will be working on how to efficiently and effectively process the written reports once they are submitted early next year.
- EPA HQ will distribute to regional public affairs offices a communications packet. In addition, EPA HQ plans on making a public service ad for distribution. POC is Patty Gioffre.
- An EPA Information Center is available to answer farmers' questions at 800-424-9346

ENVIRONMENTAL/PUBLIC HEALTH CONCERNS:

- None

STAKEHOLDER CONCERNS:

- It will be challenging for farmers to report releases from animal wastes because there is no generally accepted methodology for estimating emission quantities at this time. Farmers may need to report their releases in broad ranges that reflect the high degree of uncertainty and variability of these releases.
- Environmental organizations oppose the EPCRA interpretation of "'used in routine agricultural operations"

RECOMMENDATIONS:

- Continue to keep our regional stakeholders (states, facilities) informed of the process and technical assistance that becomes available for the regulated community.

State Notification Agencies for CERCLA/EPCRA Release Reporting

Arkansas Dept. of Emergency Management	24-hour notifications	800-322-4012
Louisiana State Police	24-hour notifications	877-925-6595
New Mexico State Police	24-hour notifications	505-827-9126
Oklahoma Dept. of Environmental Quality	24-hour notifications	800-522-0206
Texas Environmental Hotline (TCEQ and TGLO)	24-hour notifications	800-832-8224

Message

From: Coats, Andrea [Coats.Andrea@epa.gov]
Sent: 1/17/2018 8:33:23 PM
To: Heinemann, Kristina [Heinemann.Kristina@epa.gov]; Latessa, Sara H (DEC) [Sara.Latessa@dec.ny.gov]
CC: Arcaya, Alyssa [arcaya.alyssa@epa.gov]; Arvizu, Christy [Arvizu.Christy@epa.gov]
Subject: RE: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

Sara,

Here is some additional information:

Streamlined Continuous Release Reporting Form for Farms will be added to the website www.epa.gov/animalwaste following OMB approval.

Information Center: 800-424-9346.
Hours of Operation are 10:00 am to 5:00 pm EST Monday to Friday (excluding Federal Holidays)

USCG National Response Center:
http://nrc.uscg.mil/
800-424-8802
Email notifications to: farms@uscg.mil

Need to talk to someone at HQ about CERCLA/EPCRA reporting requirements?
Call Patty Gioffre at 202-564-1972; Kim Jennings at 202-564-7998; or Sicy Jacob at 202-564-8019.

From: Heinemann, Kristina
Sent: Wednesday, January 17, 2018 9:24 AM
To: Latessa, Sara H (DEC) <Sara.Latessa@dec.ny.gov>
Cc: Coats, Andrea <Coats.Andrea@epa.gov>
Subject: RE: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

It would be the Emergency response program under CERCLA – the Superfund Act that would be most directly involved. However, I don't believe there is much that States need to do at this point. Thanks for being in touch.

Kristina

From: Latessa, Sara H (DEC) [mailto:Sara.Latessa@dec.ny.gov]
Sent: Wednesday, January 17, 2018 8:22 AM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Coats, Andrea <Coats.Andrea@epa.gov>
Subject: RE: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

Hi Kristina,

We'll distribute the message through our communications channels. Curious, would your Air Division (and ours here at DEC) be involved in this?
Thanks,
Sara

Sara H. Latessa
Environmental Program Specialist, Division of Water

New York State Department of Environmental Conservation
625 Broadway, Albany, NY 12233
P: 518-402-8279 | sara.latessa@dec.ny.gov

www.dec.ny.gov |

From: Lendrum, Jacqueline M (DEC)
Sent: Tuesday, January 16, 2018 8:19 PM
To: Latessa, Sara H (DEC) <Sara.Latessa@dec.ny.gov>
Subject: Fwd: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

Sent from my iPhone

Begin forwarded message:

> **From:** "Heinemann, Kristina" <Heinemann.Kristina@epa.gov>
> **To:** "Lendrum, Jacqueline M (DEC)" <jacqueline.lendrum@dec.ny.gov>
> **Cc:** "Coats, Andrea" <Coats.Andrea@epa.gov>
> **Subject: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste**

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Jacquie -- I am writing to you today to ask for your assistance in getting the word out – through the attached Fact Sheets and/or the weblinks below – on upcoming EPA requirements for reporting air releases of hazardous substances from animal waste. Animal agriculture operations in New York State may have to comply with these requirements as early as **January 22, 2018**. Please share the information below and the Fact Sheets with your NYSDEC CAFO networks. Please feel free to use the text below in your communications.

Attached are factsheets (in English and Spanish) from the US EPA Office of Emergency Management (OEM) on the CERCLA/EPCRA reporting requirements for air releases of hazardous substances from animal waste. These are final and can be shared widely with the agricultural community. Please distribute to your networks for outreach. **Here is some stock language (with contact info) that can be inserted in emails:**

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.

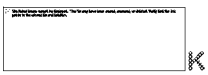
If you have any questions, please contact the U.S. Environmental Protection Agency via the information provided below:

- Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms
- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
- Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
- Call with questions: 1-800-424-9346

For those with listservs or issues with forwarding attachments, here is a weblink to send out: https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal. A PSA is expected to be released to ag radio networks later today, and an online toolkit with other outreach materials will also be out soon. For the time being, feel free to share this factsheet with any contacts who may field questions from farmers once the PSA airs.

Many thanks for your assistance with this, and please do feel free to be in touch if you have any questions or need additional information. Thank you.

Kristina Heinemann



Kristina R. Heinemann
Agricultural and Decentralized Wastewater Treatment Coordinator
Clean Water Division, Watershed Management Branch
US EPA Region 2
290 Broadway, 24th floor
New York, NY 10007
212-637-3857
heinemann.kristina@epa.gov
Tuesdays and Thursdays Alternative Work Location 9:15-5:45

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 11/22/2017 7:37:57 PM
To: Banner, Ellen [Banner.Ellen@epa.gov]
Subject: RE: IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

Thanks Ellen – a new stove just in time for Thanksgiving – that sounds good.

I just saw that the court extended the reporting mandate to January. I can call you in just a bit this afternoon, but perhaps there's no urgency at the moment. I need to read the email you forwarded earlier to confirm that. I'll do that and give you a call if it seems important to talk sooner rather than later. I will be here in the office at least until 4 or even later.

Kristina

From: Banner, Ellen
Sent: Wednesday, November 22, 2017 12:35 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Subject: Re: IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

Hi Kristina - I'm home waiting for a delivery between 12 and 3. I can talk at 2 pm if that works for you / hopefully the stove will be delivered then! Give me a call at 908-420-4462 - thanks!

Sent from my iPhone

On Nov 22, 2017, at 11:54 AM, Heinemann, Kristina <Heinemann.Kristina@epa.gov> wrote:

> Thanks Ellen – how late are you working today. I should have some time to catch up on this – say around 2 this afternoon. Would that work for you? I am out again for Thanksgiving until next Wednesday the 29th if we don't catch each other today. I am y have some time to check in Monday, the 27th while I am on leave.
>
> Kristina
>
> ---
>
> **From:** Banner, Ellen
> **Sent:** Tuesday, November 21, 2017 9:09 AM
> **To:** Heinemann, Kristina <Heinemann.Kristina@epa.gov>
> **Subject:** FW: IMPORTANT follow-up to the EPCRA/CERCLA Ag issues
>
> Fyi – I'll give you a call when you get back in the office! - Ellen
>
> ---
>
> **From:** Jennings, Kim
> **Sent:** Monday, November 20, 2017 2:48 PM
> **To:** Haas, Craig <Haas.Craig@epa.gov>; Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>;

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Subject: IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

Hi all,

I know that there has been a lot of frustration with ensuring that regional staff receive timely communications on the CERCLA EPCRA requirements for farmers. Activities on this issue have rapidly evolved and as a result, you have received information from external stakeholders or others within the Agency (rather than from OEM staff). We will make it a priority to do better moving forward, beginning with weekly updates. OEM will also send additional emails to communicate changes to the website or availability of other materials as quickly as we can.

With that said, let me take a moment to thank you all for your communication efforts thus far with ag stakeholders. I am sure you have spent a lot of time answering questions and listening to complaints from farmers. I know that it can be difficult being on the front lines of these interactions and I appreciate the time and effort you have taken to provide this customer service to our stakeholders. Please continue to answer these questions and encourage stakeholders to submit their questions to CERCLA103.guidance@epa.gov. The website is evergreen, and therefore, we will continue to consider comments to that email address after the 24th of this month.

Last week, OEM made several revisions to the website to address the overwhelming number of calls to the NRC from farmers making initial continuous release notifications. These changes happened rapidly, and in coordination with attorneys in OGC, to let farmers know that an email could substitute for a call

to the NRC. Farmers (or their representatives) that send an email receive an automated response with the same CR-ERNS number to document the call. OEM will work with the regions to set up a system to manage these emails. So far, we have received approx. 2,400 emails. There could be multiple farms reported in some of these emails.

At this time, the NRC is not accepting calls from farmers who want to report an initial continuous release notification. OEM continues to work with the NRC to find a solution that allows farmers with no access to email to be able to make their initial notification without overwhelming the NRC duty officers. As we make progress working with the NRC, we will send out email updates.

At this time, farms are not yet required to comply with CERCLA/EPCRA reporting requirements. Once the DC circuit court issues the mandate that vacates the 2008 rule farms will once again be subject to the reporting requirements. We will send an update to you once we get news of an expected date the court will issue the mandate, and OEM will update the website.

Finally, I know you all are getting lots of questions from farmers. I want to include a couple of Q&As in this email that you can share with farmers when you speak with them. We intend to update the website with these Q&As as well as others.

Q. Do farms that have cattle reside primarily outside of an enclosed structure and graze on pastures, need to comply with reporting releases of hazardous substances from animal wastes under CERCLA section 103?
A: Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source, and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

Q. If a farmer made an initial notification before the court issued the mandate, do they still need to submit a written report to the EPA regional office within 30 days?
A: No. For those farmers who have already made their initial continuous release notification, the farmer should wait to submit the written report until the court issues the mandate. Within 30 days of the court mandate, the famer must submit a written report to the EPA regional office. No additional call or email to the NRC is required.

If you have questions or concerns, please don't hesitate to contact us in OEM. You can call or email me or Sicy Jacob can be reached at 202-564-8019 and Patty Gioffre at 202-564-1972.

Kim

Kim Jennings
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Subject: IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

Hi all (sorry is some of you are getting this twice),

I wanted to update on the EPCRA/CERCLA Ag issue. As you know, on April 11, 2017, the Court struck down the EPCRA/CERCLA final rule, eliminating the reporting exemptions for farms. Unless the DC Circuit Court takes further action, the court's ruling takes effect on **November 15, 2017**. Several weeks ago, EPA provided guidance materials to help farmers understand their reporting obligations and, that guidance for farm owners/operators on our website at: https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms. The website includes FAQs on CERCLA and EPCRA reporting and instructions on how to submit continuous release reports. As a result, farmers are now calling the NRC to make an initial continuous release notification.

Several issues have arisen related to farmer owners/operators making their initial continuous release notification to the National Response Center (NRC). First, the NRC is experiencing a large volume of calls, which have the potential to overwhelm their capacity. Second, the automated system the NRC uses to ensure release notifications get to the appropriate Federal, State, and local response officials, has resulted in some State and local officials calling the farm owners/operators to get more information about the release they reported and what response is needed. In order to resolve these issues, EPA has been working with the NRC program officials and made the following changes:

- The NRC has established an e-mail notification system so farm owners/operators can email their continuous release reports to the NRC, as an alternative to calling the NRC. Farmers who have multiple farms can list the name and location of all farms, as well as the associated name(s) of hazardous substance(s) released, in one e-mail. Please encourage farmers to use this e-mail option to provide the National Response Center (NRC) with their initial continuous release notification. The NRC e-mail address is: NRC-CERCLA-EPCRA-REPORT@uscg.mil. Alternatively, the NRC phone number for these notifications is: 1-800-424-8802.
- Once the email is received by the NRC e-mail notification system, it will generate an automatic response e-mail with a generic identification number (CR-ERNS) for the farm (note: this number will be the same for all farm owners/operators who provide their initial notification to the NRC via email). The farm owner/operator will place that CR-ERNS number on the follow-up written notification report that is required to be submitted to the EPA Regional Office within 30 days. Therefore, on or around December 15, 2017, all EPA Regional offices will be receiving a large number of written continuous release reports from farm owners/operators.

Regarding the factsheet or "cheat sheet" that was developed to provide compliance assistance to farmers who may soon need to report air release from animal waste under the CERCLA section 103, EPA is working on revising that document to include the above information and will get that out to you as soon as we can.

Thanks,
Kim

Kim Jennings
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From: Jennings, Kim
Sent: Thursday, September 21, 2017 7:09 AM
To: Haas, Craig <Haas.Craig@epa.gov>; Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David <magdangal.david@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Phillips, Peter <Phillips.Peter@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dholakia, Umesh <Dholakia.Umesh@epa.gov>; Ghaffari, Mozafar <Ghaffari.Mozafar@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Leung, Chao <Leung.Chao@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Mosher, Eric <Mosher.Eric@epa.gov>; Ouedraogo, Idrissa <ouedraogo.idrissa@epa.gov>; Petty, Joel <petty.joel@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Rivera, Carlos <Rivera.Carlos@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Baginski, Alfred <Baginski.Alfred@epa.gov>; Beckley, Patrick <Beckley.Patrick@epa.gov>; Daniel, Kevin <Daniel.Kevin@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; Hunt, Mary <Hunt.Mary@epa.gov>; Nilsen, Ashley <Nilsen.Ashley@epa.gov>; pandya, perry <pandya.perry@epa.gov>; Parent, Suzanne

<Parent.Suzanne@epa.gov>; VanOrden, James <VanOrden.James@epa.gov>; Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Ziegler, Lauren <Ziegler.Lauren@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Caplan, Robert W. <Caplan.Robert@epa.gov>; Chow, Eddie <Chow.Eddie@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Crum, Lynda <Crum.Lynda@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Groendyke, Todd <Groendyke.Todd@epa.gov>; Juan, Rodolfo <Juan.Rodolfo@epa.gov>; Kono, Michiko <Kono.Michiko@epa.gov>; Noles, Jordan <Noles.Jordan@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Platt, Kerry <Platt.Kerry@epa.gov>; Poole, Vinson <Poole.Vinson@epa.gov>; Refuge, Danielle <Refuge.Danielle@epa.gov>; Rouch, Ellen <Rouch.Ellen@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Toney, Anthony <Toney.Anthony@epa.gov>; Warrilow, Phyllis <Warrilow.Phyllis@epa.gov>; Weeks, Victor <weeks.victor@epa.gov>; White, Erika <White.Erika@epa.gov>; Bezerra, Joana <bezerra.joana@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Chrzaszcz, Monika <chrzaszcz.monika@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Jager, Ginger <jager.ginger@epa.gov>; Kaiser, Steven <kaiser.steven@epa.gov>; Mayhugh, Robert <mayhugh.robert@epa.gov>; McNamara, Ruth <mcnamara.ruth@epa.gov>; Moore, Cecilia <moore.cecilia@epa.gov>; Palomo, Silvia <palomo.silvia@epa.gov>; Riley, Ellen <riley.ellen@epa.gov>; Smith, Robert H <smith.roberth@epa.gov>; Wagner, William <wagner.william@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Clay, Jeffrey <clay.jeffrey@epa.gov>; Ford, Debbie <Ford.Debbie@epa.gov>; Foster, Althea <foster.althea@epa.gov>; Hodges, Angela <Hodges.Angela@epa.gov>; Howard, AshleyA <Howard.AshleyA@epa.gov>; Mason, Steve <mason.steve@epa.gov>; Moore, Nathaniel <Moore.Nathaniel@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Phelps, Sherronda <Phelps.Sherronda@epa.gov>; Robledo, Tony <Robledo.Tony@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Trawick, Matthew <Trawick.Matthew@epa.gov>; Ward, Misty <ward.misty@epa.gov>; Bieri, Britt <bieri.britt@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Bosch, Raymond <Bosch.Raymond@epa.gov>; Brewer, Laura <brewer.laura@epa.gov>; Bunch, Howard <Bunch.Howard@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>; Hoard, Christine <Hoard.Christine@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Mills, Clarissa <mills.clarissa@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Reitz, Katherine <reitz.katherine@epa.gov>; Reitz, Patricia <Reitz.Patricia@epa.gov>; Rosado-Chaparro, Wilfredo <Rosado-Chaparro.Wilfredo@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>; Trotter, Jennifer <Trotter.Jennifer@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Bockstahler, Breann <Bockstahler.breann@epa.gov>; Broussard, Rebecca <Broussard.Rebecca@epa.gov>; Chavez, Luke <Chavez.Luke@epa.gov>; Cobb, David <cobb.david@epa.gov>; Meyer, Jeff <Meyer.Jeff@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; Reed, Lori <Reed.Lori@epa.gov>; Robinson, Janis <Robinson.Janis@epa.gov>; Weiner, Marc <Weiner.Marc@epa.gov>; Bazley, Greg <Bazley.Greg@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Deyoe, Jeremy <deyoe.jeremy@epa.gov>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Henry, Karen <Henry.Karen@EPA.GOV>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; jones, bill <jones.bill@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Lucas, Robert <Lucas.Robert@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Nixon, Donald <nixon.donald@epa.gov>; Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>; Rongone, Marie <Rongone.Marie@epa.gov>; Steiner, Cyntia <Steiner.Cyntia@epa.gov>; Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Bosecker, Elizabeth

<Bosecker.Elizabeth@epa.gov>; Brown, Stephanie <Brown.Stephanie@epa.gov>; Burnett, Michael <Burnett.Michael@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mears, Gilbert <Mears.Gilbert@epa.gov>; Miles, James <miles.james@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Santacroce, Jeffrey <Santacroce.Jeffrey@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Tekrony, Linda <Tekrony.Linda@epa.gov>; Varco, Joseph <varco.joseph@epa.gov>; Yonce, Stacey <yonce.stacey@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>
Subject: IMPORTANT follow-up to the EPCRA/CERCLA/112(r) enforcement call

How about:

Hi all- I am sure you are eager to get more information on how EPA is addressing the court's vacatur of the final rule that exempted farms from reporting air releases of hazardous substances from animal waste.

- On April 11, 2017, the DC Circuit Court vacated this final rule.
- In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017.
- To assist farmers in meeting CERCLA and EPCRA reporting requirements, EPA Senior Leadership in OLEM, OGC, and OECA are working on guidance to assist farms in reporting their air releases under CERCLA and EPCRA. EPA is working to have this guidance available to farmers with enough time to review the guidance and comply with the reporting requirements.

I believe that Patty Gioffre and Sicy Jacob provided a brief update during the last EPCRA/CERCLA/112(r) enforcement call. There was also a discussion about the attached letter drafted by Region 5 and how that may not currently reflect the guidance that we plan to issue.

I would like to reiterate that since we are working on providing guidance to farms, the Regions should NOT send out letters to farmers explaining their responsibilities to report hazardous substance releases under CERCLA and EPCRA. Please wait until we have finalized the guidance on how to comply with EPCRA/CERCLA reporting requirements for air releases of hazardous substances from animal waste.

Thanks and let me know if you have any questions.
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/16/2018 9:02:03 PM
To: Kristina heinemann [krheinemann@gmail.com]
Subject: FW: EPA factsheets on CERCLA-EPCRA reporting for animal waste
Attachments: CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf

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From: Subramanian, Hema
Sent: Tuesday, January 16, 2018 3:49 PM
To: Miller, Amy <Miller.Amy@epa.gov>; Heinemann, Kristina <Heinemann.Kristina@epa.gov>; Shenk, Kelly <shenk.kelly@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Galloway, Carol <Galloway.Carol@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Pierce, Troy <Pierce.Troy@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Winn, G. Dean <winn.gerald@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Ziobro, Joseph <Ziobro.Joseph@epa.gov>; Rea, Anne <Rea.Anne@epa.gov>; Larsen, Erika <Larsen.Erika@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Flahive, Katie <Flahive.Katie@epa.gov>; Winnett, Steven <winnett.steven@epa.gov>; Flournoy, Karen <Flournoy.Karen@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Robertson, Duane <Robertson.Duane@epa.gov>; Wirth, Karen <Wirth.Karen@epa.gov>; Sharpe, Kristinn <Sharpe.Kristinn@epa.gov>; Yin, Christina <Yin.Christina@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Culver, Edison <culver.edison@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Brennan, Ross <Brennan.Ross@epa.gov>; Mitschele, Becky <Mitschele.Becky@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>
Subject: EPA factsheets on CERCLA-EPCRA reporting for animal waste

EPA Ag Advisors/POCS:

Attached are factsheets (in English and Spanish) from OEM on the CERCLA/EPCRA reporting requirements for air releases of hazardous substances from animal waste. These are final and ready to go public, your offices will likely be receiving them through OPA and other channels shortly. Please distribute to your networks for outreach. Here is some stock language (with contact info) that can be inserted in emails:

> Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.
>
> If you have any questions, please contact the Environmental Protection Agency via the information provided below:
>
> - Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms
> - Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
> - Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
> - Call with questions: 1-800-424-9346

For those with listservs or issues with forwarding attachments, OEM is working on a weblink to send out soon. A PSA is expected to be released to ag radio networks later today, and an online toolkit with other outreach materials will also be out soon. For the time being, feel free to share this factsheet with any contacts who may field questions from farmers once the PSA airs.

Thank you,
---Hema.

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/16/2018 8:59:46 PM
To: Brandt, Peter [Brandt.Peter@epa.gov]
CC: Negron, Nesmarie [Negron.Nesmarie@epa.gov]
Subject: FW: EPA factsheets on CERCLA-EPCRA reporting for animal waste
Attachments: CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf; Region 2 EPCRA CERCLA Jan 8 2018.docx

Peter – we now have the Fact Sheets from HQs on the CERCLA/EPCRA reporting requirements. Mary et.al. have a list of contacts from me for Region 2 – I am not clear who is going to be doing what at this point – I think we should probably be having a single communication from the Region. The PADs should be getting this same material very shortly.

Do you have any advice for what the CWD should do verses what PAD will be doing. I've attached the contacts – I know some of them personally, but by no means all of them. Thanks.

Kristina

From: Subramanian, Hema
Sent: Tuesday, January 16, 2018 3:49 PM
To: Miller, Amy <Miller.Amy@epa.gov>; Heinemann, Kristina <Heinemann.Kristina@epa.gov>; Shenk, Kelly <shenk.kelly@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Galloway, Carol <Galloway.Carol@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Pierce, Troy <Pierce.Troy@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Winn, G. Dean <winn.gerald@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Ziobro, Joseph <Ziobro.Joseph@epa.gov>; Rea, Anne <Rea.Anne@epa.gov>; Larsen, Erika <Larsen.Erika@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Flahive, Katie <Flahive.Katie@epa.gov>; Winnett, Steven <winnett.steven@epa.gov>; Flournoy, Karen <Flournoy.Karen@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Robertson, Duane <Robertson.Duane@epa.gov>; Wirth, Karen <Wirth.Karen@epa.gov>; Sharpe, Kristinn <Sharpe.Kristinn@epa.gov>; Yin, Christina <Yin.Christina@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Culver, Edison <culver.edison@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Brennan, Ross <Brennan.Ross@epa.gov>; Mitschele, Becky <Mitschele.Becky@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>
Subject: EPA factsheets on CERCLA-EPCRA reporting for animal waste

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If you have any questions, please contact the Environmental Protection Agency via the information provided below:

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- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
- Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
- Call with questions: 1-800-424-9346

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Thank you,
---Hema.

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/23/2018 6:12:59 PM
To: VanDyke, Angela - NRCS, Syracuse, NY [Angela.VanDyke@ny.usda.gov]
Subject: FW: NYS Animal Agriculture Producers
Attachments: CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf

Hi Angela – I meant to include a note but hit the send button too quickly. Folks should check back on the website for updates – EPA filed a motion for another extension on Friday – I have not heard any news on that front yet, but folks do not need to report until the court issues its mandate.

In the meantime it is still very important to get the word out. Many thanks for your support on this.

Kristina

From: Heinemann, Kristina
Sent: Tuesday, January 23, 2018 1:08 PM
To: 'VanDyke, Angela - NRCS, Syracuse, NY' <Angela.VanDyke@ny.usda.gov>
Subject: RE: NYS Animal Agriculture Producers

Angela –

https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms

On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate. No reporting is required until the Court issues its order, or mandate, enforcing its decision to eliminate the reporting exemptions for farms. EPA will be updating this page daily to provide information on the court mandate.

From: VanDyke, Angela - NRCS, Syracuse, NY [mailto:Angela.VanDyke@ny.usda.gov]
Sent: Tuesday, January 23, 2018 12:28 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: VanDyke, Angela - NRCS, Syracuse, NY <Angela.VanDyke@ny.usda.gov>
Subject: NYS Animal Agriculture Producers

Hi Kristina,

Greg Kist had me forward the information below to all our NRCS employees however it mentioned fact sheets that were attached and in forwarding the email to me I didn't receive the fact sheets. Could you either send them to me or direct me to them.

Thank you.

