To: Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]
From: Flynn, Mike
Sent: Sun 2/5/2017 5:07:16 PM
Subject: Fwd: OGC's Weekly Report

Ex. 5 - Deliberative Process Just want to make sure I remember correctly.

Acting Deputy Administrator
U.S. Environmental Protection Agency
(202) 343-9356

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: February 3, 2017 at 5:37:32 PM EST
To: "Flynn, Mike" <Flynn.Mike@epa.gov>
Subject: FW: OGC's Weekly Report

Ex. 5 - Deliberative Process

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Minoli, Kevin
Sent: Thursday, February 02, 2017 10:38 PM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Kenny, Shannon <Kenny.Shannon@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>
Cc: Hautamaki, Jared <Hautamaki.Jared@epa.gov>
Subject: OGC's Weekly Report

OGC Weekly Report

Notable Items for the Week of January 30, 2017

Ex. 5 - Attorney Client

Notable Items for the Week of February 6, 2017

Ex. 5 - Attorney Client

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

typewriter in Carla's bay.

To: Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Grantham, Nancy
Sent: Sun 2/5/2017 1:57:57 AM
Subject: FW: WH Comms Report for 2/1
COMMS REPORT TEMPLATE v2.docx

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy (mobile)

From: Grantham, Nancy
Sent: Wednesday, February 01, 2017 5:37 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: WH Comms Report for 2/1

Environmental Protection Agency

WASHINGTON

February 1, 2017

DAILY COMMUNICATIONS REPORT

TO: White House Cabinet Affairs Communications

FROM: John Konkus

SUBJECT: Communications Update

Inquiries

HQ

Air Conditioning, Heating & Refrigeration News (Ron Rajecki) [Received 1/18] -- OPEN -- Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy pending retirement. Requesting bio and picture o Ex. 6 - Personal Privacy Information with press@epa.gov DDL: 2/1.

AP (Denver) (Dan Elliott) [Received 1/26] -- OPEN -- Oil/gas methane rules. Responses with press@epa.gov DDL: 1/30

Argus (rec'd 1/24) (Elliott Blackburn) – OPEN –What practical consequence follows the delay of the final rule for the 2017 RVO? Does this at all change the deadlines or other milestones set out for the RVO procedure under RFS?

Biomass Producer mag (Erin Voegele) [Received 1/25] – OPEN – She is seeking a list of regulations that will be delayed for a month to allow additional review.

BNA (Brian Dabbs) [Received 1/31] – OPEN – 2017 RFS and social media policy – sent social media statement, working on RFS response, DDL 1/31.

BNA (Stephen Joyce) [Rec'd 1/31] – CLOSED – Burgess v. US.

BNA (David Schultz) [Received 2/1] -- OPEN -- Non-CO2 report. Response with press@epa.gov. DDL: 2/1.

CBS Evening News (rec'd 1/27) (Kevin Finnegan) – CLOSED – missed deadline – Seeking statement on status of glypho review.

CBS 60 Minutes (rec'd 1/24) (Julie Holstein) – OPEN – Looking for info on the lead battery recycling industry, and why the EPA proposed the rule change. With JV for approval.

Civil Eats (rec'd 1/27) (Lizzie Grossman) – CLOSED 1/30 - Q's on pesticide reviews under new administration.

CNN (rec'd 1/25) (Kieron Monk) – CLOSED 2/1 – Questions about biodegradable bullets.

Corp! (Joseph Cabadas) [Rec'd 1/30] – OPEN – Nation's largest utilities. DDL: 2/7. With JV / NG for consideration of handling.

The Delaware News Journal (Karl Baker) [Received 2/1] – OPEN – EPA granting Pennsylvania an extension on ozone. Program working on response. DDL: 2/1, 4 p.m.

Distillations (Natalie Jacewicz) [Rec'd 1/31] – OPEN – Ozone generators. DDL 2/3 @ 12 PM. With press box for review

The Duke Chronicle (Neelesh Moorthy) [Received 1/30] – OPEN – Hiring freeze's impact on summer internships. Program working on response. DDL: 1/30.

The Guardian (Alison Moodie) [Received 2/1]—OPEN—Asking if any neonic alternatives had been registered within the past six months.

Infinite Earth Radio, Podcast (Mike Hancox Paul Zykofsky) [Received 2/1]-- OPEN—Request to interview Kathy Sykes of ORD tomorrow at the 2017 New Partners for Smart Growth conference this week in St. Louis. They hope to interview her to learn more about her work related to designing healthy communities. DDL 2/1

Inside EPA (Maria Hegstad) [Received 1/31]—OPEN-- Story about EPA's scientific integrity policy and whether its been updated since it was published in 2012—are the transition/beachhead team members considered EPA employees?

Investopedia (David Floyd)[Received 2/1] – CLOSED 2/1 – Questions about "gag" order, budget and climate data. Sent media statement.

Mary Roach, science writer (rec'd 1/9) – OPEN – writing a book on natural disasters, looking to talk with EPA about its work during national-scale incidents. Has embedded with the Air Force Contingency Response Wing and looking to do something similar at EPA. DDL flex.

Minneapolis Star-Tribune (Hannah Covington) [Received 1/26] – OPEN – Concerns, trends and study for chloramination study. Story ran on 1/30. Responses with press@epa.gov DDL: 1/27.

Newsday (Emily Dooley) [Received 1/26] – OPEN – Health risk assessment for 1-4, dioxane. Story ran on 1/31. Responses with press@epa.gov DDL: 1/26.

Platts (rec'd 1/27) (Keefe Borden) – OPEN – Questions on Tier 3 Sulfur program. With JV for review. DDL COB today.

POWER mag (Sonal Patel) [Received 2/1] – CLOSED 2/1 – GHG emissions data for natural gas plants. Response with press@epa.gov DDL: 2/1.

Progressive Farmer (rec'd 1/24) (George Orwel) – OPEN – Seeking list of regulations that will be delayed for a month to allow additional review, or at least to confirm the RVOs are being delayed.

ProPublica (Abrahm Lustgarten) [Received 1/26] – OPEN – Data for and detection of chemical contaminants in ground and surface water. Input from OW, ORD, OLEM and OCSPP. Responses with press@epa.gov DDL: 1/30.

Reading Eagle (rec'd 1/24) (Mike Urban) – OPEN – Wants some follow up guidance about 2014 tables and figures we'd sent him on recycling trends and stats. With JV for approval.

Realtor magazine (rec'd 1/26) (Ellen Ryan) – OPEN – Seeking advice for realtors who drive a lot. With program. DDL 2/1.

Reuters (rec'd 1/24) (Chris Prentice) – OPEN – Looking to confirm the RVOs are being delayed. DDL ASAP

Vice (Aaron Reuben) [Received 1/27] – OPEN – Implementation progress and health benefits of CSAPR. Program working on written responses. DDL: 2/3.

Washington Post (Kris Coranodo) [Received 1/27] – CLOSED 1/27 – Looking for clothing recycling stats for an "On Parenting" story.

