Message

From: Topinka, Natalie [topinka.natalie@epa.gov]
Sent: 7/18/2019 8:18:54 PM
To: Harris, Michael [harris.michael@epa.gov]
CC: Dickens, Brian [dickens.brian@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]
Subject: RE: Oil and Gas Reconsideration - request for expedited FAR
Attachments: OAR - Request Expedited FAR Form_OECA.pdf

Yes, we disagree with a 10-day expedited FAR but are okay with 15 days. At the workgroup level, we are all in agreement that at least 15 days is necessary.

Other workgroup members are generally at the same point in briefing their management, but here's what I could gather regarding everyone's status:

OECA - recommending to disagree with 10 days but is in the process of briefing management – see recommendation and rationale attached.
R3 – Division Director is on vacation for most of the month, so not putting forth an opinion either way at this moment.
R6 – Also has not yet briefed management. Not sure when they will do so.
R8 – Agreeing to 10 day FAR but notes that 10 days places a significant burden on staff to review and brief management.
OP – have asked for status but have not heard back.

Natalie

From: Harris, Michael
Sent: Wednesday, July 17, 2019 9:22 AM
To: Dickens, Brian <dickens.brian@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>
Cc: Topinka, Natalie <topinka.natalie@epa.gov>
Subject: RE: Oil and Gas Reconsideration - request for expedited FAR

Hi Brian and Natalie,
Could you let me know if who (Regions and HQ Offices) from the workgroup is for the 10 day expedited FAR and who is against it. Just to be clear, it sounds like we are against the 10 day expedited FAR but we support a 15 day FAR process, correct?

Michael D. Harris
Acting Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604
(312) 886-0760

From: Dickens, Brian
Sent: Wednesday, July 17, 2019 8:45 AM
To: Harris, Michael <harris.michael@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>
Cc: Topinka, Natalie <topinka.natalie@epa.gov>
Subject: FW: Oil and Gas Reconsideration - request for expedited FAR

Mike:
Although we all assume Ed will interact with OAR/OAQPS on new rules (Options Selections and FAR), Ed is still requesting your input.

OAQPS send this questionnaire to the Oil and Gas, NSPS OOOOa workgroup members asking for feedback on the appropriate number of days to review the reconsideration package. Natalie needs to respond by COB 7/22. Her email with a short summary is highlighted below.

Apparently Ed and Eileen want you to state a position first.
Please interact with Ed (and/or us, as you need) on this issue when you get time,

Thanks,
Brian

From: Furey, Eileen
Sent: Tuesday, July 16, 2019 4:22 PM
To: Dickens, Brian <dickens.brian@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>
Subject: RE: Oil and Gas Reconsideration - request for expedited FAR

I think you need an answer from Mike sooner than what the deputies' discussion will involve. See if Mike supports objecting to the expedited FAR. Then I'll go to Ed and say Mike is supportive, some other regions are too, and OECA is also.

ELF

Eileen L. Furey
Deputy Director
Air and Radiation Division
U.S. EPA Region 5
(312) 886-7950

From: Dickens, Brian
Sent: Tuesday, July 16, 2019 2:56 PM
To: Topinka, Natalie <topinka.natalie@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>
Subject: RE: Oil and Gas Reconsideration - request for expedited FAR

I think the Deputies were going to raise to their Directors.

From: Topinka, Natalie
Sent: Tuesday, July 16, 2019 12:58 PM
To: Breneman, Sara <breneman.sara@epa.gov>
Cc: Dickens, Brian <dickens.brian@epa.gov>
Subject: RE: Oil and Gas Reconsideration - request for expedited FAR

Did this ever go anywhere? Just want to wrap it up – otherwise I'm sure I'll get asked about its status on the workgroup call on Thursday morning.

Let me know if you need anything else.

From: Breneman, Sara
Sent: Friday, July 12, 2019 11:07 AM
To: Topinka, Natalie <topinka.natalie@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>; Dickens, Brian <dickens.brian@epa.gov>
Subject: RE: Oil and Gas Reconsideration - request for expedited FAR

Eileen called me and she wants Mike to weigh in.

From: Topinka, Natalie
Sent: Friday, July 12, 2019 9:47 AM
To: Furey, Eileen <furey.eileen@epa.gov>; Dickens, Brian <dickens.brian@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>
Subject: RE: Oil and Gas Reconsideration - request for expedited FAR

Mike has not weighed in – we are of the understanding that Cheryl has directed these issues to be handled by the program.

Sara, if you think Mike needs to see this, let us know or forward to him.

Thanks,

Natalie

From: Furey, Eileen
Sent: Friday, July 12, 2019 8:50 AM
To: Dickens, Brian <dickens.brian@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>
Cc: Topinka, Natalie <topinka.natalie@epa.gov>
Subject: RE: Oil and Gas Reconsideration - request for expedited FAR

One more question – did Mike weigh in?