Angela VanDyke

Subject: RE: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/29/2018 8:58:17 PM
To:
CC: Personal Address / Ex. 6
Subject: FW: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste
Attachments: CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf

Blanche – good to speak with you just now. Attached are the Fact Sheets I mentioned to you as well as the link to the website which will have the most current information regarding the status of the court mandate that will require reporting by farmers. As I mentioned farmers do not have to report anything until the court issues a mandate. We should hear soon on the status of the 90 day extension EPA requested on January 19.

Please don't hesitate to be in touch if you have any questions or need more information.

Many thanks for your support and assistance in helping to get the word out on this.

Kristina

https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms

EPA Kristina R. Heinemann
Agricultural and Decentralized Wastewater Treatment Coordinator
Clean Water Division, Watershed Management Branch
US EPA Region 2
290 Broadway, 24th floor
New York, NY 10007
212-637-3857
heinemann.kristina@epa.gov
Tuesdays and Thursdays Alternative Work Location 9:15-5:45

From: Heinemann, Kristina
Sent: Tuesday, January 16, 2018 6:12 PM
To: Kist, Greg - NRCS, Syracuse, NY <greg.kist@ny.usda.gov>; 'Tammy.willis@ny.usda.gov' <Tammy.willis@ny.usda.gov>; 'michael.latham@agriculture.ny.gov' <michael.latham@agriculture.ny.gov>; 'walshw@co.tioga.ny.us' <walshw@co.tioga.ny.us>; 'dekare@u-s-c.org' <dekare@u-s-c.org>; 'dan farrand' <Personal Address / Ex. 6 'mjb28@cornell.edu' <mjb28@cornell.edu>
Cc: Brandt, Peter <Brandt.Peter@epa.gov>
Subject: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

All – I am writing to you today to ask for your assistance in getting the word out – through the attached Fact Sheets and/or the weblinks below – on upcoming EPA requirements for reporting air releases of hazardous substances from animal waste. Animal agriculture operations in New York State may have to comply with these requirements as early as **January 22, 2018**. Please share the information below and the Fact Sheets with

your networks within New York State. We are particularly interested in getting the word out to as many NYS Soil and Water Conservation Districts as we can – especially those with a heavy concentration of animal agriculture. Please feel free to use the text below in your communications.

Attached are factsheets (in English and Spanish) from the US EPA Office of Emergency Management (OEM) on the CERCLA/EPCRA reporting requirements for air releases of hazardous substances from animal waste. These are final and can be shared widely with the agricultural community. Please distribute to your networks for outreach. **Here is some stock language (with contact info) that can be inserted in emails:**

> Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.
>
> If you have any questions, please contact the U.S. Environmental Protection Agency via the information provided below:
>
> - Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms
> - Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
> - Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
> - Call with questions: 1-800-424-9346

For those with listservs or issues with forwarding attachments, here is a weblink to send out: https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal. A PSA is expected to be released to ag radio networks later today, and an online toolkit with other outreach materials will also be out soon. For the time being, feel free to share this factsheet with any contacts who may field questions from farmers once the PSA airs.

Many thanks for your assistance with this, and please do feel free to be in touch if you have any questions or need additional information. Thank you.

Kristina Heinemann

EPA Kristina R. Heinemann
Agricultural and Decentralized Wastewater Treatment Coordinator
Clean Water Division, Watershed Management Branch
US EPA Region 2
290 Broadway, 24th floor
New York, NY 10007
212-637-3857
heinemann.kristina@epa.gov
Tuesdays and Thursdays Alternative Work Location 9:15-5:45

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/17/2018 2:23:52 PM
To: Latessa, Sara H (DEC) [Sara.Latessa@dec.ny.gov]
CC: Coats, Andrea [Coats.Andrea@epa.gov]
Subject: RE: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

It would be the Emergency response program under CERCLA – the Superfund Act that would be most directly involved. However, I don't believe there is much that States need to do at this point. Thanks for being in touch.

Kristina

From: Latessa, Sara H (DEC) [mailto:Sara.Latessa@dec.ny.gov]
Sent: Wednesday, January 17, 2018 8:22 AM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Coats, Andrea <Coats.Andrea@epa.gov>
Subject: RE: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

Hi Kristina,
We'll distribute the message through our communications channels. Curious, would your Air Division (and ours here at DEC) be involved in this?
Thanks,
Sara

Sara H. Latessa
Environmental Program Specialist, Division of Water

New York State Department of Environmental Conservation
625 Broadway, Albany, NY 12233
P: 518-402-8279 | sara.latessa@dec.ny.gov

www.dec.ny.gov | |

From: Lendrum, Jacqueline M (DEC)
Sent: Tuesday, January 16, 2018 8:19 PM
To: Latessa, Sara H (DEC) <Sara.Latessa@dec.ny.gov>
Subject: Fwd: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

Sent from my iPhone

Begin forwarded message:

> **From:** "Heinemann, Kristina" <Heinemann.Kristina@epa.gov>
> **To:** "Lendrum, Jacqueline M (DEC)" <jacqueline.lendrum@dec.ny.gov>
> **Cc:** "Coats, Andrea" <Coats.Andrea@epa.gov>

Subject: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

ATTENTION: This email come from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Jacquie -- I am writing to you today to ask for your assistance in getting the word out – through the attached Fact Sheets and/or the weblinks below – on upcoming EPA requirements for reporting air releases of hazardous substances from animal waste. Animal agriculture operations in New York State may have to comply with these requirements as early as **January 22, 2018**. Please share the information below and the Fact Sheets with your NYSDEC CAFO networks. Please feel free to use the text below in your communications.

Attached are factsheets (in English and Spanish) from the US EPA Office of Emergency Management (OEM) on the CERCLA/EPCRA reporting requirements for air releases of hazardous substances from animal waste. These are final and can be shared widely with the agricultural community. Please distribute to your networks for outreach. **Here is some stock language (with contact info) that can be inserted in emails:**

> Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.
>
> If you have any questions, please contact the U.S. Environmental Protection Agency via the information provided below:
>
> - Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms
> - Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
> - Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
> - Call with questions: 1-800-424-9346

For those with listservs or issues with forwarding attachments, here is a weblink to send out: https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal. A PSA is expected to be released to ag radio networks later today, and an online toolkit with other outreach materials will also be out soon. For the time being, feel free to share this factsheet with any contacts who may field questions from farmers once the PSA airs.

Many thanks for your assistance with this, and please do feel free to be in touch if you have any questions or need additional information. Thank you.

Kristina Heinemann

Kristina R. Heinemann
Agricultural and Decentralized Wastewater Treatment Coordinator
Clean Water Division, Watershed Management Branch
US EPA Region 2
290 Broadway, 24th floor
New York, NY 10007
212-637-3857
heinemann.kristina@epa.gov
Tuesdays and Thursdays Alternative Work Location 9:15-5:45

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/22/2018 8:56:31 PM
To: Banner, Ellen [Banner.Ellen@epa.gov]
Subject: RE: ACTION: Email Message to Send to Stakeholders Impacted by CERCLA/EPCRA Reporting Requirements for Farms

Thanks.

From: Banner, Ellen
Sent: Monday, January 22, 2018 3:55 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Subject: RE: ACTION: Email Message to Send to Stakeholders Impacted by CERCLA/EPCRA Reporting Requirements for Farms

I'm not saying anything – because I agree!!

From: Heinemann, Kristina
Sent: Monday, January 22, 2018 3:39 PM
To: McGowan, Michael <McGowan.Michael@epa.gov>; Brandt, Peter <Brandt.Peter@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; Mears, Mary <Mears.Mary@epa.gov>; Mata, Carsen <Mata.Carsen@epa.gov>; Rini, Sophia <Rini.Sophia@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Negron, Nesmarie <Negron.Nesmarie@epa.gov>
Subject: RE: ACTION: Email Message to Send to Stakeholders Impacted by CERCLA/EPCRA Reporting Requirements for Farms

Cornell's ProDairy program sent word out to their contacts on Saturday. Since folks have been told that they do not have to report until the Court issues its mandate, I think we might hold off on a larger scale notification effort until the Court rules on the extension or issues a mandate. Please let me know if you don't agree.

Thanks.

Kristina

From: McGowan, Michael
Sent: Monday, January 22, 2018 3:21 PM
To: Brandt, Peter <Brandt.Peter@epa.gov>; Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; Mears, Mary <Mears.Mary@epa.gov>; Mata, Carsen <Mata.Carsen@epa.gov>; Rini, Sophia <Rini.Sophia@epa.gov>
Subject: RE: ACTION: Email Message to Send to Stakeholders Impacted by CERCLA/EPCRA Reporting Requirements for Farms

In addition, Carsen did notifications to district offices earlier today.

From: Brandt, Peter
Sent: Monday, January 22, 2018 3:13 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; McGowan, Michael <McGowan.Michael@epa.gov>; Mears, Mary <Mears.Mary@epa.gov>

Subject: Re: ACTION: Email Message to Send to Stakeholders Impacted by CERCLA/EPCRA Reporting Requirements for Farms

Thanks Kristina.

Hi David - I'm out today with an annoying cold.

I had originally emailed the government relations folks in the Ag depts in NJ and NY. I copied Mike. Mary had emailed Ag public affairs. I

If they need follow up emails - Kristina has their contact info if it needs to be done today - or I'm happy to take care of it in the morning. Thanks.

On Jan 22, 2018, at 2:56 PM, Heinemann, Kristina <Heinemann.Kristina@epa.gov> wrote:

> Thanks – I had not actually seen the text of the motion.
>
> ---
>
> **From:** Kluesner, Dave
> **Sent:** Monday, January 22, 2018 2:50 PM
> **To:** Heinemann, Kristina <Heinemann.Kristina@epa.gov>
> **Cc:** Mears, Mary <Mears.Mary@epa.gov>
> **Subject:** FW: ACTION: Email Message to Send to Stakeholders Impacted by CERCLA/EPCRA Reporting Requirements for Farms
> **Importance:** High
>
> In case you haven't seen this.....
>
> ---
>
> **From:** Thomas, Latosha
> **Sent:** Monday, January 22, 2018 1:19 PM
> **To:** Janifer, Pamela <Janifer.Pamela@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
> **Cc:** Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
> **Subject:** ACTION: Email Message to Send to Stakeholders Impacted by CERCLA/EPCRA Reporting Requirements for Farms
> **Importance:** High
>
> Hi All,
>
> Please send the message re: EPA's request for extension below to your contacts ASAP. I've outlined everyone's role below. Please let me know if you have any questions. Thanks!
>
> - Latosha will send to associations/organizations mentioned on the comms plan
> - Nancy will send to PADs and ask them to send to their contacts
> - Jeff/Hema will send to USDA + any add'l contacts
> - OCIR will inform the Hill
> - Tate will send to her contacts

Subject for email message: EPA Filed a Motion to Further Delay Issuance of the Mandate Re: Reporting Requirements for Farms Under CERCLA/EPCRA

As of this time, the D.C. Circuit Court of Appeals has not yet issued the mandate to eliminate the EPA administrative reporting exemption on the CERCLA/EPCRA reporting requirements for farms.

On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate by three months. EPA is requesting that the Court give time to allow EPA to further revise the guidance to be more effective in assisting farms with coming into compliance, to conduct outreach to ensure farms with limited or no internet access are aware of the reporting requirements, and to finish developing the streamlined continuous reporting form. Once the court issues the mandate the statutory reporting requirements will go back into effect.

We have updated the www.epa.gov/animalwaste with the following message:

> On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate. No reporting is required until the Court issues its order, or mandate, enforcing its decision to eliminate the reporting exemptions for farms. EPA will be updating this page daily to provide information on the court mandate.

We will continue to update you when we hear news on the request to further delay the mandate.

Latosha Thomas
U.S. Environmental Protection Agency
OLEM/OEM/RMD
(202) 564-2621 (desk)
(202) 568-0851 (cell)
thomas.latosha@epa.gov

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/11/2018 8:39:19 PM
To: Coats, Andrea [Coats.Andrea@epa.gov]
Subject: RE: EPCRA/CERCLA Reporting Requirements - January 22 1st deadline

Thanks Andrea!

From: Coats, Andrea
Sent: Thursday, January 11, 2018 3:23 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>; Arvizu, Christy <Arvizu.Christy@epa.gov>
Cc: Saporita, Chris <Saporita.Chris@epa.gov>; Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Lau, Gavin <Lau.Gavin@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Negron, Nesmarie <Negron.Nesmarie@epa.gov>
Subject: Re: EPCRA/CERCLA Reporting Requirements - January 22 1st deadline

Thanks Kristina,

HQ said they are going to send the CAFO Coordinators a copy of the Fact Sheet, but if not it's good to know you will send it to us. Also, HQ is more interesting in EPA helping the farmers to comply with the requirements rather than enforcement. They want EPA to do outreach.

Andrea

From: Heinemann, Kristina
Sent: Thursday, January 11, 2018 2:48:29 PM
To: Arvizu, Christy
Cc: Coats, Andrea; Saporita, Chris; Arcaya, Alyssa; Lau, Gavin; Maimone, Francesco; Banner, Ellen; Negron, Nesmarie
Subject: EPCRA/CERCLA Reporting Requirements - January 22 1st deadline

Christy – we are waiting for the package of outreach materials for the upcoming deadline for the EPCRA/CERCLA requirements for reporting hazardous substances emissions for farms. I am assuming/hoping you are already familiar with these requirements and the current context/background. Please let me know if not and we can get together to talk further. As I understand it there should be a Fact Sheet, a Communication Plan and a PSA coming from HQs anytime now (hopefully by the end of the day today or tomorrow). PAD is aware and waiting for the communication materials and I have provided PAD with a list of contacts for Region 2 (attached). If you believe there are any key contacts missing in the attached, please let me know ASAP.

When the Fact Sheet is available, I will make sure you get a copy – HQs would like inspectors to provide copies to animal ag producers as they can when onsite for inspections.

https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms

CERCLA and EPCRA Reporting Requirements for Air ... - US EPA

www.epa.gov

Provides an update on a CERCLA/EPCRA final rule that exempted all farms from reporting air releases of hazardous substances from animal waste. Following a court ...

Ellen Banner and Francesco Maimone (in Edison) are the points of contacts for the Emergency Response program in Region 2. Gavin Lau is the Ag point of contact for the air program.

Please let me know if there is anything you would like to talk further about.

Many thanks.

Kristina

Kristina R. Heinemann
Agricultural and Decentralized Wastewater Treatment Coordinator
Clean Water Division, Watershed Management Branch
US EPA Region 2
290 Broadway, 24th floor
New York, NY 10007
212-637-3857
heinemann.kristina@epa.gov
Tuesdays and Thursdays Alternative Work Location 9:15-5:45

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/16/2018 11:22:32 PM
To: jacqueline.lendrum@dec.ny.gov
CC: Coats, Andrea [Coats.Andrea@epa.gov]
Subject: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste
Attachments: CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf

Jacquie -- I am writing to you today to ask for your assistance in getting the word out – through the attached Fact Sheets and/or the weblinks below – on upcoming EPA requirements for reporting air releases of hazardous substances from animal waste. Animal agriculture operations in New York State may have to comply with these requirements as early as **January 22, 2018**. Please share the information below and the Fact Sheets with your NYSDEC CAFO networks. Please feel free to use the text below in your communications.

Attached are factsheets (in English and Spanish) from the US EPA Office of Emergency Management (OEM) on the CERCLA/EPCRA reporting requirements for air releases of hazardous substances from animal waste. These are final and can be shared widely with the agricultural community. Please distribute to your networks for outreach. **Here is some stock language (with contact info) that can be inserted in emails:**

> Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.
>
> If you have any questions, please contact the U.S. Environmental Protection Agency via the information provided below:
>
> - Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms
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> - Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
> - Call with questions: 1-800-424-9346

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Many thanks for your assistance with this, and please do feel free to be in touch if you have any questions or need additional information. Thank you.

Kristina Heinemann

EPA Kristina R. Heinemann
Agricultural and Decentralized Wastewater Treatment Coordinator
Clean Water Division, Watershed Management Branch
US EPA Region 2
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New York, NY 10007
212-637-3857
heinemann.kristina@epa.gov
Tuesdays and Thursdays Alternative Work Location 9:15-5:45

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/11/2018 7:57:49 PM
To: Arvizu, Christy [Arvizu.Christy@epa.gov]
Subject: RE: EPCRA/CERCLA Reporting Requirements - January 22 1st deadline

Perfect. Thanks.

From: Arvizu, Christy
Sent: Thursday, January 11, 2018 2:52 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Coats, Andrea <Coats.Andrea@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Lau, Gavin <Lau.Gavin@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Negron, Nesmarie <Negron.Nesmarie@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>
Subject: RE: EPCRA/CERCLA Reporting Requirements - January 22 1st deadline

Kristina –

We just talked about the upcoming deadline on the CAFO call. I'm familiar with the issue.

The CAFO workgroup is going to be included on the distribution list for the fact sheet. If I do not receive it, I will let you know.

No additions to contacts.

Should DECA-WCB have questions, we will be in touch.

Thank you.

Christy Arvizu
EPA Region 2
Division of Enforcement and Compliance Assistance
Water Compliance Branch, 20th Floor
Ph: (212) 637-3961
Fax: (212) 637-3953

From: Heinemann, Kristina
Sent: Thursday, January 11, 2018 2:48 PM
To: Arvizu, Christy <Arvizu.Christy@epa.gov>
Cc: Coats, Andrea <Coats.Andrea@epa.gov>; Saporita, Chris <Saporita.Chris@epa.gov>; Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Lau, Gavin <Lau.Gavin@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Negron, Nesmarie <Negron.Nesmarie@epa.gov>
Subject: EPCRA/CERCLA Reporting Requirements - January 22 1st deadline

Christy – we are waiting for the package of outreach materials for the upcoming deadline for the EPCRA/CERCLA requirements for reporting hazardous substances emissions for farms. I am assuming/hoping you are already familiar with these requirements and the current context/background. Please let me know if not

and we can get together to talk further. As I understand it there should be a Fact Sheet, a Communication Plan and a PSA coming from HQs anytime now (hopefully by the end of the day today or tomorrow). PAD is aware and waiting for the communication materials and I have provided PAD with a list of contacts for Region 2 (attached). If you believe there are any key contacts missing in the attached, please let me know ASAP.

When the Fact Sheet is available, I will make sure you get a copy – HQs would like inspectors to provide copies to animal ag producers as they can when onsite for inspections.

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Ellen Banner and Francesco Maimone (in Edison) are the points of contacts for the Emergency Response program in Region 2. Gavin Lau is the Ag point of contact for the air program.

Please let me know if there is anything you would like to talk further about.

Many thanks.

Kristina

EPA Kristina R. Heinemann
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212-637-3857
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Tuesdays and Thursdays Alternative Work Location 9:15-5:45

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/11/2018 7:48:29 PM
To: Arvizu, Christy [Arvizu.Christy@epa.gov]
CC: Coats, Andrea [Coats.Andrea@epa.gov]; Saporita, Chris [Saporita.Chris@epa.gov]; Arcaya, Alyssa [arcaya.alyssa@epa.gov]; Lau, Gavin [Lau.Gavin@epa.gov]; Maimone, Francesco [Maimone.Francesco@epa.gov]; Banner, Ellen [Banner.Ellen@epa.gov]; Negron, Nesmarie [Negron.Nesmarie@epa.gov]
Subject: EPCRA/CERCLA Reporting Requirements - January 22 1st deadline
Attachments: Region 2 EPCRA CERCLA Jan 8 2018.docx

Christy – we are waiting for the package of outreach materials for the upcoming deadline for the EPCRA/CERCLA requirements for reporting hazardous substances emissions for farms. I am assuming/hoping you are already familiar with these requirements and the current context/background. Please let me know if not and we can get together to talk further. As I understand it there should be a Fact Sheet, a Communication Plan and a PSA coming from HQs anytime now (hopefully by the end of the day today or tomorrow). PAD is aware and waiting for the communication materials and I have provided PAD with a list of contacts for Region 2 (attached). If you believe there are any key contacts missing in the attached, please let me know ASAP.

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EPA Kristina R. Heinemann
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Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/18/2018 11:27:55 PM
To: Kist, Greg - NRCS, Syracuse, NY [greg.kist@ny.usda.gov]; Tammy.willis@ny.usda.gov; michael.latham@agriculture.ny.gov; walshw@co.tioga.ny.us; dekare@u-s-c.org; 'dan farrand' [farrandc@yahoo.com]; mjb28@cornell.edu
CC: Brandt, Peter [Brandt.Peter@epa.gov]
Subject: RE: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

EPA will hold a call tomorrow after specifically oriented to producers. Please share the details below with your networks. Many thanks.

Kristina

- **Call in phone numb**
- **Conference ID numb**

Conference Line/Code / Ex. 6

- **Conference Topic- Animal Waste Emissions**
- **Date- Friday, January 19, 2018**
- **Time- 1 PM Eastern, feel free to dial-in early**

From: Heinemann, Kristina
Sent: Tuesday, January 16, 2018 6:12 PM
To: Kist, Greg - NRCS, Syracuse, NY <greg.kist@ny.usda.gov>; 'Tammy.willis@ny.usda.gov' <Tammy.willis@ny.usda.gov>; 'michael.latham@agriculture.ny.gov' <michael.latham@agriculture.ny.gov>; 'walshw@co.tioga.ny.us' <walshw@co.tioga.ny.us>; 'dekare@u-s-c.org' <dekare@u-s-c.org>; 'dan farrand' <farrandc@yahoo.com>; 'mjb28@cornell.edu' <mjb28@cornell.edu>
Cc: Brandt, Peter <Brandt.Peter@epa.gov>
Subject: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

All – I am writing to you today to ask for your assistance in getting the word out – through the attached Fact Sheets and/or the weblinks below – on upcoming EPA requirements for reporting air releases of hazardous substances from animal waste. Animal agriculture operations in New York State may have to comply with these requirements as early as **January 22, 2018**. Please share the information below and the Fact Sheets with your networks within New York State. We are particularly interested in getting the word out to as many NYS Soil and Water Conservation Districts as we can – especially those with a heavy concentration of animal agriculture. Please feel free to use the text below in your communications.

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> - Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
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Many thanks for your assistance with this, and please do feel free to be in touch if you have any questions or need additional information. Thank you.

Kristina Heinemann

EPA Kristina R. Heinemann
Agricultural and Decentralized Wastewater Treatment Coordinator
Clean Water Division, Watershed Management Branch
US EPA Region 2
290 Broadway, 24th floor
New York, NY 10007
212-637-3857
heinemann.kristina@epa.gov
Tuesdays and Thursdays Alternative Work Location 9:15-5:45

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/18/2018 11:04:32 PM
To: Mike Westendorf [michael.westendorf@rutgers.edu]
CC: Dave Lee [dlee@aesop.rutgers.edu]; Monique Purcell [monique.purcell@ag.state.nj.us]
Subject: RE: Request for Outreach to NJ Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

EPA is holding a teleconference for producers tomorrow afternoon and EPCRA/CERCLA reporting requirements. Please encourage your networks to call in. Many thanks.

Kristina

- **Call in phone numb**
- **Conference ID numb**

Conference Line/Code / Ex. 6

- **Conference Topic- Animal Waste Emissions**
- **Date- Friday, January 19, 2018**
- **Time- 1 PM Eastern, feel free to dial-in early**

From: Heinemann, Kristina
Sent: Wednesday, January 17, 2018 5:40 PM
To: 'Mike Westendorf' <michael.westendorf@rutgers.edu>
Cc: Dave Lee <dlee@aesop.rutgers.edu>; Monique Purcell <monique.purcell@ag.state.nj.us>
Subject: RE: Request for Outreach to NJ Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

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From: Mike Westendorf [mailto:michael.westendorf@rutgers.edu]
Sent: Wednesday, January 17, 2018 5:29 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Dave Lee <dlee@aesop.rutgers.edu>; Monique Purcell <monique.purcell@ag.state.nj.us>
Subject: Re: Request for Outreach to NJ Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

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Please contact:

David Lee

Salem County Extension Office

51 Cheney Road

Woodstown, NJ 08098-9982

856-769-0090

dlee@aesop.rutgers.edu

and/or

Monique Purcell

New Jersey Department of Agriculture

Health and Ag Building

P.O. Box 330, Room 204

Trenton, NJ 08625-0330

609-292-5532

monique.purcell@ag.state.nj.us

I have copied your e-mail to both of them.

Thanks.