Water Finance & Management Journal (Andrew Farr) [Rec'd 1/12] – OPEN – EPA to write WIFIA column. DDL: 2/28. With OW for drafting.

Woodrow Wilson High School (DC) student (Aidan Fogarty) [Received 1/30] -- CLOSED 2/1 -- Interview for IMAX Documentary on DC's air quality. Region 3 will handle.

Region 1

Berkshire Eagle (Lenox, MA) (Clarence Fanto) [Received 2/1] – CLOSED – Checking to see if a spring workshop in Lenox MA, announced in a 12/15/16 EPA press release, is still scheduled to occur. Answer: Yes it is. (see: https://www.epa.gov/newsreleases/four-new-england-communities-get-epa-assistance-meet-environmental-goals-and-foster)

Region 2

Brooklyn Ink (NY) (Tori Otten) [Received 2/1] – CLOSED 2/1 – Questions regarding EPA public affairs under Trump administration. DDL 2/1.

Investigative Post (NY) (Dan Telvock) [Received 2/1] – CLOSED 2/1 – Interview regarding radiation removal actions in NY. DDL.

Daily Gazette (NY) (Ned Campbell) [Received 2/1] – CLOSED 2/1 – Provided an update on work being conducted this week at village of Ballston Spa. DDL.

Region 3

Pittsburgh Post Gazette (Don Hopey)) [Received 01-26] OPEN – Seeking information about a letter EPA sent to PA Dept. of Enviro. Protection on Dec.30 which identifies deficiencies in the state's water program.

Daily Caller News Foundation (Ethan Barton) [Received 01-26] OPEN - Questions regarding untimely and/or lack of EPA cleanup action at the Lower Darby Creek Area Superfund Site. Reporter appears to be using this site as an example for national article that is critical of EPA's timeliness.

Region 4

Picayune Item (Miss.) (Jeremy Pittari) [Received 1/31] – Closed 1/31 – Reporter wanted an update on the JCC Environmental cleanup in Picayune, Miss. Update sent.

Region 5

CNN Headline News *'On The Story with Erica Hill'* producer Matthew Stucker [Received 2/1/17] – CLOSED – Forwarded DOJ-approved statement regarding $722 million class-action lawsuit filed against EPA by Flint, Mich. residents.

Public Radio International /WYNC (New York / Boston) *"The Takeaway"* (Ben Mishiev) [Received 1/1/17] - CLOSED -In response to producer request for an interview on this national morning radio show, forwarded DOJ-approved statement regarding the $722 million class-action lawsuit filed against EPA by Flint, Mich. residents.

NPR *"Marketplace"* (Los Angeles) (Jed Kim) [Received 2/1/17] CLOSED – In response to reporter's request for an interview for this nightly national radio show, forwarded DOJ- approved statement regarding the $722 million class-action lawsuit filed against EPA by Flint, Mich. residents in response to his interview request. Reporter also inquired about 'generally about EPA's continuing ability to protect, if its regulatory ability is lessened."

Bloomberg BNA (Sylvia Carignan) [Received 2/1/17) OPEN – Reporter has questions about the status of cleanups at Areas of Concern on the Great Lakes (deadline: noon, 2/2/17).

Region 6

Arkansas Democrat-Gazette (Emily Dickenson) [received 2/1] Closed 1/31. She asked whether EPA is pursuing fines or enforcement for the Pine Bluff demolition project.

Region 7

Columbia Daily Tribune, Columbia, Mo. (Alan Burdziak) [Received 1/30/17] – OPEN –Questions regarding number and amount of grants and contracts in Missouri. Contact: Angela Brees 7940

Region 8

NONE

Region 9

University of Southern California [Duncan Day) [Received 1/30] – CLOSED -- Student journalist sent written questions about WOTUS, and its potential impact on the California aggregates industry. Told we could not accommodate his request this early in administration transition.

Independent/freelance writer in Hawaii (Codi Kozacek) [Received 1/26] – CLOSED—Reporter interviewed by phone call Region 9 staff to understand EPA's activities overseeing cleanup of Red Hill Fuel Tank and groundwater impacts, on 2/1.

Arizona-Sonora News Service & Tucson Weekly (Lauren Renteria) [Received 1/26] – CLOSED – Navajo abandoned uranium mines. Reporter spoke to Region 9 staff over the phone regarding EPA's cleanup activities, on 2/1.

Princeton University (Lauren Wodarski) [Received 1/19/2017] – OPEN -- Student researching senior thesis wants to speak with staff regarding EPAs Superfund work and public outreach in Nevada. Getting additional details and identifying possible EPA experts. DDL week of 2/6.

KPIX CBS (Abby Sterling) [Received 1/26]—OPEN—Reporter is working on story about CA UIC issue and is looking to speak to someone from EPA as soon as they are available. Sent reporter link to webpage with updated documents. Is still requesting interview with EPA as soon as they are available. DDL next few weeks.

KPIX TV CBS San Francisco (Leslie Donaldson) [Received 1/30]-- OPEN -- Reporter wants to visit the Iron Mountain Superfund NPL site in northern California. DDL flexible, but prefers going during winter weather to see impact of increased rainfall.

Desert Sun (Ian James) [Received 1/13/17]—OPEN—Reporter looking for statistics on volume of cross-border shipments of hazardous waste, including e-waste, transferred to other countries. Working on gathering numbers. DDL 2/10.

Region 10

AP (Juneau, AK) (Becky Boeher) – OPEN – Question about 2013 Underground Injection Control enforcement cases against Alaska Dept. of Transportation and AK Governor's budget request. Will respond tomorrow with settlement documents which are public records.

NRDC. Org (Salem, OR) – OPEN - Following up on last year's U.S. Forest Service study of air pollution in Portland, OR using moss and the air toxics issues around the art glass facilities. Will coordinate w/Oregon DEQ and EPA Office of Air and Radiation for a response. May defer to ODEQ.

KGW Portland, OR (Sara Roth) – CLOSED - Questions about grant and EPA budget impacts to Oregon DEQ, media "black out" and future of EPA budget. Gave statements on communications and grants and explained that many of her questions can't be answered until we have a confirmed EPA Administrator.

Puget Sound Blogger (Chris Dunagan, formerly Kitsap Sun, well known reporter) – OPEN – Wants to talk about the Puget Sound Federal Caucus Action Plan next steps, status, etc. Need to determine which among the federal agencies is on point to talk about the plan to press.

Crosscurrent – Impact of transition on Bristol Bay/Pebble Mine. CLOSED. Told the reporter nothing to say, we don't have a confirmed administrator.

