Message

From: Nelson, Tomeka [Nelson.Tomeka@epa.gov]
Sent: 6/26/2018 5:39:02 PM
To: Frazer, Brian [Frazer.Brian@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
CC: Chancey, Barbara [Chancey.Barbara@epa.gov]; Connors, Sandra [Connors.Sandra@epa.gov]; Huber, Patrick [Huber.Patrick@epa.gov]
Subject: RE: Action Please: Fall 2018 Reg Plan Entries - Quick Turnaround Exercise Due Tuesday, June 26th

All, please keep me posted, just realizing this is a completely different action than the ones that we have previously discussed.

Thanks!

Tomeka Nelson
Senior Regulatory Manager
Office of Wetlands, Oceans, and Watersheds
Office of Water
US Environmental Protection Agency
202-566-1291

From: Frazer, Brian
Sent: Tuesday, June 26, 2018 12:59 PM
To: Goodin, John <Goodin.John@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Nelson, Tomeka <Nelson.Tomeka@epa.gov>; Chancey, Barbara <Chancey.Barbara@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Huber, Patrick <Huber.Patrick@epa.gov>
Subject: RE: Action Please: Fall 2018 Reg Plan Entries - Quick Turnaround Exercise Due Tuesday, June 26th

Ex. 5 Deliberative Process (DP)

bf

From: Goodin, John
Sent: Tuesday, June 26, 2018 12:37 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Nelson, Tomeka <Nelson.Tomeka@epa.gov>; Chancey, Barbara <Chancey.Barbara@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Huber, Patrick <Huber.Patrick@epa.gov>
Subject: Re: Action Please: Fall 2018 Reg Plan Entries - Quick Turnaround Exercise Due Tuesday, June 26th

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Jun 26, 2018, at 12:32 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

> I was actually asking about another action. John and Brian?

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Nelson, Tomeka
Sent: Tuesday, June 26, 2018 11:48 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Chancey, Barbara <Chancey.Barbara@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Huber, Patrick <Huber.Patrick@epa.gov>
Subject: RE: Action Please: Fall 2018 Reg Plan Entries - Quick Turnaround Exercise Due Tuesday, June 26th

All,

A little more background, here is the justification for the non-significant determination that we used for tiering.

Again, let me know your thoughts on adding it to the Reg Plan and changing the status to significant under 12866.

Proposed OMB Significance:
Question 1: With what you know right now, do you anticipate that this action will be Significant, Non-Significant, as defined in Executive Order 12866, and therefore will undergo/not undergo OMB Review? Or, do you believe this action is Exempt according to EO 12866 or for some other reason?
Instructions: Answer Significant, Non-Significant or Exempt.

Ex. 5 Deliberative Process (DP)

Many Thanks!

Tomeka Nelson
Senior Regulatory Manager
Office of Wetlands, Oceans, and Watersheds
Office of Water

US Environmental Protection Agency
202-566-1291

From: Nelson, Tomeka
Sent: Tuesday, June 26, 2018 11:36 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Chancey, Barbara <Chancey.Barbara@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: RE: Action Please: Fall 2018 Reg Plan Entries - Quick Turnaround Exercise Due Tuesday, June 26th

Ex. 5 Deliberative Process (DP)

Many Thanks!

Tomeka Nelson
Senior Regulatory Manager
Office of Wetlands, Oceans, and Watersheds
Office of Water
US Environmental Protection Agency
202-566-1291

From: Eisenberg, Mindy
Sent: Tuesday, June 26, 2018 11:22 AM
To: Nelson, Tomeka <Nelson.Tomeka@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Chancey, Barbara <Chancey.Barbara@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: RE: Action Please: Fall 2018 Reg Plan Entries - Quick Turnaround Exercise Due Tuesday, June 26th

Ex. 5 Deliberative Process (DP)

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Nelson, Tomeka
Sent: Tuesday, June 26, 2018 11:12 AM
To: Goodin, John <Goodin.John@epa.gov>
Cc: Chancey, Barbara <Chancey.Barbara@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: FW: Action Please: Fall 2018 Reg Plan Entries - Quick Turnaround Exercise Due Tuesday, June 26th

John,

Ex. 5 Deliberative Process (DP)

Many Thanks!

Tomeka Nelson
Senior Regulatory Manager
Office of Wetlands, Oceans, and Watersheds
Office of Water
US Environmental Protection Agency
202-566-1291

From: Kwok, Rose
Sent: Tuesday, June 26, 2018 10:03 AM
To: Nelson, Tomeka <Nelson.Tomeka@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Cc: McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: Action Please: Fall 2018 Reg Plan Entries - Quick Turnaround Exercise Due Tuesday, June 26th

Hi Tomeka,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Nelson, Tomeka
Sent: Thursday, June 21, 2018 4:18 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Cc: McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Hurld, Kathy <Hurld.Kathy@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Chancey, Barbara <Chancey.Barbara@epa.gov>
Subject: FW: Action Please: Fall 2018 Reg Plan Entries - Quick Turnaround Exercise Due Tuesday, June 26th