Mike

Michael Westendorf
Rutgers, The State University of New Jersey
Department of Animal Science
84 Lipman Drive, 213F Bartlett Hall
New Brunswick, NJ 08901-8525
Phone: 848-932-9408
e-mail: michael.westendorf@rutgers.edu

Please update my contact information with this new e-mail address: michael.westendorf@rutgers.edu

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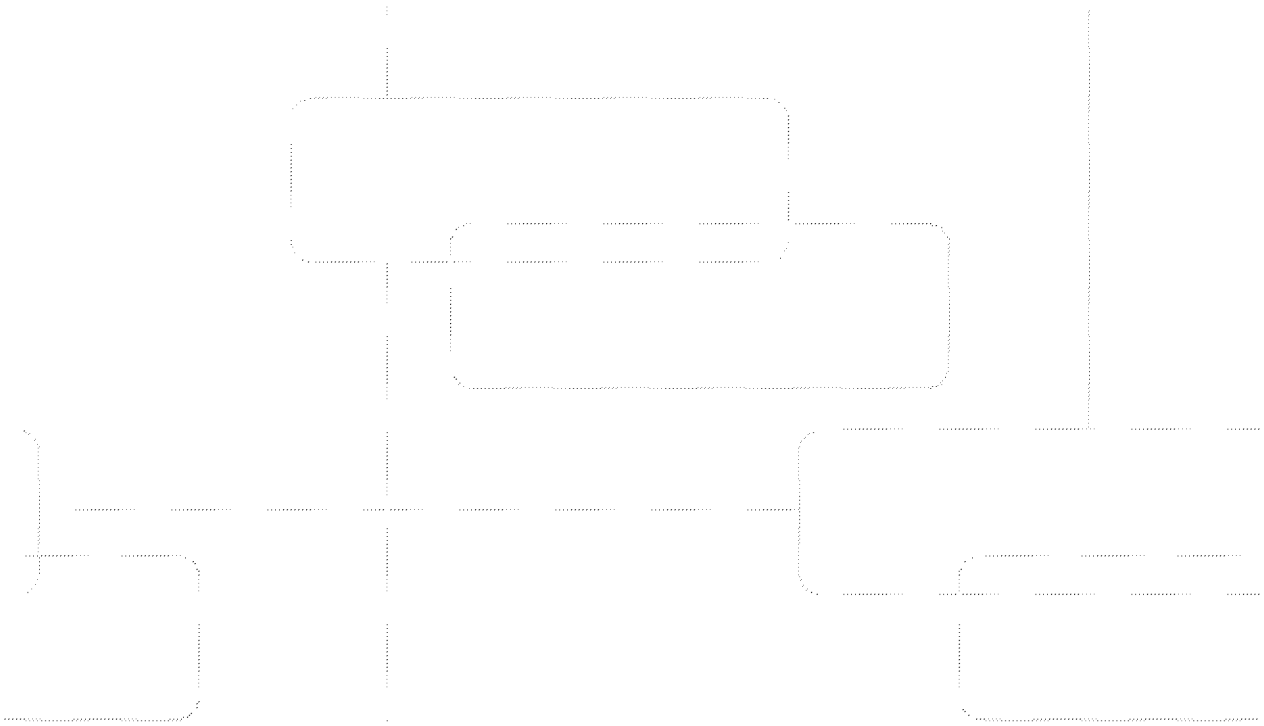
From: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Sent: Wednesday, January 17, 2018 10:47 AM
To: Mike Westendorf
Subject: FW: Request for Outreach to NJ Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste



Mike – if you have contacts in the Rutgers Extension and NJ Department of Agriculture Animal Waste Programs, I would appreciate you sharing this information with them, or if you want to provide me the contacts and email addresses, I am happy to be in touch with them directly. Many thanks.

Kristina

From: Heinemann, Kristina
Sent: Wednesday, January 17, 2018 10:29 AM
To: Hall, Christine - NRCS, Somerset, NJ <Christine.Hall@nj.usda.gov>; 'Phillips, Barbara - NRCS, Somerset, NJ' <Barbara.Phillips@nj.usda.gov>; Kathleen Hitchner (Kathleen.Hitchner@dep.nj.gov) <Kathleen.Hitchner@dep.nj.gov>; 'westendorf@njaes.rutgers.edu' <westendorf@njaes.rutgers.edu>

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Message

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Sent: 9/29/2017 5:58:27 PM
To: Lau, Gavin [Lau.Gavin@epa.gov]
Subject: FW: EPA and NRCS Announce Agricultural Air Quality Conservation Measures Guide for Poultry and Livestock Production Systems
Attachments: Ag AQ Conservation Measures_Poultry and Livestock_September 2017.pdf

Gavin – I don't know if you might have gotten this publication already, but in case you have not seen it you might be interested in taking a look at it.

Kristina

From: Dunkins, Robin
Sent: Friday, September 29, 2017 12:57 PM
To: Dunkins, Robin <Dunkins.Robin@epa.gov>
Subject: EPA and NRCS Announce Agricultural Air Quality Conservation Measures Guide for Poultry and Livestock Production Systems

Dear Interested Stakeholders:

The Environmental Protection Agency (EPA) Office of Air Quality Planning and Standards (OAQPS) and the United States Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) are pleased to announce publication of the *"Agricultural Air Quality Conservation Measures: Reference Guide for Poultry and Livestock Production Systems."* This EPA/NRCS collaboration provides a broad set of conservation practices for poultry and livestock operations that may address air resource concerns with a focus on NRCS conservation standards and other demonstrated practices.

As a follow-up to the 2012 guide, *"Agricultural Air Quality Conservation Measures: Reference Guide for Cropping Systems and General Land Management,"* this new document proposes a variety of tools and standards for creating effective air standards in the agricultural industry. Developed as a technical tool, the guide describes different conservation measures that have been successfully demonstrated to reduce emissions of various air pollutants on farms. In addition, it offers general comments on the applicability of the measures to different types of farms and ranges of potential emission reductions.

The guide suggests a broad set of protection practices for poultry and livestock operations that may address air resource concerns. While emphasizing NRCS conservation standards, it does include other demonstrated practices and provides a menu of options that can be tailored to a specific area based on needs, goals, and other site-specific factors. The guide, not intended to be regulatory, is a best practices model that may be useful for states and local air agencies seeking options for emission reductions. It includes a variety of approved NRCS practices to address air emissions from livestock and poultry operations in areas where those operations have been demonstrated to contribute to air quality issues.

To access the guide, please visit EPA's web site at https://www.epa.gov/afos-air/agricultural-air-quality-conservation-measures-reference-guide-poultry-and-livestock. In addition, the guide is available on the NRCS site at https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/air/quality/.

Agricultural Air Quality Conservation Measures Reference Guide for Poultry and Livestock Production Systems | US EPA

www.epa.gov

report summarizing practices that livestock and poultry farms can use to reduce air emissions

Air Quality | NRCS

www.nrcs.usda.gov

Air Quality NRCS Air Quality and Atmospheric Change . The USDA Natural Resources Conservation Service helps private landowners conserve our natural resources, and air ...

Please feel free to share with partners, stakeholders and others. We are excited to publish this guide and feel confident that it will be beneficial as you continue developing air conservation strategies within your agricultural areas.

Robin Dunkins, Group Leader
Natural Resources Group
OAR/OAQPS/SPPD Mail Code: E143-03
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711
919-541-5335 (office)
919-605-1178 (cell)
dunkins.robin@epa.gov

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/16/2018 11:17:13 PM
To: ccashman@nycwatershed.org
CC: Lynch, Katie [Lynch.Katie@epa.gov]
Subject: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste
Attachments: CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf

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Sent: 1/17/2018 10:39:32 PM
To: Mike Westendorf [michael.westendorf@rutgers.edu]
CC: Dave Lee [dlee@aesop.rutgers.edu]; Monique Purcell [monique.purcell@ag.state.nj.us]
Subject: RE: Request for Outreach to NJ Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste
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Cc: Dave Lee <dlee@aesop.rutgers.edu>; Monique Purcell <monique.purcell@ag.state.nj.us>
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Trenton, NJ 08625-0330

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monique.purcell@ag.state.nj.us

I have copied your e-mail to both of them.

Thanks.

Mike

Michael Westendorf
Rutgers, The State University of New Jersey
Department of Animal Science
84 Lipman Drive, 213F Bartlett Hall
New Brunswick, NJ 08901-8525
Phone: 848-932-9408
e-mail: michael.westendorf@rutgers.edu

Please update my contact information with this new e-mail address: michael.westendorf@rutgers.edu

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From: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Sent: Wednesday, January 17, 2018 10:47 AM
To: Mike Westendorf
Subject: FW: Request for Outreach to NJ Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

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Sent: Wednesday, January 17, 2018 10:29 AM
To: Hall, Christine - NRCS, Somerset, NJ <Christine.Hall@nj.usda.gov>; 'Phillips, Barbara - NRCS, Somerset, NJ' <Barbara.Phillips@nj.usda.gov>; Kathleen Hitchner (Kathleen.Hitchner@dep.nj.gov) <Kathleen.Hitchner@dep.nj.gov>; 'westendorf@njaes.rutgers.edu' <westendorf@njaes.rutgers.edu>
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Sent: 1/16/2018 10:35:05 PM
To: Brandt, Peter [Brandt.Peter@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]
CC: Kluesner, Dave [kluesner.dave@epa.gov]; McGowan, Michael [McGowan.Michael@epa.gov]
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste
Attachments: rev 1 16 Region 2 EPCRA CERCLA Jan 8 2018.docx

Peter – here is an annotated table – a couple of things. I highlighted in yellow just a very few contacts where PAD may be helpful. One is being in touch with Richard Ball the Commissioner in NY who is a personal friend of the RA; and two we have a list of animal ag producers and their Facebook pages – I am wondering if there is a way for the Region to link up via Facebook with these farms to get them the information. Please see attached. I will do the rest. Thanks.

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Sent: Tuesday, January 16, 2018 5:23 PM
To: Mears, Mary <Mears.Mary@epa.gov>; Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; McGowan, Michael <McGowan.Michael@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

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Cc: Kluesner, Dave <kluesner.dave@epa.gov>; McGowan, Michael <McGowan.Michael@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Thanks, Kristina,
I am happy to send whichever ones you don't feel comfortable sending, so just let me know and I am happy to send.

Mary Mears
Public Affairs Director
U.S. EPA Region 2 (NJ, NY, PR, the US VI and eight Indian Nations)
(212) 637-3673 (Direct Office)
(212) 637-3660 (General Office)
(646) 369-0077 (Cell)

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From: Grantham, Nancy
Sent: Tuesday, January 16, 2018 4:35 PM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Regional ag advisors should begin distributing the fact sheet today – we will send link shortly thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Holsman, Marianne
Sent: Tuesday, January 16, 2018 3:57 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Hi. This message is telling ag advisors to begin distributing material today...is that right? I thought you said tomorrow.

Marianne

Follow us!

From: Peak, Nicholas
Sent: Tuesday, January 16, 2018 12:53 PM
To: Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Philip, Jeffrey <Philip.Jeff@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>
Subject: FW: EPA factsheets on CERCLA-EPCRA reporting for animal waste

And so it begins…

Nick Peak
Agriculture Advisor
EPA, Region 10
208-378-5765

From: Subramanian, Hema
Sent: Tuesday, January 16, 2018 1:49 PM
To: Miller, Amy <Miller.Amy@epa.gov>; Heinemann, Kristina <Heinemann.Kristina@epa.gov>; Shenk, Kelly <shenk.kelly@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Galloway, Carol <Galloway.Carol@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Pierce, Troy <Pierce.Troy@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Winn, G. Dean <winn.gerald@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Ziobro, Joseph <Ziobro.Joseph@epa.gov>; Rea, Anne <Rea.Anne@epa.gov>; Larsen, Erika <Larsen.Erika@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Flahive, Katie <Flahive.Katie@epa.gov>; Winnett, Steven <winnett.steven@epa.gov>; Flournoy, Karen <Flournoy.Karen@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Robertson, Duane <Robertson.Duane@epa.gov>; Wirth, Karen <Wirth.Karen@epa.gov>; Sharpe, Kristinn <Sharpe.Kristinn@epa.gov>; Yin, Christina <Yin.Christina@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Culver, Edison <culver.edison@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Brennan, Ross <Brennan.Ross@epa.gov>; Mitschele, Becky <Mitschele.Becky@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>
Subject: EPA factsheets on CERCLA-EPCRA reporting for animal waste

EPA Ag Advisors/POCS:

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If you have any questions, please contact the Environmental Protection Agency via the information provided below:

- Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms
- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
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- Call with questions: 1-800-424-9346

For those with listservs or issues with forwarding attachments, OEM is working on a weblink to send out soon. A PSA is expected to be released to ag radio networks later today, and an online toolkit with other outreach materials will also be out soon. For the time being, feel free to share this factsheet with any contacts who may field questions from farmers once the PSA airs.

Thank you,
---Hema.

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/17/2018 9:29:35 PM
To: Arvizu, Christy [Arvizu.Christy@epa.gov]
Subject: RE: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

Thanks Christy – I believe Monique is a/the point of contact for the Animal Waste Program at NJDA. Good that she has the info.

From: Arvizu, Christy
Sent: Wednesday, January 17, 2018 4:26 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Subject: RE: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

FYI – my NJDEP contact forwarded to Monique Purcell, Director of the Division of Agriculture and Natural Resources in the NJ Department of Agriculture

Take care

From: Heinemann, Kristina
Sent: Tuesday, January 16, 2018 6:14 PM
To: Balla, Richard <Balla.Richard@epa.gov>; VanRabenswaay, Elizabeth <VanRabenswaay.Elizabeth@epa.gov>; Jewhurst, Sheri <Jewhurst.Sheri@epa.gov>; Brandt, Peter <Brandt.Peter@epa.gov>; Izraeli, Ruth L. <Izraeli.Ruth@epa.gov>; Coats, Andrea <Coats.Andrea@epa.gov>; Arvizu, Christy <Arvizu.Christy@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>
Subject: FW: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

All – FYI – I sent the note below to NYS contacts – please feel free to suggest additional contacts and/or forward. Please copy me on any additional external contacts you make so that we keep track of who has been notified. Many thanks.

Kristina

From: Heinemann, Kristina
Sent: Tuesday, January 16, 2018 6:12 PM
To: Kist, Greg - NRCS, Syracuse, NY <greg.kist@ny.usda.gov>; 'Tammy.willis@ny.usda.gov' <Tammy.willis@ny.usda.gov>; 'michael.latham@agriculture.ny.gov' <michael.latham@agriculture.ny.gov>; 'walshw@co.tioga.ny.us' <walshw@co.tioga.ny.us>; 'dekare@u-s-c.org' <dekare@u-s-c.org>; 'dan farrand' <farrandc@yahoo.com>; 'mjb28@cornell.edu' <mjb28@cornell.edu>
Cc: Brandt, Peter <Brandt.Peter@epa.gov>
Subject: Request for Outreach to NYS Animal Agriculture Producers - US EPA CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste

All – I am writing to you today to ask for your assistance in getting the word out – through the attached Fact Sheets and/or the weblinks below – on upcoming EPA requirements for reporting air releases of hazardous substances from animal waste. Animal agriculture operations in New York State may have to comply with these requirements as early as **January 22, 2018**. Please share the information below and the Fact Sheets with

your networks within New York State. We are particularly interested in getting the word out to as many NYS Soil and Water Conservation Districts as we can – especially those with a heavy concentration of animal agriculture. Please feel free to use the text below in your communications.

Attached are factsheets (in English and Spanish) from the US EPA Office of Emergency Management (OEM) on the CERCLA/EPCRA reporting requirements for air releases of hazardous substances from animal waste. These are final and can be shared widely with the agricultural community. Please distribute to your networks for outreach. **Here is some stock language (with contact info) that can be inserted in emails:**

> Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.
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Many thanks for your assistance with this, and please do feel free to be in touch if you have any questions or need additional information. Thank you.

Kristina Heinemann

EPA Kristina R. Heinemann
Agricultural and Decentralized Wastewater Treatment Coordinator
Clean Water Division, Watershed Management Branch
US EPA Region 2
290 Broadway, 24th floor
New York, NY 10007
212-637-3857
heinemann.kristina@epa.gov
Tuesdays and Thursdays Alternative Work Location 9:15-5:45

Message

From: Heinemann, Kristina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E78D6B360384496D9463F49C17DA7EB8-HEINEMANN, KRISTINA]
Sent: 1/17/2018 7:12:26 PM
To: Rini, Sophia [Rini.Sophia@epa.gov]
CC: Brandt, Peter [Brandt.Peter@epa.gov]
Subject: FW: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Sophia – I sent a note to the Animal Ag Coalition via their Contact Us webform- Thant may be sufficient so don't sweat it if the individual farmer facebook pages don't lend themselves to easy communication.

Thanks.

From: Heinemann, Kristina
Sent: Wednesday, January 17, 2018 1:50 PM
To: Rini, Sophia <Rini.Sophia@epa.gov>
Cc: Brandt, Peter <Brandt.Peter@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Can we do direct messages via facebook? I am not a facebook user and so I don't know. We also have to be a cautious with farmers and not be too intrusive. I thought doing something through a public facebook page would be ok, but I am not sure about direct (individual) email communication. What do direct messages via facebook look like? Thanks.

From: Rini, Sophia
Sent: Wednesday, January 17, 2018 1:46 PM
To: Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Brandt, Peter <Brandt.Peter@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Hmm, that is slightly different than I thought.

Direct messages to them might be the way to go, rather than posting publicly on their pages. Does that sound better?

From: Heinemann, Kristina
Sent: Wednesday, January 17, 2018 1:43 PM
To: Rini, Sophia <Rini.Sophia@epa.gov>
Cc: Brandt, Peter <Brandt.Peter@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Sophia – I am not quite sure how this would work and what would be appropriate, but there is a list of Farms with Facebook Pages available through a link provided by the NYS Animal Agriculture Coalition. Please see below ….

https://www.nyanimalag.org/farms-online/

From: Rini, Sophia
Sent: Wednesday, January 17, 2018 1:22 PM

To: Brandt, Peter <Brandt.Peter@epa.gov>; Mears, Mary <Mears.Mary@epa.gov>; Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; McGowan, Michael <McGowan.Michael@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Hi Kristina,

Can you forward me the list of Facebook pages that you have compiled? I can do outreach to them and see if they would either allow us to post our message or post for us.

In the meantime we are posting on both our Region 2 Twitter and FB accounts this afternoon.

From: Brandt, Peter
Sent: Wednesday, January 17, 2018 1:09 PM
To: Mears, Mary <Mears.Mary@epa.gov>; Heinemann, Kristina <Heinemann.Kristina@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; McGowan, Michael <McGowan.Michael@epa.gov>; Rini, Sophia <Rini.Sophia@epa.gov>
Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Thanks Mary. FYI: I heard back from Geoff Palmer – Commissioner Ball's intergovernmental person. He acknowledged receipt of the information and said he's share it further. Peter

---

From: Mears, Mary
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Subject: RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

HI Kristina,
I took care of sending the fact sheet with links and a note of explanation to NY and NJ's public affairs folks. On the Facebook question, I defer to Sophia, but I think we just plan to promote this on our own Facebook page.

I also have reached out to Pete to see if he would like to contact NY State Ag and Markets Commissioner Ball directly and have not yet heard back.

PAD is also **pitching the PSA** to upstate or rural radio stations in NY and NJ.

Mary Mears
Public Affairs Director
U.S. EPA Region 2 (NJ, NY, PR, the US VI and eight Indian Nations)
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US Environmental Protection Agency
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<Philip.Jeff@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>
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208-378-5765

From: Subramanian, Hema
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To: Miller, Amy <Miller.Amy@epa.gov>; Heinemann, Kristina <Heinemann.Kristina@epa.gov>; Shenk, Kelly <shenk.kelly@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; Galloway, Carol <Galloway.Carol@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Pierce, Troy <Pierce.Troy@epa.gov>; Anderson-Carnahan, Linda <Anderson-Carnahan.Linda@epa.gov>; Winn, G. Dean <winn.gerald@epa.gov>; Carbone, Chad <Carbone.Chad@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Ziobro, Joseph <Ziobro.Joseph@epa.gov>; Rea, Anne <Rea.Anne@epa.gov>; Larsen, Erika <Larsen.Erika@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Flahive, Katie <Flahive.Katie@epa.gov>; Winnett, Steven <winnett.steven@epa.gov>; Flournoy, Karen <Flournoy.Karen@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Robertson, Duane <Robertson.Duane@epa.gov>; Wirth, Karen <Wirth.Karen@epa.gov>; Sharpe, Kristinn <Sharpe.Kristinn@epa.gov>; Yin, Christina <Yin.Christina@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Culver, Edison <culver.edison@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Brennan, Ross <Brennan.Ross@epa.gov>; Mitschele, Becky <Mitschele.Becky@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>
Subject: EPA factsheets on CERCLA-EPCRA reporting for animal waste

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> - Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
> - Call with questions: 1-800-424-9346

For those with listservs or issues with forwarding attachments, OEM is working on a weblink to send out soon. A PSA is expected to be released to ag radio networks later today, and an online toolkit with other outreach materials will also be

out soon. For the time being, feel free to share this factsheet with any contacts who may field questions from farmers once the PSA airs.

Thank you,
---Hema.

Hema Subramanian
Special Assistant to the Senior Advisor for Agriculture (detail)
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Message

From: Colip, Matthew [colip.matthew@epa.gov]
Sent: 1/12/2018 2:44:57 PM
To: Brooks, Becky [Brooks.Becky@epa.gov]; Taylor, Trish [Taylor.Trish@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Harwood, Jackie [Harwood.Jackie@epa.gov]
Subject: RE: draft CERCLA EPCRA Ag rule press release for your review

Becky - thanks

From: Brooks, Becky
Sent: Friday, January 12, 2018 9:14 AM
To: Taylor, Trish <Taylor.Trish@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: draft CERCLA EPCRA Ag rule press release for your review

+ Matt since Trish is out. Kim is also out of the office today, so you may want to reach out to both Kim Jennings and Patty Gioffre in OEM. Thanks.

Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762

From: Brooks, Becky
Sent: Friday, January 12, 2018 9:13 AM
To: Taylor, Trish <Taylor.Trish@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Cc: Benjamin, Kent <Benjamin.Kent@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: draft CERCLA EPCRA Ag rule press release for your review

Attached are Barry's comments. He asked that OCPA go over his edits w/Kim Jennings. Also, he would like to see this again before it goes to OPA. Thanks. Becky

Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762

From: Taylor, Trish
Sent: Thursday, January 11, 2018 2:57 PM
To: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Benjamin, Kent <Benjamin.Kent@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: draft CERCLA EPCRA Ag rule press release for your review

Hello Barry,

For your review, here is OEM's draft press release for the CERCLA / EPCRA reporting requirements for animal waste emissions rule (attached and copied/pasted below).

If you're OK with the draft press release, I can forward it to OPA for review/approval.

Thank you,
Trish

1/22/2018

DRAFT

Farms Are Now Required to Report Air Releases of Hazardous Substances from Animal Waste

WASHINGTON – Today the U.S. Environmental Protection Agency (EPA) announced that due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period.

"EPA will work with farmers and ranchers to provide guidance to assist them with reporting emissions from animal waste," said EPA Administrator Scott Pruitt. "The Agency wants to make certain that it is providing those who must comply with the necessary resources to make the reporting process as easy as possible."

If a farm with animal operations has air releases of hazardous substances from animal wastes that are equal to or greater than their reportable quantities (RQs) within any 24-hour period, the farmer may follow a streamlined reporting process known as "continuous release reporting." This reporting process involves three steps. The first step is to notify the National Response Center (NRC) of an initial continuous release. The NRC has established a primary notification option for farmers via email to ensure they do not experience long wait times by phone. The notification by email or phone must include the name of the farm, its location, and the name(s) of the hazardous substance(s) released. The second step requires an initial written notification to the EPA regional office for the location where the release occurs. The written notification must be sent within 30 days of the NRC notification. The last step involves sending a one-time first anniversary follow-up report to the EPA regional office. Additional reporting may be required following any significant changes in operations that could increase emissions.

In December 2008, EPA published a final rule that excluded most farms with animal operations from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated the rule. Based on requests from EPA to develop guidance to assist farmers with reporting, the Court delayed issuing the mandate on two separate occasions.

For the guidance and more information about reporting requirements, please visit: https://www.epa.gov/animalwaste.

Message

From: Harwood, Jackie [Harwood.Jackie@epa.gov]
Sent: 8/22/2017 5:31:14 PM
To: Hilosky, Nick [Hilosky.Nick@epa.gov]
Subject: FW: For Barry's Review Today - Congressional Qs on Waterkeeper vs. EPA
Attachments: Sen. JCornyn . CERCLA AND EPCRA.PDF

Importance: High

You see this yet? Also, I'm guessing Barry didn't want to change the meeting until tomorrow – is that right?

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578

Follow OLEM on Twitter: @EPALand

From: Harwood, Jackie
Sent: Tuesday, August 22, 2017 12:57 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Klinger, Adam <Klinger.Adam@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: For Barry's Review Today - Congressional Qs on Waterkeeper vs. EPA
Importance: High

Hi Barry,

As I mentioned in our Monday 10:30 Comms Meeting, OCIR has asked us for language responding to questions that came in from Congressman Harris' (R-MD) staff and MD Secretary of the Environment Ben Grumbles office about the D.C. Circuit Court decision in *Waterkeeper vs. EPA*.

Below is draft language responding to the Waterkeeper questions – for your review. OEM's Kim Jennings and OGC's Earl Salo have reviewed and approved the language. I will be providing this language to OCIR and it will be used in the following ways:

- Responding to Congressman Harris' staff questions
- Responding to Ben Grumbles questions
- In the R3 State Environmental Secretaries Meeting this week
- In a R3 State Agricultural Secretaries Meeting in September
- When other similar requests come in to OCIR from Congressmen/Senators

Attached is your letter to multiple Senators on the Court's decision - FYI. Please let me know if you have any questions or need anything else on this.