Top Stories

epa.bulletinintelligence.com

http://www.chicagotribune.com/news/nationworld/midwest/ct-flint-water-crisis-damages-0170131-story.html

Flint, Michigan-area residents seek $700M from EPA over water crisis

http://www.cnn.com/2017/01/31/health/iyw-flint-water-crisis-two-years-later/

Flint water crisis leaves long-term impact on children's health

https://www.politicopro.com/energy/whiteboard/2017/02/barrasso-were-going-to-move-this-nomination-forward-083235

Barrasso: 'We're going to move this nomination forward'

http://www.eenews.net/greenwire/2017/02/01/stories/1060049380

McCarthy to Trump team: 'We're not storming an enemy here'

http://www.eenews.net/greenwire/2017/02/01/stories/1060049367

House freshman drafting bill to abolish agency

http://www.eenews.net/greenwire/2017/02/01/stories/1060049376

Dems boycott committee vote on Pruitt

http://www.reuters.com/article/us-usa-congress-epa-idUSKBN15G4YK?il=0

Senate Democrats Boycott vote on Trump's pick to head EPA

https://www.politicopro.com/energy/whiteboard/2017/02/republicans-advance-pruitt-despite-democrats-boycott-083222

Democats' boycott stalls EPA nominee in committee

https://www.washingtonpost.com/news/energy-environment/wp/2017/02/01/democrats-boycott-controversial-epa-nominee-scott-pruitts-confirmation-vote/?utm_term=.8740a0613777

Democrats boycott controversial EPA nominee Scott Pruitt's committee confirmation vote

http://www.cnn.com/2017/02/01/politics/democrats-boycott-pruitt-epa-confirmation-hearing/index.html?adkey=bn

Democrats boycott Pruitt's EPA confirmation hearing

https://www.bloomberg.com/politics/articles/2017-02-01/democratic-boycott-stalls-action-on-trump-epa-nominee-pruitt

Democratic Boycott Stalls action on Trump EPA Nominee Pruitt

http://thehill.com/policy/energy-environment/317311-dems-boycott-committee-vote-on-trumps-epa-pick

Dems boycott committee vote on Trump's EPA pick

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=104913312&vname=dennotallissues&wsn=499143000&searchid=29272631&doctypeid=2&type=date&mode=doc&split=0&scm=1245&pg=0

Possible Democratic Boycott Blurs Pruitt's EPA Confirmation

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=104913303&vname=dennotallissues&wsn=499150500&searchid=29272631&doctypeid=2&type=date&mode=doc&split=0&scm=1245&pg=0

Transition Veterans Spar Over Significance of EPA Social Media Ban

http://www.eenews.net/climatewire/2017/02/01/stories/1060049324

House Science panel aims to make EPA 'great again'

http://www.eenews.net/climatewire/2017/02/01/stories/1060049320

Will EPA 'repeal and replace' climate regs, or just repeal

https://www.washingtonpost.com/news/energy-environment/wp/2017/02/01/neil-gorsuchs-mother-once-ran-the-epa-it-was-a-disaster/

Neil Gorsuch's mother once ran the EPA. It didn't go well.

https://www.bostonglobe.com/metro/2017/01/31/former-epa-head-raises-concerns-about-trump-administration-approach-climate-change/vk18JAnV8HfOqFJ0DO5FnL/story.html

Former EPA head is worried about Trump, climate change

https://www.wsj.com/articles/senate-democrats-threaten-to-boycott-committee-vote-on-epa-nominee-scott-pruitt-1485910373

Senate Democrats Threaten to Boycott Committee Vote on EPA Nominee Scott Pruitt

http://blogs.wsj.com/washwire/2017/01/31/white-house-looks-to-ease-concerns-of-rattled-epa-employees/

White House Looks to Ease Concerns of Rattled EPA Employees

http://thehill.com/policy/energy-environment/317203-lawmaker-to-propose-abolishing-epa

Lawmaker to propose abolishing EPA

http://thehill.com/policy/energy-environment/317177-gop-sen-collins-concerned-about-epa-picks-lawsuits

GOP senator 'concerned' about EPA pick's history of suing the agency

Top Issues and Accomplishments

EPA was able to issue the following statement today, in response to numerous media inquiries:

EPA's review of our contracts is complete. During the review no contracts were delayed and all contracts are proceeding normally. Last week EPA completed review of our grant programs, and all grants are proceeding normally and nothing has been delayed. This includes environmental program grants and state revolving loan fund grants to the states and tribes.

EPA Transition Team members added to the email list for two important Emergency Response reports that are important to ensure seamless communications in the event of an emergency requiring EPA response anywhere across the country:

EOC Daily Emergency Management Report (Daily Report) – A HQ Emergency Operations Center (EOC) report product sent to the designated HQ leadership and designated regional emergency response program personnel. The report includes EPA emergency operations activities, status of EPA national emergency response assets (e.g., ASPECT and PHILIS), and notable interagency (DHS, FEMA, DOI) inputs with a nexus to EPA to give the reader a broad perspective of emergency management activities on a national scale. This report is issued daily in the mornings excepting weekends and holidays and covers activities since the prior report.
EOC Spot Reports – A HQ EOC product which serves as a quick way to notify senior leadership and EPA emergency management personnel during the initial stages of an incident where EPA On Scene Coordinators are responding. Updates to Spot Reports may be issued as EPA activities ramp-up and more information is known.

To: Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Grantham, Nancy
Sent: Sun 2/5/2017 1:56:32 AM
Subject: FW: WH Comms Report for February 2
COMMS REPORT TEMPLATE v2 (003).docx

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy **(mobile)**

From: Grantham, Nancy
Sent: Thursday, February 02, 2017 5:53 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: WH Comms Report for February 2

Please let me know if you need anything.

Thanks ng

Environmental Protection Agency

WASHINGTON

February 2, 2017

DAILY COMMUNICATIONS REPORT

TO: White House Cabinet Affairs Communications

FROM: John Konkus

SUBJECT: Communications Update

Inquiries

HQ

AP (Matt Brown, Mont. [Received 2/1]—OPEN—Asking for information about the first 10 chemicals to be undergo risk evaluation under the new TSCA Law. No hard deadline.

Bloomberg (Pat Rizzuto) [Received 2/1] – CLOSED – NCEA leadership chart; question in program; response sent, but reporter had already run her story.

Bloomberg BNA (Amena Saiyid) [Rec'd 2/1] – CLOSED – Dental amalgam rule. DDL: ??/??. With OW for response.

CBS 60 Minutes (received 1/24) (Julie Holstein) – OPEN – Looking for info on the lead battery recycling industry, and why the EPA proposed the rule change. With JV for approval.

ClimateWire (Brian Kahn) [Received 2/2] – CLOSED 2/2– Reviewed response sent on climate change website updates.

Debtwire Municipals. (Maryellen Tighe) [Rec'd 2/1] – OPEN – WIFIA timing. Holding for reporter questions and deadline.

Fed Health IT (April Doster) [Received week of 1/23] – OPEN – Interview with Sean Kelley, named among Fed Health Top 100 Officials; discussing with OPA – DDL Flexible

Freelancer (Cooper King). [Rec'd 2/1] – OPEN – Reducing water footprint. Holding for questions and deadline.

NPR Affiliate in Utah (Judy Fahys) [Received 1/30]—OPEN- Wants to interview ORD scientist Russell Long who is part of a fine particle air study that's underway in Utah. Study is done with Utah DEQ, USDA, NOAA, and several universities.

Politico (Patterson Clark) [rec'd 1/26] – CLOSED – WIFIA loans.