All,

Just received this follow-up email from Sandy regarding Reg Plan Entries. She is requesting that we submit **just the title** of all the Reg Plan Entries to her by Tuesday, June 26th. (see email below)

Reg Plan Criteria -

1. **July 3, 2018:** Submit your AAships' **Reg Plan** entries (title & tracking number ONLY) to Caryn Muellerleile. Reg Plan entries must:
    - Reflect the Administrator's priorities, particularly with respect to regulatory reform
    - Be actions with an anticipated proposal or final stage in the Federal Register during FY19
    - Be "significant" under the terms of EO 12866
    - Contain narrative additional information about need, legal basis, alternatives, anticipated costs & benefits, and risks (see next deadline)

2. **July 13, 2018: All Regulatory Plan entries and Agenda entries in ADP TRACKER must be revised, reviewed by legal and policy analysts, and approved through each AAships' senior management.**

In 2017 we included the two WOTUS entries below in the Reg Plan:

Ex. 5 Deliberative Process (DP)

2040-AF75	Second Action: Definition of 'Waters of the United States'	EPA/OW	Proposed Rule Stage	Fall 2017	Yes			1

2040-AF74	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	EPA/OW	Final Rule Stage	Fall 2017	Yes			1

Ex. 5 Deliberative Process (DP)

Many Thanks!

Tomeka Nelson
Senior Regulatory Manager
Office of Wetlands, Oceans, and Watersheds
Office of Water
US Environmental Protection Agency
202-566-1291

From: Evalenko, Sandy
Sent: Thursday, June 21, 2018 3:15 PM
To: Flaharty, Stephanie <Flaharty.Stephanie@epa.gov>; Stebe, Katherine <Stebe.Katherine@epa.gov>; Nelson, Tomeka <Nelson.Tomeka@epa.gov>; Ortiz, Agnes <Ortiz.Agnes@epa.gov>; Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>; Reed, Khesha <Reed.Khesha@epa.gov>
Cc: Crawford, Tiffany <Crawford.Tiffany@epa.gov>; Ruf, Christine <Ruf.Christine@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: RE: Urgent - Action Please: Fall 2018 Reg Plan Entries

Here's the Fall 2017 Reg agenda and Plan.

From: Evalenko, Sandy
Sent: Thursday, June 21, 2018 3:09 PM
To: Flaharty, Stephanie <Flaharty.Stephanie@epa.gov>; Stebe, Katherine <Stebe.Katherine@epa.gov>; Nelson, Tomeka <Nelson.Tomeka@epa.gov>; Ortiz, Agnes <Ortiz.Agnes@epa.gov>; Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>; Reed, Khesha <Reed.Khesha@epa.gov>
Cc: Crawford, Tiffany <Crawford.Tiffany@epa.gov>; Ruf, Christine <Ruf.Christine@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Urgent - Action Please: Fall 2018 Reg Plan Entries
Importance: High

SRMs and Others: I need just the title of your Fall FY 2019 Reg. Plan entries by next Tuesday, June 26th. I need to have these cleared through Dave Ross by Friday 6/29, since he is out of the office the following week. Look at # 3 below for the criteria.
Thanks,
Sandy

From: Evalenko, Sandy
Sent: Thursday, June 21, 2018 10:59 AM
To: Flaharty, Stephanie <Flaharty.Stephanie@epa.gov>; Stebe, Katherine <Stebe.Katherine@epa.gov>; Nelson, Tomeka <Nelson.Tomeka@epa.gov>; Ortiz, Agnes <Ortiz.Agnes@epa.gov>; Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>; Reed, Khesha <Reed.Khesha@epa.gov>
Cc: Crawford, Tiffany <Crawford.Tiffany@epa.gov>; Ruf, Christine <Ruf.Christine@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Subject: Urgent - Action Please: Fall 2018 Reg Plan Agenda Data Call

SRMs: It's that time again for the Fall Regulatory Agenda! I'm going to propose some dates for OW deliverable since I'll need to have the information reviewed by Dave R prior to submission to OP. I'm not sure how we will make these deadlines unless we have minimal changes and start immediately. I will be calling each of you after I attend the RSC meeting at 11am this afternoon.

Fall FY 2018 Regulatory Plan: I will send the 2017 Fall Regulatory Plan to you all early this afternoon to see what actions we may need/want to add. The Fall Plan should include significant or economically significant rules, high priority, consistent with Administrations priorities with a publication date by FY 2018 or through September 31, 2019. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Fall FY 2018 Semiannual Regulatory Agenda I need OW's Reg Agenda entries approved by **July 9th** to meet the deadline of **July 13, 2018: All Regulatory Plan entries and Agenda entries in ADP TRACKER must be revised, reviewed by legal and policy analysts, and approved through each AAships' senior management.**

Let me know your questions this afternoon
Thanks,
Sandy

From: Muellerleile, Caryn
Sent: Thursday, June 21, 2018 9:58 AM
To: RSC Core <RSC_Core@epa.gov>; RSC Regions Core <RSC_Regions_Core@epa.gov>
Cc: Lamson, Amy <Lamson.Amy@epa.gov>; Griffiths, Charles <Griffiths.Charles@epa.gov>; Morgan, Cynthia <Morgan.Cynthia@epa.gov>; Boyle, Kathryn <Boyle.Kathryn@epa.gov>; Adams, Darryl <Adams.Darryl@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Miles-McLean, Stuart <Miles-Mclean.Stuart@epa.gov>
Subject: Fall 2018 Reg Plan Agenda Data Call
Importance: High

Greetings RSC,

OMB has sent agencies the call letter for the fall 2018 regulatory plan and agenda, and EO 13771 cost allowance submission (FY19) + 13771 cost accounting submission (FY18). Please note the following deadlines and read the instructions and information carefully.