Jackie

Questions Submitted by Congressman Harris' Staff:

- **When does the court have to rule on EPA's request to stay the ruling for 6 months?**

- The D.C. Circuit Court has recently ruled on EPA's request. On August 16, 2017 the D.C. Circuit issued an order to stay the issuance of the mandate in the *Waterkeeper* case (which invalidated EPA's rule exempting certain farms from CERCLA and EPCRA reporting requirements) until **November 14, 2017**.

- **How long will it take EPA to develop guidance?**
  - EPA appreciates farmers concerns regarding the burden these reporting requirements may pose and the uncertainty for farms and ranches as a result of the Court's decision vacating EPA's final rule.
  - EPA expects to have guidance available for farmers before the end of the Court's stay on November 14, 2017.
-
- **What is a farmer required to do today?**
  - Due to the Circuit Court' stay on the ruling in the *Waterkeeper* case, farmers are exempt from reporting releases of hazardous substances into the air from animal waste at farms under CERCLA Section 103, and for all but large concentrated animal feeding operations under EPCRA Section 304. This exemption will be in place until November 14, 2017.

- **What is a farmer required to do while the guidance is being developed?**
  - Farms which are now exempt from CERCLA 103 and EPCRA 304 reporting due to the Court's stay will remain exempt and do not have to report until November 14, 2017.
  - EPA expects to have guidance available for farmers to assist them in determining the amount of their emissions, and how to report those emissions if they are above the reportable quantities, before November 14.

CERCLA/EPCRA REPORTING REQUIRMENTS FOR FARMS

QUESTION: What is the status of the CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms?

ANSWER:

- Once the Court issues its mandate, farms with animal operations (including ranches and livestock/poultry operations) that release certain amounts of hazardous substances from animal waste will be required to report these air emissions.

- On February 1, 2018, the DC Circuit Court of Appeals granted EPA's motion to delay issuance of the mandate until May 1, 2018. Farms are not required to report during this this time.

- The purpose of EPA's request for an extension was to allow time to:
  - Further revise guidance for farmers to be more effective in providing compliance assistance;
  - Conduct outreach to ensure farms with limited or no internet access are aware of the reporting requirements; and
  - Finish developing a streamlined continuous reporting form for farmers.

BACKGROUND:

- In 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. This final rule applied to: Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). For EPCRA reporting specifically, the rule exempted farms that contained fewer than a certain number of animals from reporting.

- Citizen groups challenged the rule, and on April 11, 2017, it was vacated by the DC Circuit Court of Appeals, thus eliminating the farm exemption.

- On January 19, 2018, EPA filed a motion with the DC Circuit Court of Appeals to delay issuance of the mandate by three months.

- EPA has posted the CERCLA/EPCRA farm guidance and frequently asked questions (FAQs) at www.epa.gov/animalwaste.

- EPA continues to conduct outreach to farms.

- EPA is also exploring other options to streamline the reporting requirements to make it easier for farmers to comply.

Message

From: Hostage, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=13C503D29E7A4ECEB13C449D182ECA25-BHOSTAGE]
Sent: 1/25/2018 4:09:56 PM
To: Prins, Christopher [Prins.Christopher@epa.gov]
Subject: RE: OEM Weekly Report to OLEM for January 26

Deliberative Process / Ex. 5

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Prins, Christopher
Sent: Thursday, January 25, 2018 11:02 AM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: Re: OEM Weekly Report to OLEM for January 26

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 25, 2018, at 10:26 AM, Hostage, Barbara <Hostage.Barbara@epa.gov> wrote:

AA Level Hot Topics

Regulations Implementation Division (RID)
CERCLA/EPCRA Farms Guidance (revisions to last week's update are in blue)

- Agricultural stakeholders will be required to report releases of hazardous substances from animal waste once the DC Circuit Court issues a mandate that vacates the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and Emergency Planning and Community Right-to-know Act (EPCRA) administrative reporting exemption.
- **Court Mandate-** On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate by three months. EPA is requesting that the Court give time to allow EPA to further revise the guidance to be more effective in assisting farms with coming into compliance, to conduct outreach to ensure farms with limited or no internet access are aware of the reporting requirements, and to finish developing the streamlined continuous reporting form. Once the court issues the mandate the statutory reporting requirements will go back into effect.

- **Guidance-**On October 25th EPA posted the CERCLA/EPCRA farm guidance on the website. The guidance is available at www.epa.gov/animalwaste. EPA is revising the website to include additional Frequently Asked Questions (FAQs). OEM has reviewed the comments received thus far on the guidance and is developing materials for OMB review. The package will include a summary of comments and the FAQs developed to respond to comments.
- **Streamlined Continuous Release Report for Farmers**- RID sent a revised information collection request package to PARMS to forward to OMB. The package includes a streamlined form, instructions for completing the form, and a revised supporting statement. OMB is expected to review the package quickly to make the form available to farmers.
- **Outreach-** Communication materials have been distributed to regional staff and stakeholders. OEM participated in calls with stakeholders this week including the American Farm Bureau on 1/22; Association of Clean Water Administrators on 1/24 and USDA Agricultural Research Service on 1/25.
- **National Response Center (NRC)**- The NRC will not be answering calls from farm owners/operators who are calling to report a continuous release. They will only be accepting emails to farms@uscg.mil. The NRC will direct all telephone the calls from farm owners/operators to the EPA EPCRA, Risk Management Program and Oil Information Center. OEM has expanded our contract with the Information Center to include taking the farm owner/operator NRC notifications. However, this is outside their area of expertise and their system has limited capacity.
- **Deliberative Process / Ex. 5**

For more information, contact Kim Jennings at 202-564-7998, Sicy Jacob at 202-564-8019 or Patty Gioffre at 202-564-1972.

From: Indermark, Michele
Sent: Thursday, January 25, 2018 10:13 AM
To: OLEM OEM Everyone <OLEMOEMEveryone@epa.gov>; OLEM IO Materials <OLEMIOMaterials@epa.gov>; OLEM OD Deputies <OLEMODDeputies@epa.gov>; OLEM Schedulers-SAs <OLEMSchedulers-SAs@epa.gov>
Subject: OEM Weekly Report to OLEM for January 26

Attached is OEM's report for the week of January 22 – January 26. Please contact me if you need additional information.

D. Michele Indermark
HQ EPA

OLEM/OEM
Special Assistant
WJCN 1448C
(w) 202-564-0794
indermark.michele@epa.gov

<OEM Weekly - January 26 2017.docx>

Appointment

From: Noggle, William [Noggle.William@epa.gov]
Sent: 10/18/2017 6:04:07 PM
To: Noggle, William [Noggle.William@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; DeBruhl, Brandon F. EOP/OMB [Brandon_F_DeBruhl@omb.eop.gov]; Laity, Jim A. EOP/OMB [James_A._Laity@omb.eop.gov]; USDA Reg [usdareg@obpa.usda.gov]; Mackay, Cheryl (ENRD [Cheryl.Mackay@usdoj.gov]; Waqar, Tayyaba [tayyaba.waqar@sba.gov]; cjz@obpa.usda.gov; Rojas, Pablo EOP/OMB (Intern) [Pablo.Rojas@omb.eop.gov]; Ruggiero, Justin M. EOP/OMB (Intern) [Justin.M.Ruggiero@omb.eop.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Hull, George [Hull.George@epa.gov]; Beaman, Joe [Beaman.Joe@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; eric.t.gormsen@usdoj.gov; Franklin, Kathy [Franklin.Kathy@epa.gov]
CC: Poe, Michael - OBPA, Washington, DC [Michael.Poe@obpa.usda.gov]; Abbott, Linda - OCE [LAbbott@oce.usda.gov]; Rawles, Earnest -FS [erawles@fs.fed.us]; Greg Zwicke [greg.zwicke@ftc.usda.gov]; Glenn Carpenter [Glenn.Carpenter@wdc.usda.gov]; Reck, William - NRCS, Washington, DC [bill.reck@wdc.usda.gov]; FLINIAU, HOLLY - OGC [HOLLY.FLINIAU@OGC.USDA.GOV]; Kunickis, Sheryl - OSEC [Sheryl.Kunickis@osec.usda.gov]; Knaebel, David - ARS [David.Knaebel@ARS.USDA.GOV]; Barringer, Jody M. EOP/OMB [Jody_M._Barringer@omb.eop.gov]; Matukumalli, Lakshmi - NIFA [lmatukumalli@nifa.usda.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Clark, Becki [Clark.Becki@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]

Subject: FW: Ag Guidance - Discuss Interagency Comments on both EPCRA and CERCLA
Attachments: Interagency 0.2_CERCLA 103 Reporting Guidance for Farms_10.18.2017.docx
Location: **Conference Number / Ex. 6**

Start: 10/18/2017 6:00:00 PM
End: 10/18/2017 7:00:00 PM
Show Time As: Busy

Not sure that you were included in the original invitation. Kathy and I are on the call.

-----Original Appointment-----
From: Noggle, William
Sent: Monday, October 16, 2017 2:47 PM
To: Noggle, William; Gioffre, Patricia; Lewis, Jen; DeBruhl, Brandon F. EOP/OMB; Laity, Jim A. EOP/OMB; USDA Reg; Mackay, Cheryl (ENRD; Waqar, Tayyaba; cjz@obpa.usda.gov; Rojas, Pablo EOP/OMB (Intern); Ruggiero, Justin M. EOP/OMB (Intern); Swenson, Erik; Salo, Earl; Michaud, John; Cogliano, Gerain; Hostage, Barbara; Jacob, Sicy; Hull, George; Beaman, Joe; Jennings, Kim; Cooperstein, Sharon; eric.t.gormsen@usdoj.gov; Franklin, Kathy
Cc: Poe, Michael - OBPA, Washington, DC; Abbott, Linda - OCE; Rawles, Earnest -FS; Greg Zwicke; Glenn Carpenter; Reck, William - NRCS, Washington, DC; FLINIAU, HOLLY - OGC; Kunickis, Sheryl - OSEC; Knaebel, David - ARS; Barringer, Jody M. EOP/OMB; Matukumalli, Lakshmi - NIFA; Lipshultz, Jon (ENRD)
Subject: Ag Guidance - Discuss Interagency Comments on both EPCRA and CERCLA
When: Wednesday, October 18, 2017 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 1-866-299-3188 code 703 347 8769

To all –
This meeting is to discuss interagency comments on the CERCLA and EPCRA Ag Guidance.

Conference Number / Ex. 6

Thanks,
Bill
202-566-1306

Message

From: Jacob, Sicy [Jacob.Sicy@epa.gov]
Sent: 1/31/2018 4:49:35 PM
To: Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]
Subject: RE: CERCLA/EPCRA call follow ups

I am drafting the response to this.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Franklin, Kathy
Sent: Wednesday, January 31, 2018 11:49 AM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Subject: RE: CERCLA/EPCRA call follow ups

My suggestions on response to this email:

At https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms#Updates , the QAs are meant to part of the guidance.

Further down, there is a link to QA regarding EPCRA reporting, which is on another page.

For additional information on EPCRA reporting, see: EPCRA Q&A.

If you scroll about halfway down the page, you will see a section on How to Report, with Steps 1-3

Also there is a link to the Continuous Release Reporting Form and instructions.
Farms can use this continuous release reporting form to provide the initial written notification.

Further down on the page, there is a section on Emissions with some guidance followed by Resources section. This section has links to various methodologies that can be used to help estimate the releases of ammonia and hydrogen sulfide from animal waste. See links to Dairy Report worksheet , Swine Report worksheet, Ammonia and Hydrogen Sulfide Emission Rates for Poultry Operations and ammonia emissions estimator for beef, dairy, horse, swine, poultry operations.

The link in the following sentence is not working, we will have to determine the correct link.

For more information, see: Do I have to report if I am participating in the EPA's Animal Feeding Operation Air Compliance Agreement?

Personal Matters / Ex. 6 right now, but maybe someone else can follow and get correct link for the Air compliance agreement link.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Janifer, Pamela
Sent: Wednesday, January 31, 2018 11:22 AM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Subject: RE: CERCLA/EPCRA call follow ups

Ok will do.

Pamela

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Levine, Carolyn
Sent: Wednesday, January 31, 2018 11:15 AM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Cc: Janifer, Pamela <Janifer.Pamela@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Subject: CERCLA/EPCRA call follow ups

Hi OEM folks,

Hill staff were checking the links you forwarded on Friday, and have the following comments/issues. Can you help id the correct links? Thanks.

This website says there is guidance:
https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms

but the link:
https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms#Updates

doesn't seem to have any guidance other than FAQs – is there actual guidance or is what is on the second webpage all there is?

And when I clicked on the link about whether CAFOs have to report – this is what I got:
https://www.epa.gov/node/189743/revisions/631719/view#AFOAgreement

Sorry, but this web page is not available for viewing right now.

This page is not available for viewing either because EPA has not published it yet, or because EPA has allowed the publication of this page to lapse.

So, is there published guidance on this somewhere or is it all links on a website?

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

From: Principe, Vanessa
Sent: Friday, January 26, 2018 4:52 PM
To: Palich, Christian <palich.christian@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: With attachment - RE: CERCLA/EPCRA call follow ups

With referenced attachment this time.

Thanks, V

From: Principe, Vanessa
Sent: Friday, January 26, 2018 4:49 PM
To: Palich, Christian <palich.christian@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Jennings, Kim <jennings.kim@epa.gov>; Patricia Gioffre <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: RE: CERCLA/EPCRA call follow ups
Importance: High

Carolyn/Christian/Jen,

Here is the follow-up information to our 1:30 call, for you to forward to the appropriate parties. Please let us know if you have any questions.

Thanks, V

___

Guidance Information Available for 2008 Rule-

To assist facilities with reporting continuous releases, EPA has developed a guide on the Reporting Requirements for Continuous Releases of Hazardous Substances that includes forms for written reports. The Guide provides an overview of the information required for the initial and first anniversary follow-up reports to assist facilities with the collection of the required information.
https://www.epa.gov/epcra/reporting-requirements-continuous-releases-hazardous-substances-guide-facilities-compliance

> NOTE – The guidance, the form and the instructions for facilities to comply with continuous release reporting have been posted since 1990. No additional reports are required after the first anniversary report, unless there are any changes to the previously reported information or there is a statistically significant increases (SSI) to the upper bound normal range reported.

These Resources Page / Links to Available Emission Estimation Techniques were available through trade associations and few universities that conducted emission studies.
https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms#Resources

> NOTE - Links for *Dairy Operations*; *Swine Operations*; *Poultry Operations*; and *General Emission Estimates for Ammonia from Beef, Dairy, Horse, Swine, Poultry Operations* on this page date to January/ February 2009.

Attached PDF - Fact Sheet for the 2008 Final Rule: *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms*

Legislative References -

CERCLA release reporting (general):
https://www.law.cornell.edu/cfr/text/40/302.6

EPCRA release reporting (general):
https://www.law.cornell.edu/cfr/text/40/part-355/subpart-C

> NOTE - 355.32, which cross-references CERCLA for purposes of continuous release reporting

CERCLA continuous release reporting:
https://www.law.cornell.edu/cfr/text/40/302.8

From: Palich, Christian
Sent: Friday, January 26, 2018 2:39 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>
Subject: RE: CERCLA/EPCRA call follow ups

Thanks Carolyn, and appreciate everyone for getting on the call in such short notice.

Before we send anything up to the hill on this please send over my way please. Just wanted to stay in loop on what we are providing.

Have a great weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov

From: Levine, Carolyn
Sent: Friday, January 26, 2018 2:18 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Subject: CERCLA/EPCRA call follow ups

I think this was the main follow up that Kusai requested, did anyone have any other items?
- docs/guidance provided that EPA referred to in 2009/2010

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

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 1/5/2018 6:17:21 PM
To: Michaud, John [Michaud.John@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]
CC: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: RE: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)
Attachments: AL 18 000 2865 Draft Reply 1-4-2018 v4 CLEAN 1-5-18 OGC edits.docx

Thanks Jen and John.

I have made the edits and attached the clean version.

Michele, this version should be ready for final review by Reggie and to go forward in the process.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Michaud, John
Sent: Friday, January 05, 2018 12:23 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: RE: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)

I had just one additional edit to the letter.

Thanks.

John R Michaud
Associate General Counsel
Solid Waste and Emergency Response Law Office
202-564-5518
michaud.john@epa.gov

From: Lewis, Jen
Sent: Friday, January 05, 2018 12:11 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: RE: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)

Here you go. I'll call to explain.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Jennings, Kim
Sent: Friday, January 05, 2018 11:42 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: RE: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)

Thanks.

I will be on the lookout for the additional edits.

Kim

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From: Lewis, Jen
Sent: Friday, January 05, 2018 11:16 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: RE: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)

Kim,

I had some edits but there is one thing I wanted to discuss with John (our response to the question about limited email access). I'm attaching the document with my other suggestions in the meantime.

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Solid Waste and Emergency Response Law Office
(202) 564-2097

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Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: RE: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)

Sorry, please use this version. I missed a couple of small edits.

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U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Jennings, Kim
Sent: Friday, January 05, 2018 10:35 AM

To: Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: FW: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)
Importance: High

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Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Gioffre, Patricia
Sent: Thursday, January 04, 2018 2:40 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
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All- Please review the attached response to the questions posed by a bipartisan group of Senators on the CERCLA/EPCRA requirements. This response is due next week and we will need time to engage the OLEM front office, the ag advisor, and other senior policy leaders at EPA.

Allison/Bill/Robin- I developed a response on the emission methodology question based on language in the petition denial (so it should look very familiar).

Please reply all with any comments before COB on Friday, 1/5/18.

My apologies for the short turnaround on this request.

Best wishes!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

Message

From: Michaud, John [Michaud.John@epa.gov]
Sent: 1/5/2018 5:23:08 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: RE: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)
Attachments: AL 18 000 2865 Draft Reply 1-4-2018 v4 CLEAN 1-5-18 JRM.docx

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Thanks.

John R Michaud
Associate General Counsel
Solid Waste and Emergency Response Law Office
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202-564-1972
202-748-7139 (cell)

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Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 1/5/2018 4:15:55 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Michaud, John [Michaud.John@epa.gov]
CC: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: RE: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)
Attachments: AL 18 000 2865 Draft Reply 1-4-2018 v4 CLEAN 1-5-18 JSL.docx

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Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 1/5/2018 3:35:13 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Michaud, John [Michaud.John@epa.gov]
CC: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: FW: Urgent-Review requested-Congressional response on CERCLA/EPCRA (CMS- AL-18-000-2865)
Attachments: CMS_18-000-2865_CERCLA-EPCRA Air Emissions.pdf; AL 18 000 2865 Draft Reply 1-4-2018 v3 CLEAN 1-5-18.docx

Importance: High

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Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Gioffre, Patricia
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To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>
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Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

Message

From: Jones, Enesta [Jones.Enesta@epa.gov]
Sent: 10/11/2017 12:06:13 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Colip, Matthew [colip.matthew@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]
Subject: Re: Response for press inquiry on EPCRA CERCLA Vacatur

Thanks, Patricia. I wasn't on yesterday's recipient list.

On Oct 11, 2017, at 8:05 AM, Gioffre, Patricia <Gioffre.Patricia@epa.gov> wrote:

See the responses below.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Indermark, Michele
Sent: Tuesday, October 10, 2017 6:01 PM
To: Colip, Matthew <colip.matthew@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Beasley, Craig <Beasley.Craig@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>
Subject: FW: Response for press inquiry on EPCRA CERCLA Vacatur

Matt,

RID responses are below.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Gioffre, Patricia
Sent: Tuesday, October 10, 2017 5:03 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: Response for press inquiry on EPCRA CERCLA Vacatur

Here is our response to the press inquiry below. These responses have been reviewed by OECA and OGC and OEM senior management.
Let me know if you have any questions.

Press inquiry questions:

- **Can you confirm that this taking place 11/15?**

On December 18, 2008, EPA published a rule exempting farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this rule, thus eliminating the exemptions. The court's ruling takes effect once the mandate is issued (i.e., when the court issues the mandate, EPA's previous regulatory exemption no longer applies). Upon EPA's request, the court has currently delayed issuance of the mandate through November 14, 2017.

- **How big of an area does it affect (U.S. at large)?**
  The total number of farms potentially affected by the vacatur could be up to 44,900 farms, based on farm data from the 2012 USDA Agricultural Census and concentrated animal feeding operation (CAFO) size categories defined in the December 18, 2008 rule.

- <!--[if !supportLists]--><!--[endif]-->**How will farmers know when they've reached a reporting threshold?**
  EPA plans to provide guidance to assist farm facility owners/operators in estimating emissions from animal wastes. If a facility exceeds the reporting threshold due to emissions from animal wastes, the facility may be eligible for streamlined reporting called "continuous release reporting." EPA's guide Reporting Requirements for Continuous Releases of Hazardous Substances provides an overview of the continuous release reporting requirements, including forms to assist with developing written reports.

- **How big a livestock operation is affected?**
  Factors that contribute to whether a livestock operation would be subject to reporting requirements, include, but are not limited to: operating conditions (e.g., animal species, housing/confinement type); management practices (e.g., feed, manure); and geographic location and environmental conditions (e.g., precipitation, humidity, temperature, wind conditions, terrain). EPA plans to provide guidance to farm facility owners and operators to assist them in determining whether they may be subject to reporting requirements for emissions from animal wastes.

- **What penalties are there for violations?**
  CERCLA section 109 and EPCRA section 325 authorize both administrative and judicial penalties of up to $54,789 per day.

- **What is a "reportable quantity" and how is it determined when that quantity is reached?**
  A reportable quantity (RQ) is the quantity of a hazardous substance, when released, which triggers a notification requirement. Farm owners/operators will need to estimate emissions from the facility. EPA plans to provide guidance to farm facility owners and operators to assist them in determining whether they may be subject to reporting requirements for emissions from animal wastes.

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Principe, Vanessa
Sent: Friday, October 06, 2017 4:24 PM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RESPONSES DUE COB TUESDAY 10/10 - FW: ACTION: Brownfield Ag News re: CAFOs reporting
Importance: High

All,

This press inquiry came in late Friday. Requested an extension until COB Tuesday. See questions below in email train.

A couple of them could be tricky - thought we may need to run responses thru OGC.

Thanks, V

From: Jones, Enesta
Sent: Friday, October 06, 2017 4:14 PM
To: Colip, Matthew <colip.matthew@epa.gov>
Cc: Principe, Vanessa <Principe.Vanessa@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Re: ACTION: Brownfield Ag News re: CAFOs reporting

Sure, COB Tuesday — thanks all.

On Oct 6, 2017, at 4:12 PM, Colip, Matthew <colip.matthew@epa.gov> wrote:

Hi Vanessa,

I asked for an extension to Tuesday morning. Is more time needed ?

Enesta – can we push deadline to COB Tuesday?

Matt

Matthew Colip
Office of Communications, Partnerships and Analysis
Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
Office: 202-566-2641
Mobile: 202-597-1887
Follow us on Twitter @EPALand

From: Principe, Vanessa
Sent: Friday, October 06, 2017 4:11 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Cc: Roache, Brendan <Roache.Brendan@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: ACTION: Brownfield Ag News re: CAFOs reporting
Importance: High

Enesta,

FYI – forwarding our request for additional time for this inquiry given its sensitivities.

Thanks, Vanessa

From: Principe, Vanessa
Sent: Friday, October 06, 2017 3:56 PM
To: Roache, Brendan <Roache.Brendan@epa.gov>
Cc: Clark, Becki <Clark.Becki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: RE: ACTION: Brownfield Ag News re: CAFOs reporting
Importance: High

Most of the folks working on this action are out until Tuesday. Additionally, given the interest on this action and the nature of the questions, I would want to run the responses through OGC.

Respectfully requesting additional time for OEM to "run the traps" on this - until early next week.

Thanks, V

From: Roache, Brendan
Sent: Friday, October 06, 2017 3:34 PM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Clark, Becki <Clark.Becki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: FW: ACTION: Brownfield Ag News re: CAFOs reporting

Vanessa,

Since you're Acting this afternoon for RID, do you have any input/response on the reporter's questions below related to the Concentrated Animal Feeding Operation questions?

Thanks.
Brendan

From: Colip, Matthew
Sent: Friday, October 06, 2017 3:25 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: ACTION: Brownfield Ag News re: CAFOs reporting

See inquiry below – deadline 4pm today

From: Jones, Enesta
Sent: Friday, October 06, 2017 3:22 PM
To: Colip, Matthew <colip.matthew@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: ACTION: Brownfield Ag News re: CAFOs reporting

He added a question:
What is a "reportable quantity" and how is it determined when that quantity is reached?

Good day! Tight deadline; please let me know if you need more time.

Reporter: Tom Steever
Outlet: Brownfield Ag News
DDL: 4 p.m. today

Can you confirm that this taking place 11/15?
How big of an area does it affect (U.S. at large)?
How will farmers know when they've reached a reporting threshold?
How big a livestock operation is affected?
What penalties are there for violations?

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 10/11/2017 12:05:51 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: RE: Response for press inquiry on EPCRA CERCLA Vacatur

Thanks for catching that!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Indermark, Michele
Sent: Tuesday, October 10, 2017 5:39 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Response for press inquiry on EPCRA CERCLA Vacatur

Patty,

Isn't CAFO – concentrated animal feeding operations vs combined animal feeding operations?

From: Gioffre, Patricia
Sent: Tuesday, October 10, 2017 5:03 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: Response for press inquiry on EPCRA CERCLA Vacatur

Here is our response to the press inquiry below. These responses have been reviewed by OECA and OGC and OEM senior management.
Let me know if you have any questions.