Eileen L. Furey
Deputy Director
Air and Radiation Division
U.S. EPA Region 5
(312) 886-7950

From: Dickens, Brian
Sent: Thursday, July 11, 2019 4:30 PM
To: Furey, Eileen <furey.eileen@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>
Cc: Topinka, Natalie <topinka.natalie@epa.gov>
Subject: FW: Oil and Gas Reconsideration - request for expedited FAR

Eileen:

If you agree, please send this email and the attachment on to Ed. It relates to the Quad-Oa workgroup Natalie is on. OAQPS sent out this little questionnaire for us to fill out and return.
Let us know if you have questions,

Brian

From: Topinka, Natalie
Sent: Thursday, July 11, 2019 3:00 PM
To: Dickens, Brian <dickens.brian@epa.gov>
Cc: Breneman, Sara <breneman.sara@epa.gov>
Subject: Oil and Gas Reconsideration - request for expedited FAR

Brian,

See the attached form from OAR requesting an expedited FAR review period for the Final NSPS OOOOa Technical reconsideration package. I am requesting Ed's concurrence that we should disagree with an expedited review period. See the detailed reasons below:

- This is a final rulemaking on a host of complicated issues. 10 days is not enough time to review the package, compile comments, and brief upper management on the Region's FAR position.
- EPA's own Action Development Process guidance for rulemakings states: *"The FAR meeting should be scheduled no sooner than 15 working days after the FAR package is distributed to the participating AAs and RAs. In rare cases, it may be necessary to schedule the FAR meeting sooner, if a full 15-day review period is not possible."* This action is not subject to any external, internal, or court-ordered deadline, so a 15-day FAR review period is possible, reasonable and beneficial to the rulemaking process.
- At the last workgroup meeting, the workgroup agreed that at least 15 days would be necessary to prepare for FAR (see highlight in e-mail below).
- Historically, materials on this rulemaking action have been in flux during the FAR review period, and even after FAR meetings. We don't expect that to be different for this action and request at least 15 days to be able to review and comment on any last-minute changes.

Let me know if we have Ed's concurrence to send the attached form to the workgroup chair. I expect other workgroup members to disagree also.

Natalie

Natalie M. Topinka
Environmental Scientist
U.S. Environmental Protection Agency, Region 5
Air Enforcement and Compliance Assurance Branch
77 West Jackson Boulevard (ECA-18J)
Chicago, IL 60604
ph: (312) 886-3853

From: Hambrick, Amy
Sent: Thursday, July 11, 2019 8:21 AM
To: DeFigueiredo, Mark <DeFigueiredo.Mark@epa.gov>; Weitz, Melissa <Weitz.Melissa@epa.gov>; Waltzer, Suzanne <Waltzer.Suzanne@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Gilbreath, Jan <Gilbreath.Jan@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>; Lawrence, Rob <Lawrence.Rob@epa.gov>; Beeler, Cindy <Beeler.Cindy@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Shappley, Ned <Shappley.Ned@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Alsalam, Jameel <Alsalam.Jameel@epa.gov>; Sorrell, Virginia <Sorrell.Virginia@epa.gov>; Gregory, John <Gregory.John@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Sarofim, Marcus <Sarofim.Marcus@epa.gov>; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; Eisele, Adam <Eisele.Adam@epa.gov>;

Macpherson, Alex <Macpherson.Alex@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Bielen, David <bielen.david@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Crowley, Kate <crowley.kate@epa.gov>; Ferguson, Gregory <ferguson.gregory@epa.gov>
Subject: RE: Oil and Gas Reconsideration Workgroup Re-Start

TODAY'S MEETING IS CANCELLED.

General Status Information:

Technical (contact Karen with questions)

Current schedule targets based on conversations with OAQPS management:

- Package to workgroup for FAR: 7/26
- FAR Meeting: 8/19 (assumes 15 day FAR)
- OMB Package to OAR: 8/26
- Signature (tentative): 9/11

The above schedule assumes a 15 day FAR based on our last workgroup meeting. However, OAQPS management is still requesting expedited FAR of 10 days. Attached is the request. Please complete, whether you approve or disapprove of the expedited request.

Draft reg text is planned to be available early next week (hopefully by COB Monday). If that happens, we can discuss the text at next week's call.

Policy (contact Amy with questions)

(1) Sent to OMB June 6; Accepted on June 10; still at OMB
(2) OMB holding statement:

> *EPA has sent a draft proposal updating to the 2016 New Source Performance Standards (NSPS) for the oil and natural gas industry to the Office of Management and Budget for Interagency Review. The updates would address broad policy issues in the 2016 rule. EPA will make the proposal available for public review and comment after interagency review is complete. The draft proposal is separate from the targeted improvements to the NSPS that EPA proposed in October 2018. The Agency continues to consider public comments on that proposal and anticipates taking final action later this year.*

Amy Hambrick
U.S. Environmental Protection Agency
(919)541-0964