1. **Immediate**: Use Lotus Notes > **ADP TRACKER** > Reg Reporting > Agenda Entries to see the entries queued up for your office/AAship at this time. If there are any erroneous omissions or additions, please contact Caryn Muellerleile or Darryl Adams.

2. **June 29, 2018:** Add to July 2018 tiering any new actions your AAship or region is considering proposing in the next 6-10 months, if they are items to be signed by the EPA Administrator and modifying the CFR. This also applies to new direct final or good cause final rules. Submit all of these actions for tiering by the end of the month.

3. **July 3, 2018:** Submit your AAships' **Reg Plan** entries (title & tracking number ONLY) to Caryn Muellerleile. Reg Plan entries must:
   - Reflect the Administrator's priorities, particularly with respect to regulatory reform
   - Be actions with an anticipated proposal or final stage in the Federal Register during FY19
   - Be "significant" under the terms of EO 12866
   - Contain narrative additional information about need, legal basis, alternatives, anticipated costs & benefits, and risks (see next deadline)

4. **July 13, 2018: All Regulatory Plan entries and Agenda entries in ADP TRACKER must be revised, reviewed by legal and policy analysts, and approved through each AAships' senior management.**

5. **July 13, 2018:** OMB significance determinations. OP will provide to the offices/AAships a list of anticipated FY19 final actions for signature, that will include the action's confirmed /absence of OMB determination, and spring 2018 EO 13771 designation. Please provide to OP a list of particular actions your AAship acknowledges as "significant" to allow OP to process the determinations with OMB. For those actions that your AAship will request a non-significance determination, please update the milestone with an appropriate date.

6. **July 13, 2018:** AAships with Reg. Plan entries (number 3 above) should submit their media-related Reg Plan narratives. EPA's 2017 Statement of Priorities is available at: https://www.reginfo.gov/public/jsp/eAgenda/StaticContent/201710/Statement_2000.html.

7. **July 13, 2018:** Anticipated FY19 final actions that are regulatory or deregulatory under the terms of EO 13771 must have cost or cost saving estimates to OP. These are best-guess estimates your office has for any action with a final rulemaking stage that triggers EO 13771 as regulatory or deregulatory. The information needed includes:
   - Annualized costs or cost savings and/or the present value of those costs or cost savings using a 7% discount rate.
   - Currency year of the analysis (i.e. the dollar value year)
   - Length of time of the analysis over which these estimates are calculated

   Week of June 25: OP will arrange a separate meeting if any programs would like assistance on cost allowance estimates.

8. **October 1, 2018:** Accounting data for finalized regulatory and deregulatory actions for FY18 should be with OP at the time each final action is signed. Please continue to submit this action to OP on a continuous basis. Specifics on the format for providing the data is forthcoming.

The attached Excel spreadsheet from spring 2018 is only a reference to assist you with review of fall 2018 entries. Be please mindful of the following areas:

- Consider whether actions listed as "inactive" (or "pending" in ADP TRACKER) can be withdrawn.
- Any action listed as "Long-Term" will have a projected next stage of 10/01/2019 or later.
- Abstracts for any actions that are withdrawn should be revised to reflect the agency's decision to discontinue the action.
- Abstracts of completed actions should reflect completion rather than projection.
- There should not be any "Undetermined" responses for completed actions.

- Actions that have a priority category "Economically significant" are almost always "Major" under CRA.
- Actions that trigger UMRA > government typically also trigger federalism and some "government levels affected."
- Spell out all acronyms other than "EPA," and use plain language in writing your abstracts.

Please work with your legal and policy workgroup representatives to carefully review and revise the abstract, timetable, and other data fields of all reg. agenda and plan entries. All entries for your office/AAship must be approved through the AA level by **July 13, 2018**.

***

- For questions about the Regulatory Plan, contact Caryn Muellerleile (202) 564-2855.

- For questions about the Regulatory Agenda, contact Darryl Adams (202) 564-6569 or Kathryn Boyle (202) 564-8194.

- For questions about cost allowances and cost savings, contact Caryn, Charles Griffiths (202) 566-0156, or Cynthia Morgan (202) 566-2296.

Caryn Muellerleile
Regulatory Management Division
Office of Policy
US Environmental Protection Agency
1200 Pennsylvania Ave NW (1803A)
Washington, DC 20460
(202) 564-2855
muellerleile.caryn@epa.gov