Press inquiry questions:

- **Can you confirm that this taking place 11/15?**
  On December 18, 2008, EPA published a rule exempting farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this rule, thus eliminating the exemptions. The court's ruling takes effect once the mandate issues, (i.e., when the court issues the mandate, EPA's previous regulatory exemption no longer applies). Upon EPA's request, the court has currently delayed issuance of the mandate through November 14, 2017.

- **How big of an area does it affect (U.S. at large)?**
  The total number of farms potentially affected by the vacatur could be up to 44,900 farms, based on farm data from the 2012 USDA Agricultural Census and combined animal feeding operation (CAFO) size categories defined in the December 18, 2008 rule.

- **How will farmers know when they've reached a reporting threshold?**
  EPA plans to provide guidance to assist farm facility owners/operators in estimating emissions from

animal wastes. If a facility exceeds the reporting threshold due to emissions from animal wastes, the facility may be eligible for streamlined reporting called "continuous release reporting." EPA's guide Reporting Requirements for Continuous Releases of Hazardous Substances provides an overview of the continuous release reporting requirements, including forms to assist with developing written reports.

- **How big a livestock operation is affected?**
  Factors that contribute to whether a livestock operation would be subject to reporting requirements, include, but are not limited to: operating conditions (e.g., animal species, housing/confinement type); management practices (e.g., feed, manure); and geographic location and environmental conditions (e.g., precipitation, humidity, temperature, wind conditions, terrain). EPA plans to provide guidance to farm facility owners and operators to assist them in determining whether they may be subject to reporting requirements for emissions from animal wastes.

- **What penalties are there for violations?**
  CERCLA section 109 and EPCRA section 325 authorize both administrative and judicial penalties of up to $54,789 per day.

- **What is a "reportable quantity" and how is it determined when that quantity is reached?**
  A reportable quantity (RQ) is the quantity of a hazardous substance, when released, which triggers a notification requirement. Farm owners/operators will need to estimate emissions from the facility. EPA plans to provide guidance to farm facility owners and operators to assist them in determining whether they may be subject to reporting requirements for emissions from animal wastes.

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Principe, Vanessa
Sent: Friday, October 06, 2017 4:24 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Hull, George <Hull.George@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RESPONSES DUE COB TUESDAY 10/10 - FW: ACTION: Brownfield Ag News re: CAFOs reporting
Importance: High

All,

This press inquiry came in late Friday. Requested an extension until COB Tuesday. See questions below in email train.

A couple of them could be tricky - thought we may need to run responses thru OGC.

Thanks, V

From: Jones, Enesta
Sent: Friday, October 06, 2017 4:14 PM
To: Colip, Matthew <colip.matthew@epa.gov>
Cc: Principe, Vanessa <Principe.Vanessa@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Re: ACTION: Brownfield Ag News re: CAFOs reporting

Sure, COB Tuesday — thanks all.

On Oct 6, 2017, at 4:12 PM, Colip, Matthew <colip.matthew@epa.gov> wrote:

Hi Vanessa,

I asked for an extension to Tuesday morning. Is more time needed ?

Enesta – can we push deadline to COB Tuesday?

Matt

Matthew Colip
Office of Communications, Partnerships and Analysis
Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
Office: 202-566-2641
Mobile: 202-597-1887
Follow us on Twitter @EPALand

From: Principe, Vanessa
Sent: Friday, October 06, 2017 4:11 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Cc: Roache, Brendan <Roache.Brendan@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: ACTION: Brownfield Ag News re: CAFOs reporting
Importance: High

Enesta,

FYI – forwarding our request for additional time for this inquiry given its sensitivities.

Thanks, Vanessa

From: Principe, Vanessa
Sent: Friday, October 06, 2017 3:56 PM
To: Roache, Brendan <Roache.Brendan@epa.gov>
Cc: Clark, Becki <Clark.Becki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: RE: ACTION: Brownfield Ag News re: CAFOs reporting
Importance: High

Most of the folks working on this action are out until Tuesday. Additionally, given the interest on this action and the nature of the questions, I would want to run the responses through OGC.

Respectfully requesting additional time for OEM to "run the traps" on this - until early next week.

Thanks, V

From: Roache, Brendan
Sent: Friday, October 06, 2017 3:34 PM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Clark, Becki <Clark.Becki@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: FW: ACTION: Brownfield Ag News re: CAFOs reporting

Vanessa,

Since you're Acting this afternoon for RID, do you have any input/response on the reporter's questions below related to the Concentrated Animal Feeding Operation questions?

Thanks.
Brendan

From: Colip, Matthew
Sent: Friday, October 06, 2017 3:25 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: ACTION: Brownfield Ag News re: CAFOs reporting

See inquiry below – deadline 4pm today

From: Jones, Enesta
Sent: Friday, October 06, 2017 3:22 PM
To: Colip, Matthew <colip.matthew@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: ACTION: Brownfield Ag News re: CAFOs reporting

He added a question:
What is a "reportable quantity" and how is it determined when that quantity is reached?

Good day! Tight deadline; please let me know if you need more time.

Reporter: Tom Steever
Outlet: Brownfield Ag News
DDL: 4 p.m. today

Can you confirm that this taking place 11/15?
How big of an area does it affect (U.S. at large)?
How will farmers know when they've reached a reporting threshold?
How big a livestock operation is affected?
What penalties are there for violations?

Message

From: Harwood, Jackie [Harwood.Jackie@epa.gov]
Sent: 1/2/2018 7:13:59 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: FW: Bipartisan Senate Letter on CERCLA/EPCRA Reporting
Attachments: CMS_18-000-2865_CERCLA-EPCRA Air Emissions.pdf; CMS_18-000-2865_CERCLA-EPCRA_CMS Control Slip.pdf

FYI

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Harwood, Jackie
Sent: Tuesday, January 02, 2018 2:07 PM
To: Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: FYI: Bipartisan Senate Letter on CERCLA/EPCRA Reporting

Hi All,

Attached FYI is a December 21, letter from a bipartisan group of 11 Senators expressing concerns about EPA's recent CERCLA/EPCRA guidance. In the letter, the Senators ask for a briefing within the next 3 weeks, and responses to 4 questions (see below). Reggie and Becki have seen this letter and OEM will be working on a response. OCIR intends to address the briefing request once the letter is complete. Because the Administrator is testifying before SEPW on January 31, OCIR wants the response to go out in advance of the hearing.

Please let me know if you have any questions.

1. How are you working with farmers and others in the regulated community to help them identify whether they are subject to any new reporting requirements? In light of the D.C. Circuit's ruling more than eight months ago, do you expect to take any further administrative action to clarify the size or levels of emissions produced by farming operations that might be covered by these requirements? Do you anticipate further requesting a delay in the compliance deadline in order to do so?

2. What other federal, state, and local partners are you working with to assist farmers in understanding any new reporting obligations? How are you working with the United States Department of Agriculture in this regard?

3. As we mentioned, some of our constituents have expressed to us that the current reporting process and methodology is confusing. What steps are you taking to simplify your guidance and streamline the reporting process?

4. For farmers who may have limited access to the internet, what steps are you taking to assist these individuals in meeting any new reporting requirements? For those that do have such access, what steps are your taking to simplify reporting?

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Indermark, Michele
Sent: Tuesday, January 02, 2018 1:13 PM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: CMS New Assignment - Bernadine London - AL-18-000-2865

Hi Jackie,

This incoming letter requests a response and a briefing. Likely, they will want the briefing prior to Jan 22. Can you help with this part? I don't think this was the same group that we were meeting with before Christmas.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Stewart, Tracey
Sent: Tuesday, January 02, 2018 12:07 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Jennings, Robert

<Jennings.Robert@epa.gov>
Subject: RE: CMS New Assignment - Bernadine London - AL-18-000-2865

Hi Michele – Attached is the correspondence. It looks like it is assigned to OSRTI in CMS.

Thanks,
Tracey Stewart
Acting Special Assistant
OLEM/OSRTI/IO
Ph: 703-603-8791

From: Indermark, Michele
Sent: Wednesday, December 27, 2017 3:54 PM
To: Woolford, James <Woolford.James@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Stewart, Tracey <Stewart.Tracey@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Jennings, Robert <Jennings.Robert@epa.gov>
Subject: RE: CMS New Assignment - Bernadine London - AL-18-000-2865

If someone would send me the associated correspondence, I'll take a look at it.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Woolford, James
Sent: Wednesday, December 27, 2017 2:28 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Stewart, Tracey <Stewart.Tracey@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Jennings, Robert <Jennings.Robert@epa.gov>
Subject: Fwd: CMS New Assignment - Bernadine London - AL-18-000-2865

Since it is EPCRA - assuming it's OEMs.

Sent from my iPhone, please excuse spelling errors.

Thanks, Jim.

Begin forwarded message:

> **From:** <cmsadmin@epa.gov>
> **Date:** December 27, 2017 at 2:20:47 PM EST
> **To:** <jones.teresad@epa.gov>, <gartner.lois@epa.gov>, <woolford.james@epa.gov>, <stewart.tracey@epa.gov>
> **Subject: CMS New Assignment - Bernadine London - AL-18-000-2865**
>
> Control AL-18-000-2865 has been assigned to your office on 12/27/17 2:20 PM by Bernadine London. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: AL-18-000-2865
Control Subject: RE: CERCLA/EPCRA AIR EMISSIONS REPORTING
From: Carper, Tom; Coons, Christopher A.; Isakson, Johnny; Perdue, David; Cardin, Benjamin; Ernst, Joni; Warner, Mark; Wicker, Roger; Kaine, Tim

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Message

From: Harwood, Jackie [Harwood.Jackie@epa.gov]
Sent: 12/19/2017 7:13:47 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]
Subject: RE: Additional Info on Today's Senate EPW Call -- EPCRA/CERCLA reporting

Thanks Kim. I was on the call, but wasn't able to identify myself. I've mentioned today's call as well as tomorrow's to Barry just to keep him up to date on what's going on.

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Jennings, Kim
Sent: Tuesday, December 19, 2017 12:55 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: RE: Additional Info on Today's Senate EPW Call -- EPCRA/CERCLA reporting

Nothing has been set up yet, but we had a call today with the SEPW staff and legislation came up and thought it would be useful to discuss with OGC on the call.

Pam will be setting up the call, but the staffer mention tomorrow at 10 or 10:30 am.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Lewis, Jen
Sent: Tuesday, December 19, 2017 12:53 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: RE: Additional Info on Today's Senate EPW Call -- EPCRA/CERCLA reporting

Sorry, I'm catching up to emails now. Is there a call at some point today or is it tomorrow?

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office

(202) 564-2097

From: Jennings, Kim
Sent: Tuesday, December 19, 2017 11:36 AM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: RE: Additional Info on Today's Senate EPW Call -- EPCRA/CERCLA reporting

Hi Pam and Jackie,

Deliberative Process / Ex. 5

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Harwood, Jackie
Sent: Tuesday, December 19, 2017 10:14 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Subject: Additional Info on Today's Senate EPW Call -- EPCRA/CERCLA reporting

Senate EPW Committee Majority Staff Participating:

- James R. Willson, research assistant https://www.epw.senate.gov/public/index.cfm/2017/1/barrasso-announces-staff-for-the-senate-committee
- Teri L. Donaldson, General Counsel https://www.epw.senate.gov/public/index.cfm/press-releases-republican?ID=7690ECA8-97FE-46A3-85E8-FCF04CA31932

Questions:

- General clarifying qs about the guidance.
- How does EPA plan to enforce mandate when final? How will EPA roll it out?

Deliberative Process / Ex. 5

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Jennings, Kim
Sent: Monday, December 18, 2017 11:58 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Subject: RE: URGENT: Your availability on Tues - For Senate EPW Call on EPCRA/CERCLA reporting

11-noon works for me.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Gioffre, Patricia
Sent: Monday, December 18, 2017 11:32 AM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: URGENT: Your availability on Tues - For Senate EPW Call on EPCRA/CERCLA reporting

I can be available anytime after 11 am (except 1:00 pm to 1:30 pm). My afternoon meetings are not critical.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Harwood, Jackie
Sent: Monday, December 18, 2017 11:29 AM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: URGENT: Your availability on Tues - For Senate EPW Call on EPCRA/CERCLA reporting
Importance: High

Hi Kim and Patricia,

A couple of Senate Environment and Public Works Committee staffers would like to have a call tomorrow to discuss the latest on EPCRA/CERCLA reporting. They have reviewed our website, which as you know has the latest info, so we're not sure what exactly they'd like to talk about. OCIR is trying to get more information.

Could you let me know if you have time on Tuesday for a call with the SEPW staffers, and if so when? It looks like you both are available from 11:00-1:00, but let me know what works.

Thanks.
Jackie

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Harwood, Jackie
Sent: Friday, December 15, 2017 3:14 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: Mon/Tues: Senate EPW Call on EPCRA/CERCLA reporting

Hi All,

Wanted to give you a heads up that according to OCIR, the Senate Environment and Public Works Committee has requested an update on EPCRA/CERCLA animal waste reporting issue – more details to come, but it's looking like we'll need to hold a call or send an email next Monday or Tuesday.

Will keep you posted . . .

Thanks.
Jackie

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

Message

From: Hull, George [Hull.George@epa.gov]
Sent: 10/10/2017 7:52:29 PM
To: Taylor, Trish [Taylor.Trish@epa.gov]
CC: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: Animal Waste Desk Statement and News Brief
Attachments: News Brief on Animal Waste Emissions Guidance 10-5-17.docx; Desk Statement on Animal Waste Emissions Guidance 10-5-17.docx

Trish,

You had asked us to get the communications materials to you by last Friday for our upcoming announcement of information to assist farmers in reporting air emissions from animal waste. I've attached the Desk Statement and News Brief. These have been reviewed and approved by Patty Gioffre (with Kim Jenning's blessing). I'm copying Michele Indermark, in case she also wants to share with Becki and/or Reggie. The third document you had requested, the actual guidance language that will be posted on the web, is supposed to go in draft to Barry and Patrick by COB today. - George

EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

EPA is releasing guidance to assist farmers in estimating and reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting deadline of November 15, 2017.

EPA's guidance information includes links to resources that farmers can use to calculate emissions tailored to specific species of livestock. To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: [placeholder for web address]

Background: On December 18, 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. This final rule applied to reporting requirements under:

· Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and
· Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), if the farms stable or confine fewer than a certain number of animals.

On April 11, 2017, the DC Circuit Court vacated this final rule.

In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017. Starting on this date, all farms (including those previously exempted) that have releases of hazardous substances to air from animal wastes equal to or greater than their reportable quantities within any 24-hour period must provide notification of such releases.

EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

10/16/2017

Contact Information:
(press@epa.gov)

WASHINGTON - EPA is releasing guidance to assist farmers in estimating and reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting deadline of November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017. Starting on this date, all farms (including those previously exempted) that have releases of hazardous substances to air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must provide notification of such releases.

The EPA guidance information includes links to resources that farmers can use to calculate emissions tailored to specific species of livestock. To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: [placeholder for web address]

Message

From: Jones, Enesta [Jones.Enesta@epa.gov]
Sent: 11/17/2017 9:13:32 PM
To: Thomas, Latosha [Thomas.Latosha@epa.gov]; Colip, Matthew [colip.matthew@epa.gov]; Cohen, Nancy [Cohen.Nancy@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]; Roache, Brendan [Roache.Brendan@epa.gov]
Subject: RE: ACTION: KICD Radio re: CAFOs reporting rule

Well done; thank you!

From: Thomas, Latosha
Sent: Friday, November 17, 2017 4:03 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>
Subject: RE: ACTION: KICD Radio re: CAFOs reporting rule

Hey Enesta/OLEM comms!

Here are our responses. Thanks!

Reporter: George Bower
Outlet: KICD Radio in Spencer, Iowa
DDL: 5 p.m. on 11/17

Questions:

1) How is the new regulation different than what has been in place?

EPA has not issued a new regulation. On December 18, 2008, EPA published a final rule that exempted most farms from reporting requirements for releases of hazardous substances from animal waste to the air. After that December 2008 rulemaking, only large concentrated animal feeding operations (CAFOs) were still required to report releases of hazardous substances from animal waste to the air (under the Emergency Planning and Community Right to Know Act).

A number of citizen groups challenged the validity of EPA's December 2008 final rule in the U.S. Court of Appeals for the District of Columbia Circuit. On April 11, 2017, the Court struck down the final rule, eliminating the reporting exemptions for farms. EPA sought additional time from the Court to delay the effective date so that EPA could develop guidance materials to help farmers understand their reporting obligations. This preliminary guidance is available on the EPA website at: https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms

No reporting is required until the Court issues its order, or mandate, enforcing the April 11, 2017, decision. EPA will update the guidance on the EPA website to provide farmers with notice of when the U.S. Court of Appeals for D.C. Circuit issues its mandate and reporting requirements begin. Once the Court issues its mandate, farms should submit an initial continuous release notification to the National Response Center (NRC) for qualifying releases that occur within a 24-hour period.

2) How does a farmer know when there's a problem? (Monitoring equipment?)

EPA recognizes that it will be challenging for farmers to report releases from animal wastes because there is no generally accepted methodology for estimating emission quantities at this time. The regulations allow "continuous releases" to be reported in ranges. EPA understands that farmers may need to report their releases in broad ranges that reflect the high degree of uncertainty and variability of these releases. Resources that may assist farmers in estimating emissions can be found on EPA's website at: https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms#Resources.

3) What is the process of reporting?

If a farm has air releases of hazardous substances from animal wastes that are equal to or greater than their reportable quantities (RQs) within any 24-hour period, the farm may follow a streamlined reporting process known as "continuous release reporting." This requires the facility owner or operator to notify the NRC.

For the purposes of the initial continuous release notification, farmers are encouraged to send the notification by email to the NRC at: NRC-CERCLA-EPCRA-REPORT@uscg.mil

In order to qualify as a continuous release notification, please note in the subject line of the e-mail that this is an **"initial continuous release notification."**

Include the following in your email (NRC-CERCLA-EPCRA-REPORT@uscg.mil):

- Name of the farm;
- Location of the farm (e.g., name of city/town and state);
- Name(s) of the hazardous substance(s) released

You can submit information for multiple facilities (i.e., farms) in one email (NRC-CERCLA-EPCRA-REPORT@uscg.mil).

Farmers will receive an automatic response email from the NRC with a single identification number (CR-ERNS) for the farm(s). The CR-ERNS number should be included on the follow-up written notification report that goes to the farmer's EPA Regional Office. The single CR-ERNS number provided should be used for each facility included in the email.

For compliance assistance, please call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346.

4) And then what? Inspection? Clean-Up? Corrective action to avoid future incidents?

After farmers provide an initial notification by e-mail or phone call to the National Response Center, there are two additional steps:

An initial written notification to the EPA Regional Office.

> ***Within 30 days of the e-mail or call to the NRC***, farmers should submit an initial written notification to the EPA Regional Office (https://www.epa.gov/epcra/cr-erns-regional-contacts) for the area where the release occurs. Note: Unlike the initial continuous release notification, each facility needs to submit a separate continuous release reporting form.
>
> Farms can use the continuous release reporting form (https://www.epa.gov/epcra/appendix-b-reporting-requirements-continuous-releases-hazardous-substances) to provide this initial written notification to the EPA Regional Office. *Please note that this continuous release form is intended for multiple sectors and provides directions to send information to the EPA Regional Offices and to LEPCs and SERCs.* ***Farms not reporting under EPCRA should not send information to the LEPCs and SERCs.***
>
> EPA is developing a streamlined continuous release reporting form for farm facility owners and operators and plans to make this form available once it is finalized.

A one-time first anniversary follow-up report to the EPA Regional Office.

> ***Within 30 days of the first anniversary date of the initial written notification*** (i.e., the first continuous release report), the person in charge of the farm must submit a one-time anniversary report to the EPA Regional Office. The farm owner/operator must verify and update the information initially submitted for each of the hazardous substances reported to the NRC and to the EPA Regional Office. This follow-up report should be re-certified by the person in charge of the farm.
>
> EPA's guide Reporting Requirements for Continuous Releases of Hazardous Substances includes forms to assist farmers with developing written reports. The guide provides an overview of the information required for the initial and first anniversary follow-up reports.

From: Thomas, Latosha
Sent: Friday, November 17, 2017 10:13 AM
To: Jones, Enesta <Jones.Enesta@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>
Subject: RE: ACTION: KICD Radio re: CAFOs reporting rule

On it! Thanks, Enesta!

From: Jones, Enesta
Sent: Friday, November 17, 2017 10:12 AM
To: Colip, Matthew <colip.matthew@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: ACTION: KICD Radio re: CAFOs reporting rule

Good day!

Reporter: George Bower
Outlet: KICD Radio in Spencer, Iowa
DDL: 5 p.m. on 11/17

Questions:

1) How is the new regulation different than what has been in place?
2) How does a farmer know when there's a problem? (Monitoring equipment?)
3) What is the process of reporting?
4) And then what? Inspection? Clean-Up? Corrective action to avoid future incidents?

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 10/26/2017 5:37:59 PM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Hull, George [Hull.George@epa.gov]
Subject: FW: EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

Don't know why this email came from R7. But regardless, the link isn't working

From: EPA Region 7 <noreply-subscriptions@epa.gov> [mailto:noreply-subscriptions@epa.gov]
Sent: Thursday, October 26, 2017 12:59 PM
To: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

10/26/2017

Contact Information:

(press@epa.gov)

(WASHINGTON) — Today, EPA is releasing guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting deadline, currently set for November 15, 2017

"EPA is working diligently to address undue regulatory burden on American farmers," **said Administrator Scott Pruitt.** "While we continue to examine our options for reporting requirements for emissions from animal waste, EPA's guidance is designed to help farmers comply with the current requirements."

On December 18, 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017. Unless the court further delays this date, all farms (including those previously exempted) that have releases of hazardous substances to air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must provide notification of such releases.

The EPA guidance information includes links to resources that farmers can use to calculate emissions tailored to specific species of livestock. To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms.

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 11201 Renner Blvd., Lenexa, KS 66219 United States

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 10/26/2017 3:12:01 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Hull, George [Hull.George@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]
CC: Benjamin, Kent [Benjamin.Kent@epa.gov]; Klinger, Adam [Klinger.Adam@epa.gov]; Harwood, Jackie [Harwood.Jackie@epa.gov]
Subject: FW: EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

The press release is out and posted online.

From: StClair, Christie
Sent: Thursday, October 26, 2017 11:10 AM
To: Press <Press@epa.gov>
Cc: Taylor, Trish <Taylor.Trish@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Subject: FW: EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

This is sent and in the Newsroom:

https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms

---

From: EPA Press Office [mailto:noreply-subscriptions@epa.gov]
Sent: Thursday, October 26, 2017 11:06 AM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

WASHINGTON (October 25, 2017) – Today, EPA is releasing guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information

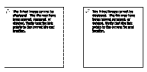
available to provide time for farmers to review and prepare for the reporting deadline, currently set for November 15, 2017

"EPA is working diligently to address undue regulatory burden on American farmers," **said Administrator Scott Pruitt**. "While we continue to examine our options for reporting requirements for emissions from animal waste, EPA's guidance is designed to help farmers comply with the current requirements."

On December 18, 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017. Unless the court further delays this date, all farms (including those previously exempted) that have releases of hazardous substances to air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must provide notification of such releases.

The EPA guidance information includes links to resources that farmers can use to calculate emissions tailored to specific species of livestock. To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms.

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.



Visit the EPA's Newsroom

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 8/22/2017 5:30:52 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: FW: For Barry's Review Today - Congressional Qs on Waterkeeper vs. EPA
Attachments: Sen. JCornyn . CERCLA AND EPCRA.PDF

Importance: High

I assume you have this info, but just in case…

From: Harwood, Jackie
Sent: Tuesday, August 22, 2017 12:57 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Klinger, Adam <Klinger.Adam@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: For Barry's Review Today - Congressional Qs on Waterkeeper vs. EPA
Importance: High

Hi Barry,

As I mentioned in our Monday 10:30 Comms Meeting, OCIR has asked us for language responding to questions that came in from Congressman Harris' (R-MD) staff and MD Secretary of the Environment Ben Grumbles office about the D.C. Circuit Court decision in *Waterkeeper vs. EPA*.

Below is draft language responding to the Waterkeeper questions – for your review. OEM's Kim Jennings and OGC's Earl Salo have reviewed and approved the language. I will be providing this language to OCIR and it will be used in the following ways:

- Responding to Congressman Harris' staff questions
- Responding to Ben Grumbles questions
- In the R3 State Environmental Secretaries Meeting this week
- In a R3 State Agricultural Secretaries Meeting in September
- When other similar requests come in to OCIR from Congressmen/Senators

Attached is your letter to multiple Senators on the Court's decision - FYI. Please let me know if you have any questions or need anything else on this.