Scientific American (Rachel Cernansky) [Received 1/30] – OPEN – Freelance reporter exploring a story about GHS mixtures equation testing; GHS mixtures equations aim at reducing use of animals in testing pesticide formulas; response awaiting OPS approva – DDL 2/1

Southern California Public Radio (received 2/2) (Emily Guerin) – OPEN – Will there be any change to the disposition of the SCAQMD petition regarding NOx? With JV for approval.

Water Online (Peter Chawaga) [Received 2/2] -- OPEN -- Guidance for unknown contaminants. Program working on written responses. DDL: 2/9.

Xinhua News Agency (Peter Mertz) [Rec'd 2/2] – OPEN – Stream protection rule and future coal mining policies. In press box for response.

Region 1

No new inquiries

Region 2

TV Record Americas (Carolina Frederico) [Received 2/2] – CLOSED 2/2 – Reporter exploring story ideas, including those involving drinking water contamination in NY. After a brief discussion, sent her info on Hoosick and Newburgh. DDL.

Region 3

Lewes (DE) Cape Gazette (Maddy Lauria) [Received 2/2] -- Looking at the number of CWA discharge permits in Delaware that are not current and wanted to know how that compares with other states.

TV Channel 21 Harrisburg, PA (Courtney Highfield) [Received 2/2] -- Working on a story about the Governor's administration being told Pennsylvania isn't appropriately enforcing safe drinking water standards. We were told the EPA issued this warning December 30th. Is it possible to get a copy of the warning? Does the EPA have any additional statements?

Patriot News Harrisburg, PA (Wallace McKelvey) [Received 2/2] -- Following up on a letter that was sent on Dec. 30 to Pennsylvania outlining deficiencies in the state's inspection of public water systems. Specifically, wants to get more details on what happens next in the process and what the consequences of inaction are.

Daily Caller News Foundation PA (Ethan Barton) [Received 2/2] -- Investigative reporter provided follow-up questions to original inquiry on 1/10/17 regarding Lower Darby Creek Superfund site.

Region 4

Grenada Star (Reggie Ross) [Received 2/2] – OPEN – Reporter requested more information about how increasing ventilation at the Facility will keep workers safe. DDL 2/2.

Grenada Star (Reggie Ross) [Received 2/1] – CLOSED 2/1 – Reporter requested copy of power point from public meeting on 1/31. Sent PDF of presentation.

WLBT 3/FOX 40 News in Jackson, MS (C.J. LeMaster) [Received 2/2] – OPEN – Reporter requested more information about levels of lead in drinking water that would be considered toxic waste. Also why there are no federal requirements for schools to test for lead. DDL 2/2.

The Mountaineer (Kyle Perrotti) [Received 2/2] – OPEN – Details about and likelihood of a funding proposal moving forward for flood protection in towns of Canton and Clyde in North Carolina. DDL 2/8.

Region 5

Flint Journal (Ron Fonger) [Received 2/1] – OPEN – Reporter requested information about materials being posted on EPA's Flint website.

Region 6

Electric Co-op Today (Derrill E. Holly, Senior Writer-Editor) [2/2] CLOSED, TESI facilities are now in compliance with Louisiana Department of Environmental Quality standards, but at least one consent decree administered by the U.S. Environmental Protection Agency remains in effect for affecting some or all of its former JP facilities in southwestern Louisiana. Status update.

Capstone, a DC-based policy analysis (Christina Pushaw) [2/2] OPEN, Want discussion with energy analyst, Victoria Moroney regarding induced seismicity in Oklahoma.

WBRZ (Melissa Moore) [2/2] OPEN, Is EPA investigating an oil spill involving a company called Metairie Energy in Iberville Parish, La.? DEQ says it apparently happened in August but wasn't reported properly and is now being cleaned up. Would appreciate anything you could tell us about EPA's involvement or about the scope of the spill and response.

Region 7

KOAM TV (Fox) Joplin, MO (Tim Spears) (Received 2/2) – CLOSED -- Was EPA involved in the response to an oil spill in Allen County, Kan., this past Saturday? If not, when does EPA become involved in these kinds of responses?

Region 8

No new inquiries.

Region 9

Farmington Daily Times (Noel Smith) [Received 2/1] – OPEN – Reporter inquiring about land leased by Navajo Nation to Pumpkin Patch Fundraisers, Inc., wants to verify that Pumpkin Patch was cited by EPA for improper use of pesticides. DDL 2/3.

Southern California Public Radio (Emily Guerin) [Received 2/1] – CLOSED – Reporter wants to know whether EPA is still planning on taking up California's South Coast Air Quality Management District's petition for a federal low NOx standard for heavy duty trucks. Referred to HQ OPA. DDL 2/2.

Region 10

KUAC Fairbanks AK Public Radio, (Dan Bross) 02/01, CLOSED - What can EPA say about a citizen complaint filed against Aurora Energy near Fairbanks? Can't comment on enforcment actions, if any public info. becomes available, will let him know.

Radio Boise, 02/01, OPEN – Invited Idaho Operations Office Director to be interviewed on 2/22 along with the City of Boise rep. to talk about highly successful Dixie Drain phosphorus removal project on the Lower Boise R.

KING 5 Seatte (Ted Land), 02/02, OPEN, Trying to find out what kind of on-the-ground climate change monitoring is happening in Washington state right now,. What is EPA doing to track climate change? Does EPA have sensors or equipment in the state which are gathering data on climate change? DDL Friday, 2/3

Top Stories

epa.bulletinintelligence.com.

http://www.nwitimes.com/news/local/lake/east-chicago-residents-ask-to-meet-with-holcomb-during-visit/article_ad71a33d-3605-5cca-8ee9-a33a4194f13e.html

East Chicago residents ask to meet with Holcomb during visit
http://www.reuters.com/article/us-usa-trump-epa-idUSKBN15H1ZF?il=0

Senate panel advances Trump EPA chief pick over Democrat's boycott

https://www.politicopro.com/energy/whiteboard/2017/02/barrasso-parliamentarian-blessed-maneuver-to-approve-pruitt-without-dems-083297

Barrasso: Parliamentarian blessed maneuver to break Dem blockade of Pruitt

http://www.eenews.net/greenwire/2017/02/02/stories/1060049462

"Transitions are always tough' – Trump spokesman

http://www.eenews.net/greenwire/2017/02/02/stories/1060049455

Despite Dem no-shows, Barrasso pushes Pruitt vote to floor

http://www.eenews.net/greenwire/2017/02/02/stories/1060049439

1,700 residents file lawsuit against EPA

https://www.nytimes.com/2017/02/02/us/politics/scott-pruitt-epa-senate.html

Scott Pruitt, Trump's E.P.A. Pick, Is Approved by Senate Committee

http://hosted.ap.org/dynamic/stories/U/US_SENATE_TRUMP_CABINET?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

GOP Senators Move Trump EPA Pick Ahead As Dems Boycott Vote

https://www.washingtonpost.com/news/energy-environment/wp/2017/02/02/senate-republicans-suspend-committee-rules-to-approve-trumps-epa-nominee/?utm_term=.c8746818d6e5

