Message

From: Fox.Radhika@epa.gov [Fox.Radhika@epa.gov]
Sent: 10/7/2021 1:32:39 PM
To: Cisar, Elizabeth [Cisar.Elizabeth@epa.gov]
Subject: Fwd: Draft Stabenow TPs

Can you let me know the date. We already sent a letter right

Begin forwarded message:

> **From:** "Niebling, William" <Niebling.William@epa.gov>
> **Date:** October 7, 2021 at 9:28:02 AM EDT
> **To:** "Fox, Radhika" <Fox.Radhika@epa.gov>, "Utech, Dan" <Utech.Dan@epa.gov>
> **Cc:** "Carbonell, Tomas" <Carbonell.Tomas@epa.gov>, "Hoffer, Melissa" <Hoffer.Melissa@epa.gov>, "Goffman, Joseph" <Goffman.Joseph@epa.gov>, "Adhar, Radha" <Adhar.Radha@epa.gov>
> **Subject: RE: Draft Stabenow TPs**
>
> Radhika – Is there a specific deadline by which a regulated party must decide whether to take on the retirement date? I think it is this month and am wondering if it is October 13, or if I'm conflating different dates in the rule. This is just for my background and awareness during the call.
> Thanks,
> William
>
> ---
>
> **From:** Fox, Radhika <Fox.Radhika@epa.gov>
> **Sent:** Thursday, October 7, 2021 8:40 AM
> **To:** Utech, Dan <Utech.Dan@epa.gov>; Niebling, William <Niebling.William@epa.gov>
> **Cc:** Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Adhar, Radha <Adhar.Radha@epa.gov>
> **Subject:** RE: Draft Stabenow TPs
>
> Here's info on Benton Harbor. I can talk through it, if helpful. But the Top Line points are all he needs for now I think.
>
> **Top Line Messages**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Background

- Michigan began delivering bottled water on 10/1 and continues to deliver it through three local organizations: Southwest Michigan Community Action Agency, and two local churches. One of the churches is the congregation of Reverend Edward Pinckney, one of the petitioners. Michigan is no longer stating that it will stop water delivery by a date certain.
- Michigan established an Incident Command Structure to coordinate response in BH. Region 5 staff are participating in the ICS to stay informed and provide input.
- EPA is providing oversight of the water distribution process. We sent an On-Scene Coordinator CIC last week to observe the water distribution and check in with community members to ensure the message about the water delivery is getting out. We have 2 Community Involvement Coordinators part of the ICS and continuing engagement.
- Michigan and EPA are now evaluating the potential gaps in water distribution. MDHHS is planning to make calls to ensure people who cannot pick up water themselves can have water delivered.
- ORD and Region 5 are also working with MDHHS and EGLE to get the data EPA needs to help inform both the filter distribution plan and a study to confirm that water filters will work effectively in Benton Harbor.
- Water filters are effective at reducing lead when they are properly installed and maintained. Because of some issues with filter performance in Newark and concerns raised by petitioners, out of an abundance of caution, EPA is developing a filter study to confirm that water filters will perform effectively in Benton Harbor. EPA staff have conducted a literature review and gathered all available data on water quality, water chemistry, and sampling results in Benton Harbor. MDHHS and EGLE have been working well with us to provide that data. ORD, Region 5, and OGWDW staff met yesterday to review the data and begin scoping the filter study. We hope to have a plan to recommend by the end of next week.
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- Ex. 5 Deliberative Process (DP)
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- OW will be in communication with petitioners today to share the information about the filter study. Several petitioners expressed interest in meeting with EPA and EGLE to discuss the filter study plan. We hope to set up with them next week.
- Region 5 is also working with EGLE and MDHHS to review the public education materials being developed for BH residents about lead in water, relying on bottled water, and using filters. With EPA's statement on filter effectiveness, we expect MI to work expeditiously on the filter distribution/door-to-door education campaign.
- It will be important for MI to hear regularly from headquarters that (a) there should be no further public statements about EPA's activities not cleared by EPA; (b) EGLE and MDHHS must

work closely with Region 5 on developing public education materials and the public education and filter distribution plans.

From: Utech, Dan <Utech.Dan@epa.gov>
Sent: Thursday, October 7, 2021 8:14 AM
To: Fox, Radhika <Fox.Radhika@epa.gov>; Niebling, William <Niebling.William@epa.gov>
Cc: Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Adhar, Radha <Adhar.Radha@epa.gov>
Subject: RE: Draft Stabenow TPs

Thanks – will add this as background

From: Fox, Radhika <Fox.Radhika@epa.gov>
Sent: Thursday, October 7, 2021 7:12 AM
To: Utech, Dan <Utech.Dan@epa.gov>; Niebling, William <Niebling.William@epa.gov>
Cc: Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Adhar, Radha <Adhar.Radha@epa.gov>
Subject: RE: Draft Stabenow TPs

Hi All. My team provided the following notes from meetings. Looks like OECA also met with them.

DTE Energy – Senator Stabenow meeting with Administrator Regan on 10/7
Notes from the meeting below. These notes were also provided to Radha last week.

- EPA's Office of Water met with representatives from DTE on June 14, 2021 and August 10, 2021
  - Monroe Power Plant in Michigan has four generating units:
    - DTE intends to retire two generating units by 2028 and the other two by 2032;
    - DTE was requesting an allowance to meet the less stringent discharge limits for all four units.
- EPA has no ability, outside of a formal rulemaking, to modify the requirements in a final regulation.
- On September 22, DTE met with OECA to discuss opportunities to help them through the enforcement program. Bottom line, since there is no current violation, there is nothing that OECA could do.

From: Utech, Dan <Utech.Dan@epa.gov>
Sent: Thursday, October 7, 2021 12:34 AM
To: Niebling, William <Niebling.William@epa.gov>
Cc: Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Adhar, Radha <Adhar.Radha@epa.gov>
Subject: Re: Draft Stabenow TPs

My revisions below

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

On Oct 6, 2021, at 11:39 PM, Niebling, William <Niebling.William@epa.gov> wrote:

From: Niebling, William <Niebling.William@epa.gov>
Sent: Wednesday, October 6, 2021 6:12 PM
To: Utech, Dan <Utech.Dan@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Adhar, Radha <Adhar.Radha@epa.gov>
Subject: Draft Stabenow TPs

Ex. 5 Deliberative Process (DP)