Message

From: Buxbaum, David [Buxbaum.David@epa.gov]
Sent: 7/16/2021 8:53:03 PM
To: Brock, Martha [Brock.Martha@epa.gov]; Openchowski, Charles [openchowski.charles@epa.gov]; Walker, Stuart [Walker.Stuart@epa.gov]; Johnson, MaryC [Johnson.MaryC@epa.gov]; Fonseca, Silvina [Fonseca.Silvina@epa.gov]; Anderson, RobinM [Anderson.RobinM@epa.gov]
Subject: RE: D3 FFS headknocker issues
Attachments: ORR D3 Wastewater FFS_ORC Comments 7-16-2021_DBrev.docx

Martha – take a look at the comments as well as the revisions. Let's wait to hear back form Stuart on whether his earlier risk levels in the table can be referenced as part of the last comment I drafted on Table K.11.

Also, I'll start re-purposing another e-mail I sent to HQ as a possible introduction to your submitting the FFS comments to the Program with cc Leif/Suzanne. It may Monday before we send your comments on the FFS despite our best efforts.

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From: Brock, Martha <Brock.Martha@epa.gov>
Sent: Friday, July 16, 2021 3:20 PM
To: Openchowski, Charles <openchowski.charles@epa.gov>; Walker, Stuart <Walker.Stuart@epa.gov>; Johnson, MaryC <Johnson.MaryC@epa.gov>; Buxbaum, David <Buxbaum.David@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Anderson, RobinM <Anderson.RobinM@epa.gov>
Subject: D3 FFS headknocker issues

David hasn't had a chance to see my additional comments on the ARARs (but has seen the others), and so he may refine/add to/subtract from, but in the meantime, just to let you know, we are trying to give these to the program (and Leif) today.

These will likely be my "final" comments, but am preserving some flexibility for additional issues to be caught.

We will send with a "high level" summary of the problems that probably takes from our earlier emails to Leif/Suzanne.

- MO-lassess

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If the agency's interpretation deviates from prior policy, the agency must provide a reasoned basis for the change. *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125–26 (2016).