Senate Republicans suspend committee rules to approve Scott Pruitt, trump's EPA nominee

http://www.npr.org/2017/02/02/513028085/senate-republicans-bypass-another-boycott-by-democrats-to-advance-epa-nominee

Senate Republicans Bypass Another Boycott By Democrats to Advance EPA Nominee

http://bigstory.ap.org/article/26472bcd096a4adabcf638c097ba2029/republicans-rewrite-committee-rules-send-trumps-pick-epa

Republican rewrite committee rules to send Trump's pick for EPA chief to floor vote after Democrats boycott meeting

http://thehill.com/policy/energy-environment/317515-gop-changes-rules-to-push-through-epa-pick-despite-dem-boycott

GOP suspends rules to push through EPA pick despite Dem boycott

http://hosted.ap.org/dynamic/stories/U/US_SUPREME_COURT_GORSUCH_MOTHER?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

Gorsuch Schooled In Ways of Washington When His Mom Led EPA

http://www.reuters.com/article/us-usa-congress-epa-idUSKBN15G4YK

Trump's EPA pick vote delayed in boycott by Senate Democrats

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=104954031&vname=dennotallissues&wsn=499117000&searchid=29282150&doctypeid=2&type=date&mode=doc&split=0&scm=1245&pg=0

Gorsuch Could (But Might Not) Spell Trouble for Environmental Rules

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=104954036&vname=dennotallissues&wsn=499116000&searchid=29282150&doctypeid=2&type=date&mode=doc&split=0&scm=1245&pg=0

'Making EPA Great Again' Is Stated Aim of House Science Panel

http://thehill.com/business-a-lobbying/317472-battle-over-epa-pick-is-big-business

Battle over EPA pick is big business

http://www.politico.com/magazine/story/2017/02/epa-trump-environmental-policy-gina-mccarthy-worried-214728

How Worried Should Environmentalists Be About Trump?

http://www.eenews.net/eedaily/2017/02/02/stories/1060049408

Republicans reschedule Pruitt vote after Democrat's boycott

http://www.eenews.net/climatewire/2017/02/02/stories/1060049431

Dems plan 2nd Pruitt boycott, but will it matter?

http://www.huffingtonpost.com/entry/abolish-the-epa-a-one-way-ticket-to-toxic-air-poisoned-water_us_5892bfe0e4b0bf5206e631e2

Abolish the EPA? A One-Way Ticket To Toxic Air, Poisoned Water

http://www.reuters.com/article/us-usa-epa-lawsuit-trump-idUSKBN15G58B

EPA illegally yanked mercury rule after Trump inauguration: lawsuit

https://www.theguardian.com/us-news/2017/feb/02/donald-trump-plans-to-abolish-environmental-protection-agency

Donald Trump 'taking steps to abolish Environmental Protection Agency'

http://www.eenews.net/eenewspm/2017/02/01/stories/1060049390

House panel targets reforms at EPA, DOE

http://www.eenews.net/eenewspm/2017/02/01/stories/1060049397

Killing Clean Power Plan won't be easy – McCarthy

Top Issues and Accomplishments

The U.S. Senate Environment and Public Works Committee temporarily suspended rules today to approve Oklahoma Attorney General Scott Pruitt, President Donald Trump's choice to lead the Environmental Protection Agency.

To: Flynn, Mike[Flynn.Mike@epa.gov]; Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]
From: Grantham, Nancy
Sent: Sun 2/5/2017 1:56:11 AM
Subject: FW: WH Comms Report for February 3
COMMS REPORT TEMPLATE v2 (003) (002).docx

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy **mobile)**

From: Grantham, Nancy
Sent: Friday, February 03, 2017 6:05 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: WH Comms Report for February 3

Please let me know if you have any questions.

Thanks ng

Environmental Protection Agency

WASHINGTON

February 3, 2017

DAILY COMMUNICATIONS REPORT

TO: White House Cabinet Affairs Communications

FROM: John Konkus

SUBJECT: Communications Update

Inquiries

HQ

AP (Michael Biesecker) [Received 2/2] – CLOSED 2/3 – Sent latest grants/contracts statements. Wrote that the review is complete.

Bloomberg BNA (received 2/3) (Stephen Joyce) – CLOSED 2/3 – Asking about a R5 letter about a potential MI superfund site, and the process for listing. Region looped.

FairWarning (received 2/3) (Daniel Ross) – OPEN – Follow up questions on Monitored Natural Attenuation. With FedFacilities. DDL COB 2/9.

Government Executive Media Group (Charles S. Clark) [Received 2/3] – OPEN – requested comment on Cause of Action Institute release about their agency employee use of "Signal" app. DDL 2/3

Huffington Post (Chris D'Angelo) [Received 2/3] – OPEN – Seeking comment on House bill to repeal fed climate change regs.

Mashable (Andrew Friedman) [Received 2/3] – CLOSED 2/3 – Asked about changes to EPA climate website. Sent statement.

National Geographic (Matt Greshko) [Received 2/3] – OPEN – Changes to tribal assistance environmental program web pages – questions sent to Press Box – DDL COB 2/3

National Geographic (Michael Greshko) [Received 2/3] – OPEN – Asked if any action has been taken by new administration to change enforcement or begin repeal of Waters of the US rule. DDL 2/6

Newshour (Kristin Hugo) [Received 2/3] – OPEN – Follow-up questions on planned agency assistance to tribal nations under new administration - awaiting reporter's deadline

Scrap magazine (received 2/3) (Katie Pyzyk) – OPEN – Looking for updated e-waste stats. With ORCR. DDL 2/8.

Wall Street Journal (Daniela Hernandez) [Received 2/3] – OPEN – Story about scientists, librarians and engineers organizing events to download data from fed websites – their efforts and uses of the data. DDL 2/3

Williamsport Sun-Gazette (received 2/2) (Mike Reuther) – OPEN – asking about federal solid

waste regs regarding oil and gas exploration. DDL was yesterday. With JV for review.

Wired (Eric Niiler) [Received 2/2] – OPEN – Qs re EPA scientific integrity policy. 2/3

Region 1

None

Region 2

El Nuevo Dia (Gerardo E. Alvarado Leon) [Received 2/2] – OPEN – Carmen may do interview with reporter on AES and coal ash. DDL.

Law360 (Stan Park) [Received 2/2] – CLOSED 2/3 – Judge reportedly threw out FMC's suit against EPA re: cleanup of FMC. Referred reporter to the Department of Justice. DDL.

WAMC/NY (Lucas Willard) [Received 2/2] – CLOSED 2/3 – Radio interview with OSC Don Graham and CIC Larisa Romanowski regarding site status of Rickett's Dry Cleaning removal site. DDL.

Region 3

Bloomberg BNA (Leslie Pappas) -- CLOSED 2/3 -- Looking for Documents related to criminal sentencing of International Petroleum Corp. of Wilmington Del.