Jackie

Questions Submitted by Congressman Harris' Staff:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Salo, Earl [Salo.Earl@epa.gov]
Sent: 8/22/2017 1:14:16 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
Subject: RE: NEW RE: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA

Attorney Client / Ex. 5

From: Indermark, Michele
Sent: Monday, August 21, 2017 4:52 PM
To: Salo, Earl <Salo.Earl@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: FW: NEW RE: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA
Importance: High

Hi Earl, Kim, Patty, and Erik,

Attorney Client / Ex. 5

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Harwood, Jackie
Sent: Monday, August 21, 2017 4:40 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: NEW RE: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA
Importance: High

Hi Michele,

I've edited your responses a little to better reflect the language in Barry's letter to the Senators on this issue, since that language was approved and Barry mentioned it this morning. Before I pass it on to Barry, could you take a look at the revised language and let me know if it's OK, or if OEM would like to change it in any way?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578

Follow OLEM on Twitter: @EPALand

From: Indermark, Michele
Sent: Monday, August 21, 2017 1:36 PM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: RE: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA

Jackie,

Here are our responses to Region 3's questions below:

Deliberative Process / Ex. 5

Let me know if there are any questions/problems. This is pretty straight forward.

Michele Indermark
OLEM/OEM
Special Assistant

(w) 202-564-0794

From: Harwood, Jackie
Sent: Thursday, August 17, 2017 1:01 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA
Importance: High

Hi OEM,

As Kim knows from an earlier email exchange, Region 3 has received questions from Congressman Harris' (R-MD) staff and MD Secretary of the Environment Ben Grumbles on the recent D.C. Circuit Court decision in *Waterkeeper v. EPA.* OCIR is anticipating similar questions from other congressmen and senators over the next few months and would like to know if OLEM has any prepared talking points or bullets on the following questions that EPA could provide to congressional staff, etc.

- When does the court have to rule on EPA's request to stay the ruling for 6 months?
- How long will it take EPA to develop guidance?
- What is a farmer required to do today?
- What is a farmer required to do while the guidance is being developed?

Could you get back to me by Monday 8/21 @ noon? OCIR would like to see the answers and have their management clear them before Region 3 meets with their State Environmental Secretaries next Weds and their State Agriculture Secretaries next month. If OEM does not have any prepared language on these questions, do you have any thoughts on how to handle them going forward?

Thanks in advance for your help with this. Please let me know if you have any questions.

Jackie

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578

Follow OLEM on Twitter: @EPALand

Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Salo, Earl [Salo.Earl@epa.gov]
Sent: 8/22/2017 1:11:43 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
Subject: RE: NEW RE: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA

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Sent: Monday, August 21, 2017 4:52 PM
To: Salo, Earl <Salo.Earl@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
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Attorney Client / Ex. 5

Michele Indermark
OLEM/OEM
Special Assistant
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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578

Follow OLEM on Twitter: @EPALand

From: Indermark, Michele
Sent: Monday, August 21, 2017 1:36 PM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
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Deliberative Process / Ex. 5

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Michele Indermark
OLEM/OEM
Special Assistant

(w) 202-564-0794

From: Harwood, Jackie
Sent: Thursday, August 17, 2017 1:01 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA
Importance: High

Hi OEM,

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- How long will it take EPA to develop guidance?
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Jackie

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578

Follow OLEM on Twitter: @EPALand

Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 3/30/2018 3:05:25 PM
To: Daguillard, Robert [Daguillard.Robert@epa.gov]; Thomas, Latosha [Thomas.Latosha@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]
CC: Lynn, Tricia [lynn.tricia@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Double checking with OEM.

From: Daguillard, Robert
Sent: Friday, March 30, 2018 10:49 AM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Cc: Lynn, Tricia <lynn.tricia@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Good morning all,

Deliberative Process / Ex. 5

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Thomas, Latosha
Sent: Tuesday, March 27, 2018 12:26 PM
To: Taylor, Trish <Taylor.Trish@epa.gov>
Cc: Lynn, Tricia <lynn.tricia@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Hi,

Here is our response. It is taken directly from our website/guidance: https://www.epa.gov/sites/production/files/2017-10/documents/web_document_placeholder.pdf. Thanks!

QUESTION: Finally, under guidance issued last fall, the agency exempted AFO's from reporting air emissions under EPCRA. Why did the agency issue that guidance? Does it encompass all AFOs?

RESPONSE: EPA believes Congress did not intend to impose EPCRA reporting requirements on farms engaged in routine agricultural operations. The statute does not define "routine agricultural operations," and EPA has previously identified examples of routine agricultural operations. Those examples were not intended to be exhaustive. EPA clarifies in the

guidance that it interprets the term "routine agricultural operations" to encompass regular and routine operations at farms, animal feeding operations, nurseries, other horticultural operations and aquaculture.

Latosha Thomas
U.S. Environmental Protection Agency
OLEM/OEM/RMD
(202) 564-2621 (desk)
(202) 568-0851 (cell)
thomas.latosha@epa.gov

From: Thomas, Latosha
Sent: Monday, March 26, 2018 1:02 PM
To: Taylor, Trish <Taylor.Trish@epa.gov>
Cc: Lynn, Tricia <lynn.tricia@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

On it. Thanks!

Latosha Thomas
U.S. Environmental Protection Agency
OLEM/OEM/RMD
(202) 564-2621 (desk)
(202) 568-0851 (cell)
thomas.latosha@epa.gov

From: Taylor, Trish
Sent: Monday, March 26, 2018 12:49 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>
Cc: Lynn, Tricia <lynn.tricia@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: FW: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

+OEM

From: Lynn, Tricia
Sent: Monday, March 26, 2018 12:45 PM
To: Davis, Alison <Davis.Alison@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Hull, George <Hull.George@epa.gov>; Senn, John <Senn.John@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Adding OECA and OLEM for responses. (OLEM, please forward to the appropriate sub-office…I wasn't sure which!)

Please note that I'll be out and that Robert will be taking this one. Please be sure to include him in your response.

Thanks!

From: Davis, Alison
Sent: Monday, March 26, 2018 12:42 PM
To: Lynn, Tricia <lynn.tricia@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>

Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Thanks. Only the factors question is ours. The second belongs to OECA; the third is OLEM.
We'll get working on the first bit

From: Lynn, Tricia
Sent: Monday, March 26, 2018 12:39 PM
To: Davis, Alison <Davis.Alison@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Here's what she said:

I know the agency has been working on the developing and approving emissions factors for a long time. Can someone explain for why it's taken so long? What the specific difficulties have been?

Also, has the agency ever pursued/fined an AFO for a Clean Air Act violation? When and where?

Finally, under guidance issued last fall, the agency exempted AFO's from reporting air emissions under EPCRA. Why did the agency issued that guidance? Does it encompass all AFOs?

Thanks!

--Tricia

From: Davis, Alison
Sent: Monday, March 26, 2018 12:31 PM
To: Lynn, Tricia <lynn.tricia@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Thanks. Keep us posted.

From: Lynn, Tricia
Sent: Monday, March 26, 2018 12:25 PM
To: Davis, Alison <Davis.Alison@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>; Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Hi all—

2 FYI's:

- Friday was a little crazy and I forgot to ask for specific questions. I've just done so. My apologies.
- I'm about to go out on leave for the next week or so, so I'm looping Robert in.

Thanks!

--Tricia

From: Davis, Alison
Sent: Friday, March 23, 2018 2:46 PM
To: Lynn, Tricia <lynn.tricia@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Tricia,
I checked with our folks on this. Please ask the reporter for specific questions – this is broad areas. Also, note that the last couple of areas would be OLEM
Thanks!

Reporter Questions:

I'm looking at:

- The agency's efforts to develop emissions factors.

- The OIG report from last year, stating that EPA has taken too long to develop its methodologies

- New legislation that would exempt AFOs from reporting air emissions under CERCLA – this is OLEM

- The agency's 2008 reporting exemption for CAFOs and its guidance from last fall, saying that facilities with "routine agricultural operations" don't have to report. – this is OLEM

I'm hoping the agency can explain why it has been unable to develop its emission factors and where it stands on the reporting exemptions under CERCLA, EPCRA and the Clean Air Act.

From: Lynn, Tricia
Sent: Thursday, March 22, 2018 1:32 PM
To: Davis, Alison <Davis.Alison@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Makes sense. Thank you!

From: Davis, Alison
Sent: Thursday, March 22, 2018 1:30 PM
To: Lynn, Tricia <lynn.tricia@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Bremer, Kristen <Bremer.Kristen@epa.gov>
Subject: RE: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Got it. Checking. Just FYI, we will not be able to address questions on legislation.

From: Lynn, Tricia
Sent: Thursday, March 22, 2018 1:28 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Davis, Alison <Davis.Alison@epa.gov>
Subject: MEDIA INQUIRY - Inside Climate. CAFOs Air Emissions. DDL: 3/27

Deadline: 3/27/18
Outlet: Inside Climate
Reporter: Georgina Gustin
georgina.gustin@insideclimatenews.org

Context:

Reporter is working on a story about CAFO air emissions and is hoping the agency can comment.

Reporter Questions:

I'm looking at:

- The agency's efforts to develop emissions factors.

- The OIG report from last year, stating that EPA has taken too long to develop its methodologies

- New legislation that would exempt AFOs from reporting air emissions under CERCLA

- The agency's 2008 reporting exemption for CAFOs and its guidance from last fall, saying that facilities with "routine agricultural operations" don't have to report.

I'm hoping the agency can explain why it has been unable to develop its emission factors and where it stands on the reporting exemptions under CERCLA, EPCRA and the Clean Air Act.

Message

From: Thomas, Latosha [Thomas.Latosha@epa.gov]
Sent: 3/29/2018 8:47:03 PM
To: Taylor, Trish [Taylor.Trish@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: OEM updates for OLEM tracker?

Hi Trish,

Revisions are in red/strikeouts. Since this is a tracker, and it's shared with folks who are outside of OLEM and may not know the history of each item, I kept the content that is no longer current and added strikeouts. Let me know if you have any questions. Thanks!

Latosha Thomas
U.S. Environmental Protection Agency
OLEM/OEM/RMD
(202) 564-2621 (desk)
(202) 568-0851 (cell)
thomas.latosha@epa.gov

From: Taylor, Trish
Sent: Thursday, March 29, 2018 2:38 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Subject: OEM updates for OLEM tracker?

Hi Latosha and Michele,

Any tracker updates? My changes in green. Please feel free to add new info.

OEM **EPCRA/CERCLA Farms Guidance** **May 1, 2018**	Phase 1: Phase 2: Dec 20 Phase 3: Dec 21 (comms plan only) Jan 4 (CS and materials) Phase 4: Dec 22 (comms plan only) Jan 4 (CS and materials) Phase 5: • Outreach/stakeholder engagement ongoing • CERCLA/EPCRA emissions from animal waste at farms guidance was posted on the website on Oct 25 (CERCLA/EPCRA Reporting Requirements for Farms). Revisions to guidance are ongoing. **Deliberative Process / Ex. 5** • The DC Circuit Court extended the mandate until May 1, 2018. • The Fair Agricultural Reporting Method (FARM) Act~~, was introduced 2/13/18 by Sen. Fischer. It is co-sponsored by Sens. Donnelly, Barrasso, Rounds, Heitkamp, Coons, Carper, and Sen. Roberts, chair of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry. The bi-partisan legislation would~~ exempts air emissions from animal waste from ~~being subject to~~ CERCLA reporting requirements. ~~EPW hearing scheduled for 03/08/18~~. The Act was included as Title XI of the Omnibus Bill and signed on 3/23/18.

	• Since the FARM Act passed, EPA has updated the website to communicate the legislative change.
OEM **CWA Hazardous Substances Spill Prevention Rule** **(aka SPHS or SPLASHs)** **Proposed rule signed target date June 2018**	Phase 1: Phase 2: Phase 3: Phase 4: Phase 5: • EPA is initiating a rulemaking to prevent hazardous substance spills to waterways. Under the Clean Water Act's (CWA) section 311(j)(1)(C), EPA is working to establish procedures, methods, and equipment to prevent discharges of hazardous substances from onshore facilities and to contain such discharges • September 21, 2017, published FR solicitation for public comment on a proposed Information Collection Request (ICR), "Survey on Clean Water Act (CWA) Hazardous Substance and Spill Impacts." • February 2018, OEM submitted ICR package to OEI for review. • OEM sent SPLASHs proposed rule package to PARMS on 03/12/18 to forward to OP for review on 03/14/18

No deleting info. Just updates. So, I moved this out of the dated timeline and it's now in the Ongoing / TBD section.

OEM **Reportable Quantities (RQ) Proposed Rule** ~~**Target date for proposed rule March 23, 2018**~~ ~~**Target date for final rule May 2018**~~	Revise Reportable Quantities (RQ) for Ammonia and Hydrogen Sulfide (CERCLA and EPCRA)-Revise the RQ for ammonia and hydrogen sulfide specifically for air releases from animal waste at farms NPRM to OMB March 6, Final rule by late May 2018 Phase 1: proposed rule: planning tool sent to OCPA 03/09/18; revised planning tool 03/15/18 Phase 2: proposed rule: 03/14/18, 03/19/18 Phase 3: Phase 4: Phase 5: • The Fair Agricultural Reporting Method (FARM) Act, signed on 3/23/18, exempts air emissions from animal waste from being subject to CERCLA reporting requirements. ~~was introduced in Congress 2/13/18 and was included in the omnibus bill and approved by the House on 3/22/18~~

TBD	• EPA formally withdrew this rule from OMB review. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5

Trish Taylor, Office of Communications, Partnerships and Analysis (OCPA)
U.S. EPA, Office of Land and Emergency Management (OLEM)
WJC West, RM 3137
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 566-2615
taylor.trish@epa.gov

OLEM is on Twitter at @EPALand

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 8/10/2017 4:03:15 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Flag: Follow up

Thanks Michele.

Just to let you know, Christian and I go way back. In 2005, he was representing the Poultry folks in a petition they filed with EPA to exclude Poultry farms from reporting under CERCLA and EPCRA release reporting requirements. That petition began the whole process of developing and finalize the CERCLA/EPCRA Ag rule which, as you know, was recently vacated. At one point, we spoke daily…

If you think it would be useful, I can find and send the original petition (which, by the way, we never fully responded to). It would have to be next week because some of those files are on a thumb drive somewhere in my office or they may be in Lynn's old file cabinet.

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Let me know if you want me to find those documents.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Indermark, Michele
Sent: Thursday, August 10, 2017 11:51 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Kim and Patty,

Here's a little more information (see email string below) on the meetings with the outside parties.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Indermark, Michele
Sent: Wednesday, August 09, 2017 2:38 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: FW: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

From: Brooks, Becky
Sent: Wednesday, August 09, 2017 11:50 AM
To: Davis, Patrick <davis.patrick@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Hill, Teresa <Hill.Teresa@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Christian and I were able to talk today. He would like to propose a brief phone call w/Patrick and Reggie (or OEM representative), himself, and a couple of others on his end on August 16 at 3:00, followed by an in-person meeting w/the larger group of folks on August 24 at 11:00. The in-person meeting would be with many of the people that were here for the July 11 meeting. In addition, he mentioned that Tim Gablehouse of the National Association of SARA Title III Program Officials (NASTTPO) was interested in being part of that meeting.

Please let me know if there are concerns w/doing a brief phone call w/a small group next week and then an in-person meeting w/the larger group the following week. Also, please let me know if others want to be included on the phone call. Thanks. Becky

Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762

From: Davis, Patrick
Sent: Friday, August 04, 2017 9:24 AM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Hill, Teresa <Hill.Teresa@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: Re: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Please ask Christian for a date to meet these folks during the week of August 14.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Associate Administrator, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Information sent to this email address may be subject to FOIA.

Sent from my iPad

On Aug 4, 2017, at 7:03 AM, Brooks, Becky <Brooks.Becky@epa.gov> wrote:

> I just wanted to let folks know that Christian reached out to our office again via email this morning about meeting with Patrick next week. I indicated back to him that we are coordinating with the other offices that he has reached out to and someone will get back to him soon. I also let him know that Patrick will be on travel August 10 and 11, the dates they were suggesting to meet. Please let us know how you would like to proceed. Thanks. Becky

Sent from my iPhone

On Aug 3, 2017, at 1:11 PM, Davis, Patrick <davis.patrick@epa.gov> wrote:

> Thank you
>
> Patrick Davis
> Environmental Protection Agency
> Deputy Associate Director, Office of Land and Emergency Management
> 202-564-3103 office
> Cellular Phone / Ex. 6
>
> Emails sent to this address may be subject to FOIA.
>
> Sent from my iPhone
>
> On Aug 3, 2017, at 11:03 AM, Fotouhi, David <fotouhi.david@epa.gov> wrote:
>
> > A quick legal update: Attorney Client / Ex. 5
> >
> > Attorney Client / Ex. 5
> >
> > Sent from my iPhone
> >
> > On Aug 1, 2017, at 9:03 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
> >
> > > Hey- I need to touch base with these folks at some point regardless and it can be within this context or another. Is there much of an update?
> > >
> > > Sent from my iPhone
> > >
> > > On Aug 1, 2017, at 8:19 PM, Davis, Patrick <davis.patrick@epa.gov> wrote:
> > >
> > > > Reggie, David and Tate,
> > > >
> > > > Are we ready to meet with these groups, yet to discuss the EPCRA reporting compliance guidance?
> > > >
> > > > Thanks,
> > > >
> > > > Patrick Davis
> > > > Environmental Protection Agency
> > > > Deputy Associate Administrator, Office of Land and Emergency Management

202-564-3103 office
Cellular Phone / Ex. 6

Information sent to this email address may be subject to FOIA.

Sent from my iPad

On Aug 1, 2017, at 1:37 PM, Brooks, Becky <Brooks.Becky@epa.gov> wrote:

> Patrick/Reggie – Please see the email trail below. Was a commitment made at the July 11 meeting w/these folks to meet again in August?
>
> *Becky Brooks*
> *Special Assistant*
> *Office of Land and Emergency Management*
> *U.S. Environmental Protection Agency*
> *ph. 202-566-2762*
>
> ---
>
> **From:** Hill, Teresa
> **Sent:** Tuesday, August 01, 2017 3:25 PM
> **To:** Dominguez, Alexander <dominguez.alexander@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>
> **Cc:** Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
> **Subject:** RE: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA
>
> Thanks Alexander
>
> Looping in the special assistant in OLEM

From: Dominguez, Alexander
Sent: Tuesday, August 01, 2017 3:23 PM
To: Hill, Teresa <Hill.Teresa@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>
Subject: FW: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Hey all – As the email chain motions, there was a previous meeting on this issue Tuesday, July 11 at 1:00PM that both Justin and David attended. Mandy was also at the meeting but asked me to forward this request to you all since it is more in Justin and David's wheelhouse and she will not be injecting herself into this issue. Any questions just let me know.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Christian Richter [mailto:crichter@thepolicygroup.com]
Sent: Tuesday, August 1, 2017 12:47 PM
To: Dominguez, Alexander

<dominguez.alexander@epa.gov>
Subject: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Hello Alex:

Hope you're well lately. I wanted to follow up on our earlier discussions and see if we might consider a date for next meeting with animal agriculture representatives.

Would next week either August 10th or 11th be workable?

Best,

Christian

From: Christian Richter
Sent: Monday, July 10, 2017 6:44 AM
To: Dominguez, Alexander
Cc: Christian Richter
Subject: 2 additional attendees | Re: Preparation for Animal Agriculture Meeting on July 11 @ 1:00 pm ET at EPA

Alex:

in addition to those names I have already sent over, we will have two additional industry

participants for tomorrow's meeting (July 11th at 1:00 pm @ EPA):

Jamie Jonker, National Milk Producers Federation
Lisa Van Doren, National Council of Farmer Cooperatives

Thanks very much.

Best regards,

Christian

From: Christian Richter
Sent: Friday, July 7, 2017 7:23:54 AM
To: Dominguez, Alexander
Subject: Re: Preparation for Animal Agriculture Meeting on July 11 @ 1:00 pm ET at EPA

Hello Alex:

Please see list of attendees for next Tuesday's meeting:

Paul Bredwell, US Poultry & Egg Association
Michael Formica, National Pork Producers Council
Tom Hebert, United Egg Producers
Christian Richter, US Poultry & Egg Association / National Turkey Federation

Andrew Walmsley, American Farm Bureau Federation
Scott Yager, National Cattlemen's Beef Association

We may have one other colleague joining from the the National Milk Producers Federation, and will confirm shortly.

Best regards,

Christian
U.S. Poultry & Egg Association
National Turkey Federation

The Policy Group
1800 M Street NW
Suite 400 South
Washington, DC 20036
(202) 257-0250 direct
crichter@thepolicygroup.com

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Thursday, July 6, 2017 7:30:57 AM
To: Christian Richter
Subject: RE: Preparation for Animal Agriculture Meeting on July 11 @ 1:00 pm ET at EPA

Thank you for the document Christian. You should have just received the calendar

invite. Once you get the attendees just send that over and we'll be all set.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Christian Richter [mailto:crichter@thepolicygroup.com]
Sent: Wednesday, July 5, 2017 10:01 AM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Preparation for Animal Agriculture Meeting on July 11 @ 1:00 pm ET at EPA

Hello Alex:

In preparation for our meeting with Mandy and others next Tuesday, July 11, we will send over by later this afternoon or tomorrow morning a list of attendees and materials.

One highly pertinent and timely item of which Mandy should be aware is Tuesday's (July 3) DC Circuit's denial of the industry's petition for a rehearing of the court's earlier

decision on the agency's EPCRA/CERCLA reporting exemption. The 1-page order is attached for reference.

We will send along agenda items along with participant names in the meantime and confirm final details.

If you or Mandy have any questions in the meantime, please reach me.

Best regards,

Christian Richter
U.S. Poultry & Egg Association
National Turkey Federation

The Policy Group
1800 M Street NW
Suite 400 South
Washington, DC 20036
(202) 257-0250 direct
crichter@thepolicygroup.com

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 8/18/2017 3:26:37 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]; Harwood, Jackie [Harwood.Jackie@epa.gov]
Subject: RE: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Yes, good idea.
Let's follow the LEAN timeline. At the next Gen. mtg, Reggie can bring it up as a potential communications event and Barry will weigh in on how robust our comms plan should be.

Thanks,
Trish

From: Indermark, Michele
Sent: Friday, August 18, 2017 9:59 AM
To: Taylor, Trish <Taylor.Trish@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

I'm thinking some kind of comms plan for the guidance will be needed....yes? Will we need a full blown plan? We should probably get prepared to brief Barry on a recommendation. Our next OEM General is Sept 8, which is probably good timing.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Taylor, Trish
Sent: Friday, August 18, 2017 9:23 AM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Thanks Michele!

From: Indermark, Michele
Sent: Friday, August 18, 2017 9:19 AM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: FW: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

For your information.

From: Davis, Patrick
Sent: Thursday, August 17, 2017 12:10 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: Fwd: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <fotouhi.david@epa.gov>
Date: August 17, 2017 at 11:58:10 AM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Davis, Patrick" <davis.patrick@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Darwin, Veronica" <darwin.veronica@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Attorney Client / Ex. 5

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Noggle, William [Noggle.William@epa.gov]
Sent: 9/29/2017 1:45:10 AM
To: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: RE: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Excellent. Thanks much.

From: Indermark, Michele
Sent: Thursday, September 28, 2017 3:41 PM
To: Noggle, William <Noggle.William@epa.gov>
Subject: FW: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

From: Indermark, Michele
Sent: Friday, August 18, 2017 9:19 AM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: FW: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

For your information.

From: Davis, Patrick
Sent: Thursday, August 17, 2017 12:10 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: Fwd: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

Begin forwarded message:

> **From:** "Fotouhi, David" <fotouhi.david@epa.gov>
> **Date:** August 17, 2017 at 11:58:10 AM EDT
> **To:** "Jackson, Ryan" <jackson.ryan@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Davis, Patrick" <davis.patrick@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Darwin, Veronica" <darwin.veronica@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
> **Subject: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed**

Attorney Client / Ex. 5

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 8/18/2017 1:47:22 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Yes, that is our new date.

I am working on an email to the workgroup to follow-up on our meeting this week. I will add you to that list.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Indermark, Michele
Sent: Friday, August 18, 2017 9:44 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

No worries. Do we need to work on a comms plan for the guidance? Is Nov 14 now the deadline for a final version?

From: Jennings, Kim
Sent: Friday, August 18, 2017 9:21 AM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Thanks Michele,

We got it yesterday from OGC. I thought I had included you when I sent it out to others. Sorry about that…

Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Indermark, Michele
Sent: Friday, August 18, 2017 9:20 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

In case you don't have this….

From: Davis, Patrick
Sent: Thursday, August 17, 2017 12:10 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick

<Hilosky.Nick@epa.gov>
Subject: Fwd: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <fotouhi.david@epa.gov>
Date: August 17, 2017 at 11:58:10 AM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Davis, Patrick" <davis.patrick@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Darwin, Veronica" <darwin.veronica@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: Waterkeeper v. EPA (D.C. Cir.)--Mandate stayed

Attorney Client / Ex. 5

Best,

David

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Janifer, Pamela [Janifer.Pamela@epa.gov]
Sent: 11/22/2017 4:43:51 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Indermark, Michele [Indermark.Michele@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Harwood, Jackie [Harwood.Jackie@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: Re: FOLLOW UP Q: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Thanks Patty.

Happy Thanksgiving to you as well.

