Message

From: Buso, Roberto X [Buso.Roberto@epa.gov]
Sent: 6/25/2018 8:05:18 PM
To: Self, Terry [Self.Terry@epa.gov]
Subject: RE: Proposed MOA (1st revision)

Double check with Ben, but I think so. Basically, we are doing the MOA and the SPA processes separately, and putting the MOA up front because its not a really big deal - technically we do have a signed MOA in place with every state we need to, and are just updating them.

See if you can get it in final form from ADEM and we can route it for concurrence by ORC, and recommend it for signature.

From: Self, Terry
Sent: Monday, June 25, 2018 3:47 PM
To: Buso, Roberto X <Buso.Roberto@epa.gov>
Subject: RE: Proposed MOA (1st revision)

So, the MOA has to be signed by both parties before the SPA Package is submitted to us? Concurrence for ORC and not for RA signature yet?

From: Buso, Roberto X
Sent: Monday, June 25, 2018 3:05 PM
To: Self, Terry <Self.Terry@epa.gov>
Subject: RE: Proposed MOA (1st revision)

Hi -

Can you get a copy of the MOA as revised by ADEM - so that we can route it through ORC for concurrence before ADEP executes? I did not see it attached. Should be fairly simple to route and get concurrence. The Florida Non-SPA moa is the most recent routing package to follow.

Yes – we have been told that we want to have signed MOAs in place by the time Alabama submits its SPA revision.

From: Stallworth, Clethes [mailto:CS@adem.alabama.gov]
Sent: Monday, June 25, 2018 2:46 PM
To: Self, Terry <Self.Terry@epa.gov>
Cc: Massey, Sonja <SSM@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David <david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>; Cruise, Michael <mcruise@adem.alabama.gov>; Singh, Ben <Singh.Ben@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>
Subject: Proposed MOA (1st revision)

Good afternoon, Terry.

The following changes/corrections have been made to the proposed UST Program MOA between EPA and ADEM:

EPA's Comment	ADEM's Response
On page 1, 1st paragraph & line 14, there is a typo where '(1991 MOA)' is written, and it should be (1996 MOA).	This typo has been corrected.
Please specify why the public participation sentence in the MOA was highlighted. States must provide for public participation using one of the three options in 40 C.F.R. 281.42(a)-(c)	The public participation sentence has been changed to reflect the intent of 40 C.F.R. §281.42(c). The "new" wording of the sentence (on page 5) is as follows: "ADEM will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public and will not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation." Please be advised that public participation/intervention in the enforcement process under Rule 24 of the Alabama Rules of Civil Procedure is also addressed in the AG's Certification Package.

If this offering is acceptable to EPA, please advise me as to the next step in the coordination/approval process for the MOA. Specifically, does the MOA have been executed by all parties prior to inclusion in the SPA package?

Thanks.

Clethes Stallworth, Chief
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ADEM

Mission: Assure for all citizens of the state a safe, healthful and productive environment

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From: Self, Terry [mailto:Self.Terry@epa.gov]
Sent: Friday, June 08, 2018 12:02 PM
To: Cruise, Michael <mcruise@adem.alabama.gov>; Singh, Ben <Singh.Ben@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>
Cc: Massey, Sonja <SSM@adem.alabama.gov>; Stallworth, Clethes <CS@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David <david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>
Subject: RE: ADEM Division 6 (UST) Authorization SPA Package - Interim Draft

Afternoon Mike,

Our preliminary review found no major issues precluding you from moving forward in your SPA process.

Only a few minor issues were found, which are:

1. AG Certification
    a. AG Statement ("no less stringent criteria" evaluation) not submitted, and not reviewed.

2. MOA
    a. On page 1, 1st paragraph & line 14, there is a typo where '(1991 MOA)' is written, and it should be (1996 MOA).
    b. Please specify why the public participation sentence in the MOA was highlighted. States must provide for public participation using one of the three options in 40 C.F.R. 281.42(a)-(c).

3. Program Description
    a. From the submittal, it is unclear in what ways the state program is more stringent or broader in scope than the federal program. A copy of Oklahoma's Program Description is included as an example. To the extent any areas of the program are more stringent or broader in scope, please identify those areas in the Program Description.

4. Adequate Enforcement
    a. No page numbers were included.
    b. On page 5, 2nd paragraph & line 5, there is a typo where 'files' is misspelled as 'flies'.
    c. Where it states that the Department or ADEM has the authority to perform a function throughout the document, the appropriate State statute/rule should be cited. A copy of Oklahoma's Application for Approval is included as an example. For example on page 3, it states the Compliance Monitoring procedure is divided into four areas, so ADEM's regulatory authority should be cited for each of the areas.

5. Crosswalk
    a. Previously reviewed & comments provided

Terry

From: Cruise, Michael [mailto:mcruise@adem.alabama.gov]
Sent: Friday, May 18, 2018 9:23 AM
To: Self, Terry <Self.Terry@epa.gov>; Singh, Ben <Singh.Ben@epa.gov>
Cc: Massey, Sonja <SSM@adem.alabama.gov>; Stallworth, Clethes <CS@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David <david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>
Subject: ADEM Division 6 (UST) Authorization SPA Package - Interim Draft
Importance: High

Mr. Self, as per our phone conversation last week, we are sending you an interim draft of five of the six required components of the UST SPA package for your preliminary review and comment (see attached). The components included are:

1. AG Letter,
2. Memorandum of Agreement,
3. Program Description,
4. Demonstration of Procedures for Adequate Enforcement, and
5. SPA Regulations Crosswalk.

If possible, we would like to have your comments by June 8, 2018 as we plan to send the package to the Governor's office shortly thereafter. If you have any questions or comments please do not hesitate to contact either me or Ms. Tiffani Alexander.

Thank you and have a great weekend.

Mike Cruise, Chief
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