Pittsburgh Tribune-Review (Theresa Clift) -- CLOSED 2/3 -- Working on a story about lead levels in PWSA drinking water and wondering if the "EPA action level" kicks in at 15 or 15.1 ppb; If a water authority tests exactly at 15, are they in exceedance of the threshold.

Pittsburgh Post-Gazette (Don Hopey) -- CLOSED 2/3 -- Follow-up questions on Dec. 30 EPA letter which outlines water program issues at PADEP.

Region 4

Pensacola News Journal (Fla.) (Joe Baucum) [Received 2/2] – CLOSED – Request for number of employees in Region 4. Sent the number.

University of Florida Journalism student (Fla.) (Claudia Perez Brito) [Received 2/3] - CLOSED – Requested information on sustainability. Sent a link to the EPA website.

WLBT 3/FOX 40 News in Jackson, MS (C.J. LeMaster) [Received 2/2] – CLOSED – Reporter requested more information about levels of lead in drinking water that would be considered toxic waste. Also why there are no federal requirements for schools to test for lead. DDL 2/2.

The Mountaineer (Kyle Perrotti) [Received 2/2] – OPEN – Details about and likelihood of a funding proposal moving forward for flood protection in towns of Canton and Clyde in North Carolina. DDL 2/8.

Grenada Star (Reggie Ross) [Received 2/2] – CLOSED – Reporter requested more information about how increasing ventilation at the Facility will keep workers safe. DDL 2/2.

Law 360 (Michael Phyllis) [Received 2/3] – OPEN – Environmental impact associated with indictment of Global Environmental Services case in Eastern District of Kentucky. DDL 2/3.

Region 5

Northwest Indiana Timez (Sarah Reese) [Received 2/3] - OPEN – Questions regarding lead pipes, corrosion control /drinking water issues in East Chicago. DDL 2/3

Center for Investigative Reporting (Ike Sriskandarajah) [Received 2/2] –OPEN -- Reporter wants

in-person interview on how EPA monitors air quality. Specific focus is a community science monitoring project in Chicago funded by an EPA-ORD grant. DDL 2/6

Region 6

None

Region 7

None

Region 8

None

Region 9

Freelance reporter (Beth Winegarner) [Received 2/1] – CLOSED 2/3 – Reporter is researching a possible article about Superfund sites in Silicon Valley and is wondering whether work at the sites will be delayed/frozen under the new administration. Provided HQ statement.

Buzzfeed (Jessica Garrison) [Received 2/2] - CLOSED 2/3 -- Reporter is researching ongoing litigation related to an oil spill case in Santa Barbara. Told reporter EPA does not comment on ongoing enforcement/litigation matters.

Point Reyes Light (Anna Guth) [Received 2/2] CLOSED 2/3 -- Reporter asked about recent multi-agency visit to Drakes Estero in Marin County, Calif., which included EPA and other state/federal agencies. Referred reporter to state water board, as California is the lead permitting/enforcement agency.

Region 10

KING 5 News, Seattle NBC affiliate (Allison Morrow), 02/02, OPEN, EPA reaction/EPA role re: Washington Environmental Council notice of intent to sue the U.S. Navy claiming the Navy needs a Clean Water Act for the in-water hull cleaning of an aircraft carrier at Puget Sound Naval Shipyard.

Fisherman's News and other publications (Margie Bauman), 02/03, OPEN, Attending Alaska Forum on the Environment, wants to talk w/someone about EPA position on Bristol Bay/Pebble Mine. Will relay that we have nothing to say, we don't have a confirmed EPA Administrator yet.

Top Stories

http://www.eenews.net/greenwire/2017/02/03/stories/1060049539

Watchdogs report changes in website climate information

http://hosted.ap.org/dynamic/stories/U/US_TRUMP_THE_LATEST?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

The Latest: Administration lifts its hold on EPA contracts

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=105030348&vname=dennotallissues&wsn=499087000&searchid=29294336&doctypeid=2&type=date&mode=doc&split=0&scm=1245&pg=0

Bill Gutting EPA Climate Authority Has 100-Plus GOP Co-Sponsors

http://bigstory.ap.org/article/d84e8dd2a74042ed8d9e864fdb59d069/house-poised-overturn-obama-rule-natural-gas-flaring

House votes to overturn Obama rule on natural gas 'flaring'

http://www.reuters.com/article/us-usa-congress-methane-idUSKBN15I27E?il=0

House repeals Obama rule on methane emissions on federal lands

https://www.nytimes.com/2017/02/03/opinion/sunday/protect-our-childrens-brains.html

Protect Our Children's Brains

http://thehill.com/policy/energy-environment/317739-house-votes-to-overturn-obama-oil-and-gas-rule

House votes to overturn Obama drilling rule

http://www.seattletimes.com/seattle-news/politics/state-senator-defends-trump-transition-job-jabs-at-democratic-critics/?utm_source=referral&utm_medium=mobile-app&utm_campaign=ios

State Sen. Ericksen defends second job in Trump transition, jabs at Democratic critics

https://www.bloomberg.com/news/articles/2017-02-02/senate-votes-to-reverse-obama-era-coal-rule-sends-to-trump

Obama Coal-Pollution Rule is Poised to Be First Undone by Trump

http://www.climatecentral.org/news/epa-climate-web-pages-change-21133

The EPA Has Started to Remove Obama-era Information

http://www.eenews.net/energywire/2017/02/03/stories/1060049488

Westermers fear GOP's 'morally outrageous' BLM rule rollback

http://www.businessinsider.com/trump-obama-epa-court-2017-2

The Trump administration could end up defending an Obama-era EPA rule in court

http://www.forbes.com/sites/kensilverstein/2017/02/03/will-undoing-the-stream-protection-rule-really-help-coal/#7561135de785

Will Undoing The Stream Protection Rule Really Help Coal

http://www.usatoday.com/story/news/politics/2017/02/03/obliterating-epa-would-create-chaos-experts-say/97435950/?utm_source=feedblitz&utm_medium=FeedBlitzRss&utm_campaign=usatoday-newstopstories

Obliterating EPA would create chaos, experts say

http://www.reuters.com/article/usa-congress-regulations-idUSL1N1FN1WQ

Coal rule killed by U.S. Congress, others near chopping block

http://bigstory.ap.org/article/2bf3c3e7d96c44d69c5db1f2e47a3292/court-revives-suit-over-government-pesticide-approvals

Court revives suit over government pesticide approvals

http://thehill.com/policy/energy-environment/overnights/317663-overnight-energy-congress-does-away-with-obama-coal

Overnight Energy: Congress does away with Obama coal mining rule

http://www.eenews.net/eenewspm/2017/02/02/stories/1060049482

Congress kills landmark Obama coal mining rule

Top Issues and Accomplishments

Established database to track external facing events across EPA HQ Program Offices and the 10 EPA Regional Offices. The system will enable us to have real-time situational awareness of potential media interest across the country.