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Nov 22, 2017, at 11:16 AM, Gioffre, Patricia <Gioffre.Patricia@epa.gov> wrote:

> Our response is below. Let me know if you have any further questions or concerns. Have a wonderful Thanksgiving weekend.
>
> ---
>
> Q: I would like to bring up your point on grass-fed operations that a requirement exists to identify quantities emitted from each "source." I ask this questions because it's my understanding that there is no research for grass-fed operations, and no way to calculate emissions from sources, there is no "knowledge" of a release?
>
> CERCLA and EPCRA require facility owners and operators to report releases of hazardous substances that are equal to or greater than their reportable quantities (RQ) within any 24-hour period. For farms, the source of the release of hazardous substances is animal waste. EPA recognizes that it will be challenging for farmers to report releases from animal wastes because there is no generally accepted methodology for estimating emission quantities at this time. CERCLA section 103 allows "continuous releases" to be reported in ranges. EPA understands that farmers may need to report their releases in broad ranges that reflect the high degree of uncertainty and variability of these releases. An owner or operator may establish estimated quantities of releases by relying on past release data, engineering estimates, knowledge of the facility's operations and release history, or best professional judgment.
>
> Best wishes!
> ---
> Patty Gioffre
> Acting Deputy Division Director
> USEPA (OLEM/OEM/RID)
> 1200 Pennsylvania Ave. NW (5104A)
> Washington, DC 20460
> 202-564-1972
> 202-748-7139 (cell)

From: Harwood, Jackie
Sent: Tuesday, November 21, 2017 5:53 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: FOLLOW UP Q: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Hi Patty,

OCIR received a follow-up question on your previous EPCRA/CERCLA guidance responses. I'm not quite sure what the staffer is asking, so let me know if you need further clarification from OCIR.

Can you please respond to Pamela and cc: me? I'll be on annual leave the rest of the week. If you need help from my office, Kent Benjamin will be covering for me.

Thanks.

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Janifer, Pamela
Sent: Tuesday, November 21, 2017 3:30 PM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Jackie,

Staffer had a follow-up question. Is this accurate?

Q: I would like to bring up your point on grass-fed operations that a requirement exists to identify quantities emitted from each "source." I ask this questions because it's my understanding that there is no research for grass-fed operations, and no way to calculate emissions from sources, there is no "knowledge" of a release?

<image002.jpg>
Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 3:08 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>
Subject: Re: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Great. I'll let staffer know we'll have something shortly. I want to avoid Rep. Yoho calling. Thanks.

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Nov 15, 2017, at 3:05 PM, Gioffre, Patricia <Gioffre.Patricia@epa.gov> wrote:

Attorney Client / Ex. 5

Let me know if these responses are OK.
Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 2:41 PM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

All –

I just heard from staffer and I'm being told Rep. Yoho may give a call to the Administrator. Any chance I can get a response to the questions to the staffer soon?

Thanks

<image001.png>
Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 12:31 PM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Here are all the questions from staffer:

- <!--[if !supportLists]--><!--[endif]-->Does this apply to grass-fed operations?
- <!--[if !supportLists]--><!--[endif]-->Is there a density requirement or just as noted in the CAFO table of small, medium, and large.
- <!--[if !supportLists]--><!--[endif]-->Any sort of enforcement action or educational aspects?

Thanks for your help.

<image002.png>

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Cohen, Nancy
Sent: Wednesday, November 15, 2017 12:28 PM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

+ Patty

Thanks, nancy

Nancy Cohen
U.S. EPA OLEM
202.566.0171

From: Cohen, Nancy
Sent: Wednesday, November 15, 2017 10:30 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Reggie/Becki: in Kim's absence, who do you recommend we reach out to about a congressional inquiry on EPCRA/CERCLA guidance?

Thanks, nancy aka 0171

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 9:40 AM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Good morning Nancy,

I see Kim is out of the office. Is there someone that can answer the question below. I looked at the revised website information and question will not be answered with the update. Can you help? Thank you.

<image003.png>

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Janifer, Pamela
Sent: Tuesday, November 14, 2017 5:40 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>
Subject: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Can you answer this question? Thanks.

> is guidance only for permitted CAFO's or all facilities matching the size in the table on the website?

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Message

From: Taylor, Trish [Taylor.Trish@epa.gov]
Sent: 9/19/2017 4:37:46 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: RE: REVISED: EPCRA/CERCLA website announcement
Attachments: draft EPA Extends the Effective Date of EPCRA CERCLA Animal Waste Emissions at Farms Rule.docx; Correction EPA Extends toe Effective Date of RMP Rule release date 031317.docx

Hi Michele,
Per our conversation, attached are the RMP Rule extension press release that went out in March and a draft CERCLA/EPCRA Rule extension press release, using the same info as the draft web page update. The draft is not accurate, I know -- but it's a place to start. It's easier to delete than to add. ☺

Let me know what you think.
Thanks!
Trish

From: Indermark, Michele
Sent: Tuesday, September 19, 2017 11:15 AM
To: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: FW: REVISED: EPCRA/CERCLA website announcement

Hi Trish,

Here's what RID has on the EPCRA/CERCLA Ag vacatur decision. Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Gioffre, Patricia
Sent: Tuesday, September 19, 2017 11:04 AM
To: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: FW: REVISED: EPCRA/CERCLA website announcement

Forwarding the latest website information as an FYI only. We are not ready to post at this time.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Gioffre, Patricia
Sent: Thursday, September 14, 2017 8:26 AM

To: Davis, Patrick <davis.patrick@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: REVISED: EPCRA/CERCLA website announcement

I've attached updated versions of the document with the October 16th target date.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Davis, Patrick
Sent: Wednesday, September 13, 2017 5:29 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: Re: EPCRA/CERCLA website announcement

Hi Patty,

Once you insert October 16, 2017 into both of these documents I will circulate with the political team.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Associate Administrator, Office of Land and Emergency Management
202-564-3103 office
202-380-8341 cell

Information sent to this email address may be subject to FOIA.

Sent from my iPad

On Sep 13, 2017, at 1:18 PM, Gioffre, Patricia <Gioffre.Patricia@epa.gov> wrote:

> Patrick,
> In follow-up to today's meeting, I am sending you the draft website announcement that OEM forwarded to OGC. I have also attached a clean version of the document. Please feel free to send this around for review at your level. We will follow-up with feedback from OGC on the attached document.
>
> One additional note, we will update the document to reflect the October 16th date that we discussed in today's meeting as the target for issuing guidance.
>
> If you have any questions or concerns, please don't hesitate to call.
> ---
> Patty Gioffre
> US EPA/OLEM/OEM

202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Gioffre, Patricia
Sent: Tuesday, September 12, 2017 2:29 PM
To: Earl Salo <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim (Jennings.Kim@epa.gov) <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: OGC Review requested: Updated EPCRA/CERCLA action summary
Importance: High

OLEM Front Office edits on the communication statement that we have drafted to share on our website. The summary describes next steps for EPA to develop guidance on the EPCRA/CERCLA court vacatur. They want these revisions cleared through OGC.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

<draft webpage udate CERCLA EPCRA Reporting Reqs for Air Releases of Haz Subs from Animal Waste at Farms.docx>

<draft webpage CERCLA EPCRA Reporting Reqs for Air Releases of Haz Subs from Animal Waste_clean.docx>

Message

From: Franklin, Kathy [Franklin.Kathy@epa.gov]
Sent: 12/5/2017 6:03:43 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Michaud, John [Michaud.John@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Indermark, Michele [Indermark.Michele@epa.gov]
Subject: RE: incoming earthjustice
Attachments: Don't Waste Arizona 11-21-17.pdf

Attorney Client / Ex. 5

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Jennings, Kim
Sent: Tuesday, December 05, 2017 8:52 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Subject: FW: incoming earthjustice

Hi Jen, Erik, and John,

Attorney Work Product / Ex. 5

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Franklin, Kathy
Sent: Friday, December 01, 2017 2:46 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: incoming earthjustice

We did receive both sets of Earthjustice's comments:

One set sent on behalf over 60 groups and individuals is 6 pages and opposes EPA's interim guidance which exempts animal feeding operations (AFOs) from EPCRA release reporting requirements.

The second set of comments sent on behalf of six organizations has 13 pages of comment opposing EPA's interim guidance on EPCRA release reporting. These comments came with almost 2000 pages of other documents, many of them previous comments submitted on the 2008 EPA rule that exempted some AFOs from CERCLA and EPCRA reporting, along with various technical documents on emissions from AFOs including health effects.

Deliberative Process / Ex. 5

I recently made the comments we have received available on Sharepoint and the CERCLA/EPCRA release reporting workgroup is reviewing them.
https://usepa.sharepoint.com/sites/OLEM_Work/cercla_epcra/Shared%20Documents/Public%20comments%20CERCLA%20EPCRA%20animal%20waste%20guidance?csf=1&e=9e0ae7ac84524b24847332aec2729c9c

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Indermark, Michele
Sent: Friday, December 01, 2017 2:14 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: FW: incoming earthjustice

FYSA – this is incoming via CMS. Can you let me know how you are handling comments? Will there be a formal "response to comments?"

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Brooks, Becky
Sent: Friday, December 01, 2017 2:05 PM
To: McLendon, Wanda <McLendon.Wanda@epa.gov>; London, Bernadine <London.Bernadine@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: FW: incoming earthjustice

Please control this in CMS to OEM. No action required unless OEM did not receive the comments. I have provided a copy of this letter to Barry. The original is in your box. Thanks. Becky

Becky Brooks
Special Assistant

Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762

From: DC-WJCW-3146-M@epa.gov [mailto:DC-WJCW-3146-M@epa.gov]
Sent: Friday, December 01, 2017 2:02 PM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Subject: incoming earthjustice

Message

From: Indermark, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CF63A0730B3E4D89AA3B8CE9A5D9EAB2-INDERMARK,]
Sent: 10/30/2017 3:01:47 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: FW: CERCLA/EPCRA Ag Call

From: Gioffre, Patricia
Sent: Monday, October 30, 2017 10:17 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA/EPCRA Ag Call

This is a good summary and matches what I have. There were some other minor suggestions, but nothing that needs to be highlighted in a summary email.
Thanks Kim.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Jennings, Kim
Sent: Monday, October 30, 2017 9:10 AM
To: Hilosky, Nick <Hilosky.Nick@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA/EPCRA Ag Call

Hi Nick,

Here is the information you requested. I have included Patty as she was the only other OLEM person on the call. Patty please let me know if I missed anything. I am also including Reggie and Becki for their information.

Do you want me to also send to Liz, Tate, and Jeff for their input/concurrence?

Thanks,
Kim

Conference call with Ag Trade Associations on the CERCLA/EPCRA Guidance for Farms

Attendees:
Trade Associations
Paul Bredwell, US Poultry & Egg Association

Clay Detlefsen, National Milk Producers Federation
Michael Formica, National Pork Producers Council
Tom Hebert, National Pork Producers Council, United Egg Producers (Bayard Ridge Group)
Danielle Quist, American Farm Bureau Federation
Christian Richter, US Poultry & Egg Association, National Turkey Federation (The Policy Group)
Andrew Walmsley, American Farm Bureau Federation
Scott Yager, National Cattlemen's Beef Association

EPA
Liz Bowman, Associate Administrator Office of Public Affairs (OPA)
Tate Bennett, Associate Administrator, Office of Public Engagement and Environmental Education (OPEEE)
Jeff Sands, Ag Advisor

Kim Jennings, DD RID, OEM
Patty Gioffre, Deputy DD RID, OEM

Discussion:
After everyone introduced themselves, Tate Bennett welcomed everyone to the call and thanked the Ag Trade Associations for their assistance and support in developing the guidance and asked the Trade Association representatives to let their members know that we will continue to work with them on this issue.

Jeff Sands, the newly appointed Ag Advisor, introduced himself to the group and also thanked them for their efforts and assistance on this issue.

Christian Richter reflected the groups appreciation for EPA reaching out to them in developing the guidance and working with them to ensure it reflected their needs. He also requested that EPA continue to involve them in any future activities related to this issue. EPA agreed that they would do so.

Kim Jennings provided an overview of the guidance and highlighted those areas of most importance to the Trade Associations. She indicated that the EPA would be taking comments on the guidance for 30 days and that an email address is available for folks to submit their comment. All of the Trade Association's representatives stated that they will be further reviewing the guidance and providing additional comments as appropriate, but had this initial feedback:

- Appreciated that EPA did not provide more specific guidance or "fill-in" any of the forms for estimating releases for specific species, as they believe that the Trade Associations and farmers are in a better position to use the guidance provided to estimate their releases.

- Add additional language to the guidance which states that farmers may use their "best professional judgement" in estimating their releases as there are many factors which go into determining whether a reportable quantity of a hazardous chemical has been released.

- Consider providing guidance specific to animals that are not confined but rather pastured such as the cow/calf operations.

EPA closed the conference call by once again thanking the Trade Associations for their insight and assistance in developing the guidance and that we would be continuing to work with them as we move forward on this effort.

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management

E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Hilosky, Nick
Sent: Friday, October 27, 2017 2:51 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>
Subject: CERCLA/EPCRA Ag Call
Importance: High

Hi Kim and Patty,
Barry asked if you could provide some follow up re: the 3pm call with the Ag groups yesterday.

- He was wondering if you could let him know who from OLEM attended;
- Who called in from outside the agency (names and orgs);
- What questions were asked and what feedback did we provide;

He asked that you run the final product through all that attended on our end to make sure it reflects a group consensus.

Thanks and give me a call if you have any questions.
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: 202-368-0724

Message

From: Indermark, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CF63A0730B3E4D89AA3B8CE9A5D9EAB2-INDERMARK,]
Sent: 8/21/2017 8:52:27 PM
To: Harwood, Jackie [Harwood.Jackie@epa.gov]
Subject: RE: NEW RE: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA

Ok…we're looking at it…

From: Harwood, Jackie
Sent: Monday, August 21, 2017 4:40 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: NEW RE: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA
Importance: High

Hi Michele,

Deliberative Process / Ex. 5

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578

Follow OLEM on Twitter: @EPALand

From: Indermark, Michele
Sent: Monday, August 21, 2017 1:36 PM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: RE: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA

Jackie,

Here are our responses to Region 3's questions below:

Deliberative Process / Ex. 5

Let me know if there are any questions/problems. This is pretty straight forward.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Harwood, Jackie
Sent: Thursday, August 17, 2017 1:01 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: By Mon 8/21: Inquiry from Congressman Harris' Office on Waterkeeper v. EPA
Importance: High

Hi OEM,

As Kim knows from an earlier email exchange, Region 3 has received questions from Congressman Harris' (R-MD) staff and MD Secretary of the Environment Ben Grumbles on the recent D.C. Circuit Court decision in *Waterkeeper v. EPA*. OCIR is anticipating similar questions from other congressmen and senators over the next few months and would like to know if OLEM has any prepared talking points or bullets on the following questions that EPA could provide to congressional staff, etc.

- When does the court have to rule on EPA's request to stay the ruling for 6 months?

- How long will it take EPA to develop guidance?
- What is a farmer required to do today?
- What is a farmer required to do while the guidance is being developed?

Could you get back to me by Monday 8/21 @ noon? Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks in advance for your help with this. Please let me know if you have any questions.

Jackie

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578

Follow OLEM on Twitter: @EPALand

Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

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Sent: 11/3/2017 8:27:01 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: FW: CERCLA/EPCRA Ag Call

From: Brooks, Becky
Sent: Friday, November 03, 2017 3:19 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>
Subject: Re: CERCLA/EPCRA Ag Call

Barry indicated thank you and this is exactly what he needed. No need to forward elsewhere at this time. Thanks.

Sent from my iPhone

On Oct 30, 2017, at 9:10 AM, Jennings, Kim <Jennings.Kim@epa.gov> wrote:

> Hi Nick,
>
> Here is the information you requested. I have included Patty as she was the only other OLEM person on the call. Patty please let me know if I missed anything. I am also including Reggie and Becki for their information.
>
> Do you want me to also send to Liz, Tate, and Jeff for their input/concurrence?
>
> Thanks,
> Kim
>
> **Conference call with Ag Trade Associations on the CERCLA/EPCRA Guidance for Farms**
>
> *Attendees*:
> Trade Associations
> Paul Bredwell, US Poultry & Egg Association
> Clay Detlefsen, National Milk Producers Federation
> Michael Formica, National Pork Producers Council
> Tom Hebert, National Pork Producers Council, United Egg Producers (Bayard Ridge Group)
> Danielle Quist, American Farm Bureau Federation
> Christian Richter, US Poultry & Egg Association, National Turkey Federation (The Policy Group)
> Andrew Walmsley, American Farm Bureau Federation
> Scott Yager, National Cattlemen's Beef Association
>
> EPA
> Liz Bowman, Associate Administrator Office of Public Affairs (OPA)
> Tate Bennett, Associate Administrator, Office of Public Engagement and Environmental Education (OPEEE)
> Jeff Sands, Ag Advisor

Kim Jennings, DD RID, OEM
Patty Gioffre, Deputy DD RID, OEM

Discussion:
After everyone introduced themselves, Tate Bennett welcomed everyone to the call and thanked the Ag Trade Associations for their assistance and support in developing the guidance and asked the Trade Association representatives to let their members know that we will continue to work with them on this issue.

Jeff Sands, the newly appointed Ag Advisor, introduced himself to the group and also thanked them for their efforts and assistance on this issue.

Christian Richter reflected the groups appreciation for EPA reaching out to them in developing the guidance and working with them to ensure it reflected their needs. He also requested that EPA continue to involve them in any future activities related to this issue. EPA agreed that they would do so.

Kim Jennings provided an overview of the guidance and highlighted those areas of most importance to the Trade Associations. She indicated that the EPA would be taking comments on the guidance for 30 days and that an email address is available for folks to submit their comment. All of the Trade Association's representatives stated that they will be further reviewing the guidance and providing additional comments as appropriate, but had this initial feedback:

- Appreciated that EPA did not provide more specific guidance or "fill-in" any of the forms for estimating releases for specific species, as they believe that the Trade Associations and farmers are in a better position to use the guidance provided to estimate their releases.

- Add additional language to the guidance which states that farmers may use their "best professional judgement" in estimating their releases as there are many factors which go into determining whether a reportable quantity of a hazardous chemical has been released.

- Consider providing guidance specific to animals that are not confined but rather pastured such as the cow/calf operations.

EPA closed the conference call by once again thanking the Trade Associations for their insight and assistance in developing the guidance and that we would be continuing to work with them as we move forward on this effort.

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

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Sent: Friday, October 27, 2017 2:51 PM
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Cc: Brooks, Becky <Brooks.Becky@epa.gov>
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Thanks and give me a call if you have any questions.
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: 202-368-0724

Message

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Sent: 6/27/2017 9:24:47 PM
To: Taylor, Trish [Taylor.Trish@epa.gov]
Subject: FW: Waterkeeper - draft affidavit
Attachments: Waterkeeper v EPA - affidavit draft - cheatham 6-22-17 edits.docx; ENV_DEFENSE-#807436-v1-2017-06-21_Draft_Motion_to_Stay_Issuance_of_Manda....docx

Trish,

Here are the legal documents being drafted for the EPCRA/CERCLA farm rule as background for you. I'm guessing OEM can develop a proposed desk statement from these.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Jennings, Kim
Sent: Tuesday, June 27, 2017 7:49 AM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: Waterkeeper - draft affidavit

HI Reggie,

Per our meeting yesterday, here is the latest draft of the Waterkeepers affidavit and draft motion to stay the Court decision.

Let me know if you have any questions.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Swenson, Erik
Sent: Friday, June 23, 2017 11:59 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>
Subject: RE: Waterkeeper - draft affidavit

Attorney Client / Ex. 5

From: Jennings, Kim
Sent: Thursday, June 22, 2017 3:48 PM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>
Subject: RE: Waterkeeper - draft affidavit

Hi Erik,

Attorney Client / Ex. 5

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Jennings, Kim
Sent: Wednesday, June 14, 2017 8:23 AM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>
Subject: RE: Waterkeeper - draft affidavit

Hi Erik and Earl,

Attorney Client / Ex. 5

Thanks and let us know if you have any comments.

Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Swenson, Erik
Sent: Wednesday, June 07, 2017 12:54 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>
Subject: Waterkeeper - draft affidavit

Attorney Client / Ex. 5

Message

From: Indermark, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CF63A0730B3E4D89AA3B8CE9A5D9EAB2-INDERMARK,]
Sent: 8/18/2017 6:05:24 PM
To: StClair, Christie [StClair.Christie@epa.gov]
CC: Taylor, Trish [Taylor.Trish@epa.gov]
Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

How's this for the reporter? It was sent by Kim and approved by Reggie.

Deliberative Process / Ex. 5

From: StClair, Christie
Sent: Friday, August 18, 2017 12:31 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

Great, just let me know when you settle on something.

From: Indermark, Michele
Sent: Friday, August 18, 2017 12:26 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

Thanks Christie,

Yes, this is OEMs. The reporter pretty much answered her own question. We are working on preparing the guidance.

Deliberative Process / Ex. 5

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: StClair, Christie
Sent: Thursday, August 17, 2017 4:24 PM
To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

Third time's the charm. Thank you everyone for helping get this to the right place.

Michele, let's de-loop everyone but Matt from here forward.

From: Siedschlag, Gregory
Sent: Thursday, August 17, 2017 4:22 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

Conferred with our folks. This belongs in OEM. Copied Michele.

Greg Siedschlag
Outreach and Communications Specialist
Office of Superfund Remediation and Technology Innovation
U.S. Environmental Protection Agency
Office: (703) 603-9044
Follow us on Twitter @EPALand
https://www.epa.gov/superfund

From: StClair, Christie
Sent: Thursday, August 17, 2017 4:13 PM
To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

Feel free to go with "Deliberative Process / Ex. 5" It's what all the cool kids do.

From: Siedschlag, Gregory
Sent: Thursday, August 17, 2017 4:10 PM
To: Ames, Jeremy <Ames.Jeremy@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

I'm assuming this belongs here given that it's CERCLA, but we'll definitely need more than 20 minutes to respond.

Greg Siedschlag
Outreach and Communications Specialist
Office of Superfund Remediation and Technology Innovation
U.S. Environmental Protection Agency
Office: (703) 603-9044
Follow us on Twitter @EPALand
https://www.epa.gov/superfund

From: Ames, Jeremy
Sent: Thursday, August 17, 2017 3:42 PM
To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>
Cc: ORCR Press <ORCR_Press@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Subject: FW: Westlaw (ddl 4:30): CERCLA/farms

Greg, is this an OSRTI issue?

Jeremy

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358
Follow us @EPAland

From: StClair, Christie
Sent: Thursday, August 17, 2017 3:40 PM
To: ORCR Press <ORCR_Press@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>
Subject: Westlaw (ddl 4:30): CERCLA/farms

Any chance this is for ORCR?

Dena Aubin
Reuters/Westlaw
Deadline 4:30pm today

I am writing a story for Westlaw about the District of Columbia appeals court's decision yesterday staying the mandate that vacated the EPA's CERCLA reporting exemptions for farms. Do you have a comment on the decision, which will give the EPA more time to prepare guidance to help farmers comply with reporting requirements?

Message

From: Indermark, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CF63A0730B3E4D89AA3B8CE9A5D9EAB2-INDERMARK,]
Sent: 8/18/2017 5:41:38 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

Got it. Thanks.

From: Jennings, Kim
Sent: Friday, August 18, 2017 1:40 PM
To: Indermark, Michele <Indermark.Michele@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

It was just a response to the Press folks. For the reporter, let's say:

"The Agency is working on providing guidance to farms to help them comply with the CERCLA/EPCRA Reporting Requirement by the November 14, 2017 court ordered mandate."

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

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Kim,

Deliberative Process / Ex. 5

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

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To: Indermark, Michele <Indermark.Michele@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
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Subject: RE: Westlaw (ddl 4:30): CERCLA/farms

We don't have any comment. The Agency is working on providing guidance to farms to help them comply with the CERCLA/EPCRA Reporting Requirement, since the Courts have vacated the rule exempting farms from those requirements, by the November 14, 2017 court ordered mandate.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
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Deliberative Process / Ex. 5

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Subject: FW: Westlaw (ddl 4:30): CERCLA/farms

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Jeremy

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358
Follow us @EPAland

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Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>
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Sent: 8/1/2017 8:41:37 PM
To: Indermark, Michele [Indermark.Michele@epa.gov]
Subject: FW: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

From: Brooks, Becky
Sent: Tuesday, August 01, 2017 3:38 PM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Cc: Hill, Teresa <Hill.Teresa@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Patrick/Reggie – Please see the email trail below. Was a commitment made at the July 11 meeting w/these folks to meet again in August?

Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762

From: Hill, Teresa
Sent: Tuesday, August 01, 2017 3:25 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Thanks Alexander

Looping in the special assistant in OLEM

From: Dominguez, Alexander
Sent: Tuesday, August 01, 2017 3:23 PM
To: Hill, Teresa <Hill.Teresa@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>
Subject: FW: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Hey all – As the email chain motions, there was a previous meeting on this issue Tuesday, July 11 at 1:00PM that both Justin and David attended. Mandy was also at the meeting but asked me to forward this request to you all since it is more in Justin and David's wheelhouse and she will not be injecting herself into this issue. Any questions just let me know.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Christian Richter [mailto:crichter@thepolicygroup.com]
Sent: Tuesday, August 1, 2017 12:47 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Follow up Meeting with Animal Agriculture Group on EPCRA / CERCLA

Hello Alex:

Hope you're well lately. I wanted to follow up on our earlier discussions and see if we might consider a date for next meeting with animal agriculture representatives.