To: Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Hull, George[Hull.George@epa.gov]
Cc: Hautamaki, Jared[Hautamaki.Jared@epa.gov]
From: Minoli, Kevin
Sent: Fri 2/3/2017 3:38:03 AM
Subject: OGC's Weekly Report

OGC Weekly Report

Notable Items for the Week of January 30, 2017

Ex. 5 - Attorney Client

Notable Items for the Week of February 6, 2017

Key Litigation Decisions & Deadlines (Note: (req) indicates date DOJ requested EPA's input/decision)

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

typewriter in Carla's bay.

To: Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Hull, George[Hull.George@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Kaplan, Robert[kaplan.robert@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]
From: Nishida, Jane
Sent: Thur 2/2/2017 10:14:20 PM
Subject: OITA Weekly Report

National Tribal Caucus (NTC) Monthly Call

The NTC held their monthly call with OITA this week to discuss tribal program priorities. The NTC has a new leadership team which is currently focused on building stronger partnerships with the Environmental Council of States (ECOS) and the National Congress of American Indians (NCAI) as they prepare for upcoming meetings with the new Administration's transition teams. Recognizing the importance of the state-tribal relationship, members of the NTC are planning to contact the ECOS or state official in their respective state to open a dialogue with them. OITA has also contacted ECOS to arrange a conference call between the executive officers for ECOS and NTC in the next few weeks. In addition, the NTC executive officers would like to attend the April ECOS meeting in DC (if the budget allows). The NTC Chair will be sending a letter to the head of EPA's Transition Team which would share NTC's Transition Document identifying tribal priorities and would request a meeting with the new Administration. The NTC also plans to contact the new Tribal Policy Advisor to the White House to share their environmental priorities.

Local Environmental Observers (LEO) Network Expansion

The EPA LEO team (Region 10, OITA, ORD) gave a joint presentation about the development, operation, and growing success of the LEO Network for EPA's National Center for Environmental Research's Tribal Science Webinar Series. One of LEO founding architects at the Alaska Native Tribal Health Consortium also participated and help field great questions from the audience. The LEO Network provides a IT forum for discussion of the many local environmental issues facing many tribal and indigenous communities, and features a wide variety of experts and observers from government, academic institutions and other organizations, and tribal communities. The webinar was very successful and one audience member even inquired about how the public could donate and crowdsource to fund the LEO's rapid expansion in the U.S. and internationally. The latest international interest comes from the New Zealand Environmental Protection Agency who wants to start a LEO hub there and has requested a LEO webinar from the EPA LEO Team.

International Joint Commission (IJC) Meeting on Rainy-Lake of the Woods

Staff from the U.S. and Canadian federal governments met with the U.S.-Canada International Joint Commissions (IJC) to discuss the governments' strategy and next steps for the Rainy River-Lake of the Woods watershed (Minnesota/Ontario/Manitoba). Given the complexity of this watershed, addressing the environmental issues will require the involvement of a number of players - the IJC, federal governments, state/ provincial governments, and tribal governments on both sides of the U.S.-Canada border. The purpose of the meeting was to lay out the roles and responsibilities of each of these players. During earlier EPA internal discussions, it

Ex. 5 - Deliberative Process

First Preparatory Session for G7 Environment Ministers Meeting

OITA represented the USG at a working session this week to prepare for the G7 Environment Ministers Meeting scheduled for June 11-12 in Bologna, Italy. As part of its G7 Presidency, Italy has identified several ministerial meetings that it would like to hold including Agriculture, Health, Science and Environment. EPA has the lead for the Environment Track and works closely with the National Security Council and other Agencies to ensure a cohesive U.S. position. The purpose of this meeting was to discuss the priorities to be advanced in the Environment Ministers Communique which would be negotiated in advance and discussed at the Environmental Ministers Meeting in June. The topics that Italy would like to advance under its Presidency include marine litter, resource efficiency, green jobs, Sustainable Development Goals (SDGs), subsidies, financing and climate change. On the climate issues, EPA was in the listening mode, but noted we are in transition. Initial views on the other topics were exchanged at the meeting and Italy has requested written comments on a preliminary draft of the communique - OITA is coordinating with the relevant EPA offices and other Agencies to determine the nature of written comments that we should send forward.

To: Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
Cc: Reeder, John[Reeder.John@epa.gov]; Hull, George[Hull.George@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]
From: Dunham, Sarah
Sent: Thur 2/2/2017 10:08:13 PM
Subject: OAR Weekly report

This Week:

On Friday, Feb 3, the Federal Register will publish a notice that formally notified 15 states and the District of Columbia that they have failed to submit to EPA certain SIP elements for the 2008 ozone NAAQS. The notice was signed on January 13th and has been available on our website since, so the content of the notice should not be news. EPA is obligated to move forward with publication of the notice because it was signed as part of a consent decree, which included a stipulation that the notice be signed by January 19, 2017 and published 15 days later (February 3, 2017).

Upcoming:

On Feb 7th (in DC), several OAR staff and managers will be meeting with representatives from the United South and Eastern Tribes (USET), a Tribal Consortium representing 26 Native American Tribes from Maine to Florida to Texas. USET requested the meeting to learn more about OAR's climate and health resources.

On Feb 9th (in Pennsylvania), an OAR staff person will be attending a regional engagement workshop, one in a series planned across the country by the U.S. Global Change Research Program to facilitate broad stakeholder input for the forthcoming and congressionally mandated 4th National Climate Assessment (NCA).

The week of Feb 12 (by February 15), we plan to post on our website and announce through a Federal Register Notice the availability of (and take comment on) the draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2015. The document is an impartial, policy-neutral, annual report produced by the EPA on behalf of the U.S. Government, and serves as the official U.S. Government estimate for national-level emissions of greenhouse gases under the United Nations Framework Convention on Climate Change (UNFCCC). Publication by February 15th will ensure that EPA is able to provide a full 30-day comment period to external stakeholders, review and respond to comments received, and then finalize the report by April 15, 2017 (the due date for submittal to the UNFCCC).

To: Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]
From: Mugdan, Walter
Sent: Wed 2/1/2017 1:42:02 PM
Subject: FYI re: Region 2 Jan 31 All Employees Meeting
All Hands Talking Points - 1-31-17.docx

The meeting yesterday was very well attended, and people seemed quite appreciative. FYI, attached is a copy of the Talking Points I used, which were vetted by Eric, Mary and Rich. (I had drafted them before receiving the TPs we received from HQ – probably drafted by you – but (no surprise) they were very similar. Our TPs go into a bit more detail on a number of items.) In response to a request Rich shared this document with another regional ARA.

Also FYI, we had a number of inquiries (during and after the meeting) about what people can and cannot say in their capacity as private citizens, on social media and in other interactions. Below is a draft of an email that I expect to send out later today. (Mitch Cohen was principal draftsman.)