Would next week either August 10th or 11th be workable?

Best,

Christian

From: Christian Richter
Sent: Monday, July 10, 2017 6:44 AM
To: Dominguez, Alexander
Cc: Christian Richter
Subject: 2 additional attendees | Re: Preparation for Animal Agriculture Meeting on July 11 @ 1:00 pm ET at EPA

Alex:

in addition to those names I have already sent over, we will have two additional industry participants for tomorrow's meeting (July 11th at 1:00 pm @ EPA):

Jamie Jonker, National Milk Producers Federation
Lisa Van Doren, National Council of Farmer Cooperatives

Thanks very much.

Best regards,

Christian

From: Christian Richter
Sent: Friday, July 7, 2017 7:23:54 AM
To: Dominguez, Alexander
Subject: Re: Preparation for Animal Agriculture Meeting on July 11 @ 1:00 pm ET at EPA

Hello Alex:

Please see list of attendees for next Tuesday's meeting:

Paul Bredwell, US Poultry & Egg Association
Michael Formica, National Pork Producers Council
Tom Hebert, United Egg Producers
Christian Richter, US Poultry & Egg Association / National Turkey Federation
Andrew Walmsley, American Farm Bureau Federation
Scott Yager, National Cattlemen's Beef Association

We may have one other colleague joining from the the National Milk Producers Federation, and will confirm shortly.

Best regards,

Christian
U.S. Poultry & Egg Association
National Turkey Federation

The Policy Group
1800 M Street NW
Suite 400 South
Washington, DC 20036
(202) 257-0250 direct
crichter@thepolicygroup.com

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Thursday, July 6, 2017 7:30:57 AM
To: Christian Richter
Subject: RE: Preparation for Animal Agriculture Meeting on July 11 @ 1:00 pm ET at EPA

Thank you for the document Christian. You should have just received the calendar invite. Once you get the attendees just send that over and we'll be all set.

Alex

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

From: Christian Richter [mailto:crichter@thepolicygroup.com]
Sent: Wednesday, July 5, 2017 10:01 AM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Preparation for Animal Agriculture Meeting on July 11 @ 1:00 pm ET at EPA

Hello Alex:

In preparation for our meeting with Mandy and others next Tuesday, July 11, we will send over by later this afternoon or tomorrow morning a list of attendees and materials.

One highly pertinent and timely item of which Mandy should be aware is Tuesday's (July 3) DC Circuit's denial of the industry's petition for a rehearing of the court's earlier decision on the agency's EPCRA/CERCLA reporting exemption. The 1-page order is attached for reference.

We will send along agenda items along with participant names in the meantime and confirm final details.

If you or Mandy have any questions in the meantime, please reach me.

Best regards,

Christian Richter
U.S. Poultry & Egg Association
National Turkey Federation

The Policy Group
1800 M Street NW
Suite 400 South
Washington, DC 20036
(202) 257-0250 direct
crichter@thepolicygroup.com

Message

From: Indermark, Michele [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CF63A0730B3E4D89AA3B8CE9A5D9EAB2-INDERMARK,]
Sent: 10/13/2017 3:03:40 PM
To: Franklin, Kathy [Franklin.Kathy@epa.gov]
Subject: RE: CERCLA 103 Farm Emissions Guidance

I understand the deadline thing and that's why I started forwarding them. I'll keep doing that today. If I can help out at all let me know. For what it's worth - you guys are doing a great job and it is noticed.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Franklin, Kathy
Sent: Friday, October 13, 2017 11:01 AM
To: Indermark, Michele <Indermark.Michele@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

I am not getting the emails from Patrick Davis, but it looks like Patty is BCCing me on her responses. When he sent the first email, I called her at home to alert her about it. So good that you forwarded it to me. Personal Matters / Ex. 6 Personal Matters / Ex. 6 so I don't know if she will see emails then. We have a planned meeting with OMB at 3:30 pm that she will participate in. I am acting Director today and her backup, but she has been the key point person on this Ag exemption activity. Probably better to keep forwarding me any emails from Patrick or other senior mgt if you don't see me as addressee, in case Patty is not monitoring her emails. Sorry, we are down to the wire on some of this. We are supposed to try and get things approved by mgt and OMB today to post on web on Monday, so there is a lot of flurry of activity today.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Indermark, Michele
Sent: Friday, October 13, 2017 10:53 AM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: FW: CERCLA 103 Farm Emissions Guidance

Kathy,

If you are getting these already, let me know. This is turning into a long string.

Michele Indermark
OLEM/OEM
Special Assistant
(w) 202-564-0794

From: Davis, Patrick
Sent: Friday, October 13, 2017 10:50 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

Thank you. When CERCLA posts on Monday please share the link with me.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Assistant Administrator, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Information sent to this email address may be subject to FOIA.

From: Gioffre, Patricia
Sent: Friday, October 13, 2017 10:49 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

We will plan to post the 10/12 version of the CERCLA 103 web text by noon on Monday.
I'll keep an eye out for the markups on the continuous release reporting form.
Thanks!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Davis, Patrick
Sent: Friday, October 13, 2017 10:45 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

Thank you. Michael Formica from the Pork Producers just called. He is send me a redlined version of the continuous release report. I will share it with you when I get it.

Can we please post the CERCLA guidance on our website by Noon on Monday, October 16?

Patrick Davis
Environmental Protection Agency
Deputy Assistant Administrator, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Information sent to this email address may be subject to FOIA.

From: Gioffre, Patricia
Sent: Friday, October 13, 2017 10:37 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

We will have a draft to send forward next week. The streamlined reporting form will need OMB approval.

- OMB, PARMS and RID staff participated in a call yesterday to develop an emergency package to address information collection issues, including streamlining the continuous release reporting form for farmers
- OMB is expecting a package on Monday 10/23

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Davis, Patrick
Sent: Friday, October 13, 2017 10:32 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

Hi Patti,

Thank you for sending this. I do not have additional changes.

Please send the "streamlined continuous release report" when it is finished.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Assistant Administrator, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Information sent to this email address may be subject to FOIA.

From: Gioffre, Patricia
Sent: Friday, October 13, 2017 10:19 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

Yes, there is a revised version to reflect recommendations from OGC. See the attached version. The changes are in redline/strikeout.
Please let me know if you have any questions.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Davis, Patrick
Sent: Friday, October 13, 2017 9:59 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

Hi Patti,

Did the CERCLA guidance document change on October 12?

If so, please send the most recent version that we intend to post on Monday, October 16.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Assistant Administrator, Office of Land and Emergency Management
202-564-3103 office

Cellular Phone / Ex. 6

Information sent to this email address may be subject to FOIA.

From: Gioffre, Patricia
Sent: Wednesday, October 11, 2017 3:37 PM
To: Davis, Patrick <davis.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: CERCLA 103 Farm Emissions Guidance
Importance: High

Attached is the most recent version of the guidance for CERCLA 103 reporting. Please note that the hyperlinks in the document may not be active. We will have them working when they go live on the EPA website.

Let me know if you have any questions or concerns.
Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Davis, Patrick
Sent: Wednesday, October 11, 2017 12:08 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: Re: Farm Emissions

Patti,

Please send this group the most recent version of the guidance.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 11, 2017, at 11:26 AM, Bodine, Susan <bodine.susan@epa.gov> wrote:

Patrick, can you send us the most recent version of the guidance?

From: Davis, Patrick
Sent: Wednesday, October 11, 2017 9:57 AM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: Farm Emissions

Both EPCRA Q&A and cercla guidance will post on our website on October 16. OMB has the EPCRA Q&A and we expect it back from them by 10/12.

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
202-564-3103 office
Cellular Phone / Ex. 6

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 10, 2017, at 5:34 PM, Brown, Byron <brown.byron@epa.gov> wrote:

> The website (link below) says guidance is to be issued by 10/16, so I'm trying to confirm if that refers to the longer document about how to calculate emissions or the Q/A. If it's the longer document, has that been released?
>
> https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms
>
> ---
>
> **From:** Bodine, Susan
> **Sent:** Tuesday, October 10, 2017 5:32 PM
> **To:** Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
> **Subject:** RE: Farm Emissions
>
> I thought the guidance did not go to OMB, only the Q&A.
>
> **Deliberative Process / Ex. 5**
>
> Patrick, do you have an updated version?
>
> ---
>
> **From:** Brown, Byron
> **Sent:** Tuesday, October 10, 2017 5:28 PM
> **To:** Davis, Patrick <davis.patrick@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
> **Subject:** Farm Emissions

Just wanted to clarify whether we have issued the draft guidance for calculating emissions (attached), and if not when we expect to release it. And separately would like to confirm that the draft we sent to OMB is the EPCRA interpretive rule/guidance on routine agricultural operations. Any idea on timing – whether that will get released before Nov. deadline. Thanks.

Byron R. Brown
Deputy Chief of Staff for Policy
Office of the Administrator
U.S. Environmental Protection Agency

Appointment

From: Hale, Michelle [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB99F5247AB8412FA017133839301FEE-HALE, MICHE]
Sent: 3/22/2017 5:37:35 PM
To: Adm14Pruitt, Scott [adm14pruitt.scott@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Ferris, Lena [Ferris.Lena@epa.gov]

Subject: Meeting with National Cattleman Association
Location: Alm Room

Start: 3/22/2017 7:30:00 PM
End: 3/22/2017 8:00:00 PM
Show Time As: Busy

Topic: WOTUS
Location: Administrator's Office
Attendees: Administrator Pruitt, Ryan Jackson, Scott Yager, Mary Thomas-Hart, Ethan Lane (Public Lands Council), Don Parrish (Farm Bureau), Michael Formica (National Pork Producers Council), Bob Gray (Dairy Farmers of America), Ethan Matthews (National Corn Growers Association), Deedra Duncan (Council for the Waters Advocacy Coalition)
Staffing: Ryan Jackson
POC: Scott Yager; 202.879.9102; syager@beef.org

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 4/18/2018 5:41:37 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: Re: EPCRA

Ok..

Thanks,
Kim

On Apr 18, 2018, at 1:27 PM, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

> Beth and I are going to call-in. I want her to listen in. We won't announce our names, just want to listen in. thanks.
>
> ---
>
> *Sicy Jacob*
> *Chemical Engineer*
> *Regulations Implementation Division*
> *Office of Emergency Management*
> *U.S. EPA, MailCode 5104A*
> *1200 Pennsylvania Avenue, NW*
> *Washington DC 20004*
> *(202) 564-8019*
>
> **From:** Jennings, Kim
> **Sent:** Wednesday, April 18, 2018 1:03 PM
> **To:** Jacob, Sicy <Jacob.Sicy@epa.gov>
> **Subject:** FW: EPCRA
>
> Hi Sicy,
>
> Dean and Greg did receive the Qs and As. See attached.
>
> Thanks,
> Kim
>
> Kim Jennings
> **Division Director || Regulations Implementation Division**
> **U.S. Environmental Protection Agency** || Office of Emergency Management
> **E-mail:** jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||
>
> **From:** Jennings, Kim
> **Sent:** Friday, April 13, 2018 4:02 PM
> **To:** Breen, Barry <Breen.Barry@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Michaud, John <Michaud.John@epa.gov>; ODea, Elise

<odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Indermark, Michele <Indermark.Michele@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: RE: EPCRA

Hi all,

As agreed at our meeting on Tuesday, attached are two revised Qs and As: one on the FARM Act and the other on Routine Agriculture Operations. We will discuss these at our meeting on Monday.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

-----Original Appointment-----
From: Breen, Barry
Sent: Tuesday, March 27, 2018 3:02 PM
To: Breen, Barry; Jennings, Kim; Hostage, Barbara; Gioffre, Patricia; Cogliano, Gerain; Cheatham, Reggie; Brooks, Becky; Fotouhi, David; Jacob, Sicy; Franklin, Kathy; Michaud, John; ODea, Elise; Lewis, Jen; Cooperstein, Sharon; Clark, Becki; Principe, Vanessa; Simon, Nigel; Bennett, Tate; Bowman, Liz; Subramanian, Hema; Grantham, Nancy; Benjamin, Kent; Taylor, Trish; Cook, Steven
Cc: Indermark, Michele; Swenson, Erik
Subject: EPCRA
When: Wednesday, April 11, 2018 10:00 AM-10:45 AM (UTC-05:00) Eastern Time (US & Canada).
Where: 3146 epaw Conference Line **Conference Number / Ex. 6**

Poc: Becky Brooks 202-566-2235
Sch: Teresa Hill 202-566-0184

Message

From: Subramanian, Hema [Subramanian.Hema@epa.gov]
Sent: 4/16/2018 9:26:58 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Thomas, Latosha [Thomas.Latosha@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; ODea, Elise [odea.elise@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: RE: Follow-up on EPCRA Revised Q&As

Great, thank you. I'll ask Ginah to send you (Jen) and Kim the invite for the 30th. You can forward to others as interested.

Hema Subramanian
Acting Special Assistant for Agriculture Policy
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC
office: (202) 564-5041

From: Lewis, Jen
Sent: Monday, April 16, 2018 4:03 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: RE: Follow-up on EPCRA Revised Q&As

Me too. **Personal Matters / Ex. 6** so you're stuck with me.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Jennings, Kim
Sent: Monday, April 16, 2018 3:58 PM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: RE: Follow-up on EPCRA Revised Q&As

I can do 3-4 pm on Monday, April 30th.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Subramanian, Hema
Sent: Monday, April 16, 2018 3:55 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: RE: Follow-up on EPCRA Revised Q&As

EPCRA team: Just updated the Regional Ag Advisors about the upcoming guidance on our weekly call, and they could use a huddle to go over some questions as this rolls out. Some of the more nuanced examples of who's in/who's out will likely be the focus given the questions they field, so having at least one of you from OEM and OGC would be helpful.

Would Monday, April 30th from 3-4 pm work? If you let me know who can join from your offices, I can get Ginah to add you to the call invite.

Thank you,
---Hema.

Hema Subramanian
Acting Special Assistant for Agriculture Policy
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC
office: (202) 564-5041

From: Jennings, Kim
Sent: Friday, April 13, 2018 12:27 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Follow-up on EPCRA Revised Q&As

I see some are still reviewing the Q and As. Please let me know when you are done and I will clean them up and send them to Barry, Steven, et all.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || **Desk:** (202) 564-7998 ||

From: Gioffre, Patricia
Sent: Thursday, April 12, 2018 3:47 PM
To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Follow-up on EPCRA Revised Q&As

Following up on today's meeting with Next Steps.

- Any last comments on the FARM Act Q&A and Routine Ag Ops Q&A (available at the following link: https://usepa.sharepoint.com/:f:/r/sites/OLEM_Work/cercla_epcra/Animal%20Waste%20Website/4-11-18%20EPCRA%20Q%26As?csf=1&e=AO2bbw) by 10:00 am on Friday the 13th.

- Revisions to website: OGC will review after all others.
  Link to current version of the revised animal waste website:
  https://usepa.sharepoint.com/:w:/r/sites/OLEM_Work/cercla_epcra/Animal%20Waste%20Website/Animal%20Waste%20Website%204-4-18_revisions.docx?d=wc16e091029e64021a332231ef9e2317e&csf=1&e=mMcUaj

Deliberative Process / Ex. 5

- Latosha is drafting a communication planning tool.

Please chime in if there is something that I missed.

Patty Gioffre
USEPA/OLEM/OEM/RID
202-564-1972
202-748-7139 (cell)

-----Original Appointment-----
From: Gioffre, Patricia
Sent: Wednesday, April 11, 2018 1:03 PM
To: Gioffre, Patricia; Subramanian, Hema; Thomas, Latosha; Jacob, Sicy; Swenson, Erik; ODea, Elise; Lewis, Jen; Jennings, Kim; Franklin, Kathy (Franklin.Kathy@epa.gov); Principe, Vanessa; Cooperstein, Sharon; Gerain Cogliano; Taylor, Trish; Harwood, Jackie
Subject: Follow-up on EPCRA Revised Q&As
When: Thursday, April 12, 2018 1:30 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: WJC North 6528 / Conference line **Conference Number / Ex. 6**

This meeting is to follow-up on the next steps on the EPCRA Q&A.

Agenda:

- Discuss edits to the Q&As as currently drafted
- Website revisions
- Follow-up on OMB review
- Communications

EPCRA Q&As are available at:
https://usepa.sharepoint.com/:f:/r/sites/OLEM_Work/cercla_epcra/Animal%20Waste%20Website/4-11-18%20EPCRA%20Q%26As?csf=1&e=AO2bbw

Adobe Connect for those working remotely:
http://epawebconferencing.acms.com/oemrid/

Patty Gioffre
Deputy Director
Regulation Implementation Division

USEPA Office of Emergency Management
202-564-1972
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NCBA National Cattlemen's Beef Association

November 22, 2017

Comments on the U.S. Environmental Protection Agency's CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

The National Cattlemen's Beef Association (NCBA) appreciates the opportunity to comment in response to the U.S. Environmental Protection Agency's (EPA) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA) Reporting Requirements for Air Releases of ammonia and hydrogen sulfide from agricultural animal waste.

NCBA is the largest and oldest national trade association of American cattle producers. NCBA works to advance the economic, political, and social interests of its producer-members and to be an advocate for the cattle industry's policy positions.

EPCRA Interim Guidance

The Agency's Q&A on EPCRA Reporting Requirements (the guidance), which defines the "routine agricultural operation" exemption is extremely helpful in providing clarity to livestock producers. EPCRA Section 311 provides an exemption for reporting releases when the regulated substance is "used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer." 42 U.S.C. § 11021(e). The EPA is not bound by the interpretation of the court in Tyson Foods (City of Tulsa v. Tyson Foods, Inc., 258 F. Supp. 2d 1263 (N.D. Okla. 2003). Rather, the agency's reasonable interpretation of the "routine agricultural operation" exemption should be given proper deference.

A. The Substance of EPA's EPCRA Guidance is Legal

In order to determine whether an agency has deference, a court will look to the two-part Chevron test. First, the court will ask whether the defined term is ambiguous in its statutory context. The agency will easily pass this test – "routine" is a highly ambiguous term. The agency has a duty to define those practices that are routine. Following a determination that the term "routine" is ambiguous in this context, the court will ask whether the agency has reasonably interpreted the term.

It is certainly reasonable to include manure management under the "routine agricultural operation" umbrella. Every livestock operation manages manure from its animals – this is a natural process that cannot be prevented or reduced. The storage, treatment, agitation, and land application of

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manure not only typical practices used on livestock operations across the nation, but are practices endorsed by the EPA and USDA as best management practices. Ammonia and hydrogen sulfide emissions, like the output of manure itself, are a naturally occurring product of animal waste. Until technology is available that allows livestock producers to manage manure without these emissions, the two cannot be treated as separate processes. The production of manure – and requisite management thereafter – will lead to ammonia and hydrogen sulfide emissions. There is no way to adequately manage animal waste without the presence of such emissions. Thus, because the creation of animal waste is routine in an agricultural operation, so are the emissions that come from the waste.

B. EPA's EPCRA Guidance is Procedurally Legal

In their brief to the D.C. Circuit Court, Waterkeeper makes the claim that the guidance is in violation of the Administrative Procedure Act "by having this exemption take immediate effect, even before the start of its proposed rulemaking process." However, the D.C. Circuit determined in the Pacific Gas and Electric Co. case that "a general statement of policy is the outcome of neither a rulemaking nor an adjudication; it is neither a rule nor a precedent but is merely an announcement to the public of the policy which the agency hopes to implement in future rulemakings or adjudications. The guidance in question sets no standard for compliance, but rather provides an interpretation for a previously existing exemption. The Pacific Gas court goes on to describe a statement of policy as a document that "presages an upcoming rulemaking." This is exactly the purpose of EPA's EPCRA guidance. The document is not meant to serve as a final agency action, but an intermediary document, bridging the gap between the Waterkeeper court's decision, and completion of a final rule that will hold the force of legislation. The document in question puts no duty on the livestock production industry, and creates no new right. This document simply puts on finer point on language already included in the statute.

The guidance in question satisfied the legal effects test – EPA does not plan to use the rule as binding law in subsequent adjudications. While livestock operations will comply with the guidance, it is not formally binding. If a livestock operation sees the need to report its continuous releases, it may do so.

While the document in question certainly meets the standard for legal interpretative guidance, NCBA urges EPA to begin the rulemaking process. As stated previously, interpretative guidance does not have the long-term stability of a final rule, and cattle producers need certainty.

CERCLA Reporting Information

In addition to providing guidance on EPCRA's "routine agricultural operation" exemption, EPA posted a number of documents on its website to assist livestock producers with reporting requirements. Not only are these documents incomplete, but inadequate to meet the reporting

requirement as created in the *Waterkeeper* case. Additionally, similar to EPCRA's "routine agricultural operation" exemption, a number of statutory exemptions exist under CERCLA, all of which should be clarified and defined in greater detail. The court decision in Tyson Foods is limited in scope and precedential effect, and therefore EPA should not feel hamstrung to develop an agency interpretation on the effect of the "normal application of fertilizer" and other statutory exemptions that apply to agriculture which exist under CERCLA.

A. Inadequacies in Reporting Information

On its website, EPA has linked to an ammonia emissions worksheet completed by researchers at the University of Nebraska-Lincoln. While this study is the sole reference included on EPA's website, it only addresses the emissions from grain-fed, feedlot operations. The difference in emissions is proven – ammonia emissions are based largely on diet and confinement. The emissions estimations designed for grain-fed operations simply cannot be effectively applied to grass-fed livestock. Grain-fed operations make up a small percentage of U.S. beef operations, leaving the vast majority of producers with no adequate method of compliance. Additionally, EPA's guidance has referenced no resources for estimating hydrogen sulfide emissions for beef cattle or horses.

B. Ambiguous Statutory Terms

In addition to providing inadequate information on EPA's website, the EPA has not addressed or attempted to define a number of terms in the statutory language, the understanding of which is necessary for reporting compliance. In addition to beginning a rulemaking process to define "routine agricultural operation" under EPCRA, NCBA urges the EPA to begin a rulemaking process to define "naturally occurring substance" and "normal application of fertilizer."

i. Naturally Occurring Substances

Section 104(a)(3) provides that EPA has no authority to respond to the release of naturally occurring substances in its unaltered form. Additionally, in its 1998 rulemaking regarding the reportable quantity for radionuclides, EPA exempted certain radionuclides from the CERCLA reporting requirement finding that they fell under the 104(a)(3) exemption. EPA found that, if the federal government is prohibited from initiating a cleanup, the reporting exercise is a waste of valuable federal resources. Because CERCLA contains no public disclosure requirement, and is purely meant to facilitate cleanup, reporting without cleanup is unnecessary. A significant difference exists between emissions released from natural biological processes and those created from manmade practices. EPA must provide clarity and establish this important differentiation.

NCBA urges EPA to define this term, not only due to the reporting requirement, but because of future cleanup liability. We have received reports from livestock operations that are facing the additional barrier to obtain farm loans because their operations (many of which hold federal

NPDES permits and/or implement NRCS conservation practices) are being deemed Superfund sites due to these reporting requirements. American farmers, ranchers, and lenders all deserve to receive clarity on this issue.

ii. Normal Application of Fertilizer

CERCLA provides no language specifically related to agricultural operations, using terms that simply do not apply to the unique nature of farm emissions. Due to the ambiguity created by the D.C. Circuit, thousands of grass-fed operations are potentially subject to reporting requirements with no basis for establishing an emissions factor. NCBA urges EPA to take steps to clarify the normal application of fertilizer, and in doing so clarify that grazing livestock who naturally fertilize pasture are protected by this exemption.

NCBA urges EPA to initiate the rulemaking process on CERCLA to distinguish livestock emissions from ammonia and hydrogen sulfide emissions which are properly regulated under CERCLA and EPCRA. This rulemaking also presents an opportunity to clarify the terms in the preceding paragraphs.

National Security Concerns

In order for cattle producers to effectively comply with CERCLA's reporting requirement, they must first make an initial report to the Coast Guard's National Response Center (NRC). The NRC receives approximately 33,000 reports annually. However, the agricultural reporting requirement will nearly triple the amount of reports processed by the Coast Guard – creating legitimate national security concerns. Producers who have called the NRC to make their initial notification have discovered that because the NRC is overwhelmed with calls, wait times to make the report can last up to two hours. While continuous releases from animal agricultural operations do not create an emergency, other calls require immediate action. If a party attempts to report an oil spill or an explosion, they will be unable to quickly make a report due to the wait times caused by continuous release reporting from animal agriculture.

The NRC attempted to remedy this problem, by setting up an e-mail address for operations to report. However, this method of reporting may be in violation of the CERCLA regulation. NCBA is concerned that producers may send an email to fulfill their initial notification requirement but still be vulnerable to legal challenge for failure to report. Producers need further clarity from the EPA and National Response Team that reporting via email is in fact sufficient to meet statutory and regulatory requirements.

Thank you for the opportunity to provide comment on this important issue. Since the guidance is "evergreen", we may reach out to you again with further questions, concerns, and suggestions. Thank you for your time and consideration.

Sincerely,

Scott Yager
Chief Environmental Counsel