>>>>>>>>>>>>>>>>>>>>>>

Dear Colleagues,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

TALKING POINTS FOR R2 ALL HANDS MEETING ON JAN. 31

- **INTRODUCTION**

Ex. 5 - Deliberative Process

- **TRANSITION TEAMS**

Ex. 5 - Deliberative Process

- **HIRING FREEZE**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- **REGULATORY ACTIONS FREEZE/PAUSE**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- **CONTRACTS/GRANTS**

Ex. 5 - Deliberative Process

- **ENFORCEMENT**

Ex. 5 - Deliberative Process

- **PRESS/SOCIAL MEDIA**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- **ADVICE**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Hull, George[Hull.George@epa.gov]
From: Actadmmccabe, Catherine17
Sent: Sun 2/5/2017 8:17:17 PM
Subject: shortened version
Message to EPA staff 2.docx

Here's a slightly shorter and tighter version of the message you commented on earlier. Do you think we should do a video or just a mailer?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Hull, George[Hull.George@epa.gov]
From: Actadmmccabe, Catherine17
Sent: Sun 2/5/2017 5:25:16 PM
Subject: RE: Monday message
Message to EPA staff 2.docx

I just looked at the Science Integrity Policy and find the following pertinent language:

"[The policy] Prohibits all EPA employees, including scientists, managers, and other Agency leadership, from suppressing, altering, or otherwise impeding the timely release of scientific findings or conclusions.

The Agency will continue to expand and promote access to scientific information by making it available online in open formats in a timely manner, including access to data and non-proprietary models underlying Agency policy decisions."

I've added the reference at the end of the climate webpages para. – see attached revised version

From: Grantham, Nancy
Sent: Sunday, February 5, 2017 12:19 PM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>
Subject: Re: Monday message

Good idea - think referencing it is important

Sent from my iPhone

On Feb 5, 2017, at 12:17 PM, Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov> wrote:

> A thought – if the Science Integrity Policy addresses retention of data, we could simply add a reference to it at the end of the para. re climate webpages, following "Federal Records Act"

From: Grantham, Nancy
Sent: Sunday, February 5, 2017 12:08 PM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Hull, George <Hull.George@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: Monday message

Looks good – one question – we have gotten numerous media inquiries on the agency's scientific integrity policy – and whether it applies to transition employees – which it does –

The paragraph on the climate website – hints at science – don't know whether we want to mention the above issue as well

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy mobile)

From: Actadmmccabe, Catherine17
Sent: Sunday, February 05, 2017 12:05 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: Monday message

Here's latest draft, incorporating Mike's latest suggestions. Except that I haven't tried to shorten/ prep for speaking yet

From: Grantham, Nancy
Sent: Sunday, February 5, 2017 12:01 PM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Hull, George <Hull.George@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: Monday message

Thanks .. looking now -- agree on grants and contracts

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy **(mobile)**

From: Actadmmccabe, Catherine17
Sent: Sunday, February 05, 2017 10:23 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Monday message

Hi Nancy, George, Mike - Attached is a draft for my next message to all staff. Comments and suggestions welcome. I did not mention the grants and contracts issue – I think that's behind us.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Flynn, Mike[Flynn.Mike@epa.gov]
From: Actadmmccabe, Catherine17
Sent: Sun 2/5/2017 5:08:19 PM
Subject: RE: OGC's Weekly Report

Ex. 5 - Deliberative Process

From: Flynn, Mike
Sent: Sunday, February 5, 2017 12:07 PM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>
Subject: Fwd: OGC's Weekly Report

Ex. 5 - Deliberative Process Just want to make sure I remember correctly.

Acting Deputy Administrator

U.S. Environmental Protection Agency

(202) 343-9356

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: February 3, 2017 at 5:37:32 PM EST
To: "Flynn, Mike" <Flynn.Mike@epa.gov>
Subject: FW: OGC's Weekly Report

Ex. 5 - Deliberative Process

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Minoli, Kevin
Sent: Thursday, February 02, 2017 10:38 PM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Kenny, Shannon <Kenny.Shannon@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>
Cc: Hautamaki, Jared <Hautamaki.Jared@epa.gov>
Subject: OGC's Weekly Report

OGC Weekly Report

Notable Items for the Week of January 30, 2017

Ex. 5 - Attorney Client

Notable Items for the Week of February 6, 2017

Key Litigation Decisions & Deadlines (Note: (req) indicates date DOJ requested EPA's input/decision)

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

typewriter in Carla's bay.

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Hull, George[Hull.George@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Actadmmccabe, Catherine17
Sent: Sun 2/5/2017 5:04:47 PM
Subject: RE: Monday message
Message to EPA staff 2.docx

Here's latest draft, incorporating Mike's latest suggestions. Except that I haven't tried to shorten/ prep for speaking yet

From: Grantham, Nancy
Sent: Sunday, February 5, 2017 12:01 PM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Hull, George <Hull.George@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: Monday message

Thanks .. looking now -- agree on grants and contracts

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy **(mobile)**

From: Actadmmccabe, Catherine17
Sent: Sunday, February 05, 2017 10:23 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: Monday message

Hi Nancy, George, Mike - Attached is a draft for my next message to all staff. Comments and suggestions welcome. I did not mention the grants and contracts issue – I think that's behind us.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Hull, George[Hull.George@epa.gov]
From: Actadmmccabe, Catherine17
Sent: Sun 2/5/2017 4:41:16 PM
Subject: FW: Monday message
Message to EPA staff 2.docx

From: Actadmmccabe, Catherine17
Sent: Sunday, February 5, 2017 11:22 AM
To: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: Monday message

How's this? I liked and incorporated your suggestions. Any more tweaks?

From: Flynn, Mike
Sent: Sunday, February 5, 2017 11:09 AM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: Re: Monday message

Catherine,

Ex. 5 - Deliberative Process

A couple minor tweaks:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

thanks for great work on this!

mike

From: Actadmmccabe, Catherine17
Sent: Sunday, February 5, 2017 10:22 AM
To: Grantham, Nancy; Hull, George; Flynn, Mike
Subject: Monday message

Hi Nancy, George, Mike - Attached is a draft for my next message to all staff. Comments and suggestions welcome. I did not mention the grants and contracts issue – I think that's behind us.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Flynn, Mike[Flynn.Mike@epa.gov]
From: Actadmmccabe, Catherine17
Sent: Sun 2/5/2017 4:22:08 PM
Subject: RE: Monday message
Message to EPA staff 2.docx

How's this? I liked and incorporated your suggestions. Any more tweaks?

From: Flynn, Mike
Sent: Sunday, February 5, 2017 11:09 AM
To: Actadmmccabe, Catherine17 <Actadmmccabe.catherine17@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: Re: Monday message

Catherine,

Ex. 5 - Deliberative Process

A couple minor tweaks:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

mike

From: Actadmmccabe, Catherine17
Sent: Sunday, February 5, 2017 10:22 AM
To: Grantham, Nancy; Hull, George; Flynn, Mike
Subject: Monday message

Hi Nancy, George, Mike - Attached is a draft for my next message to all staff. Comments and suggestions welcome. I did not mention the grants and contracts issue – I think that's behind us.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Hull, George[Hull.George@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Actadmmccabe, Catherine17
Sent: Sun 2/5/2017 3:22:55 PM
Subject: Monday message
Message to EPA staff 2.docx

Hi Nancy, George, Mike - Attached is a draft for my next message to all staff. Comments and suggestions welcome. I did not mention the grants and contracts issue – I think that's behind us.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

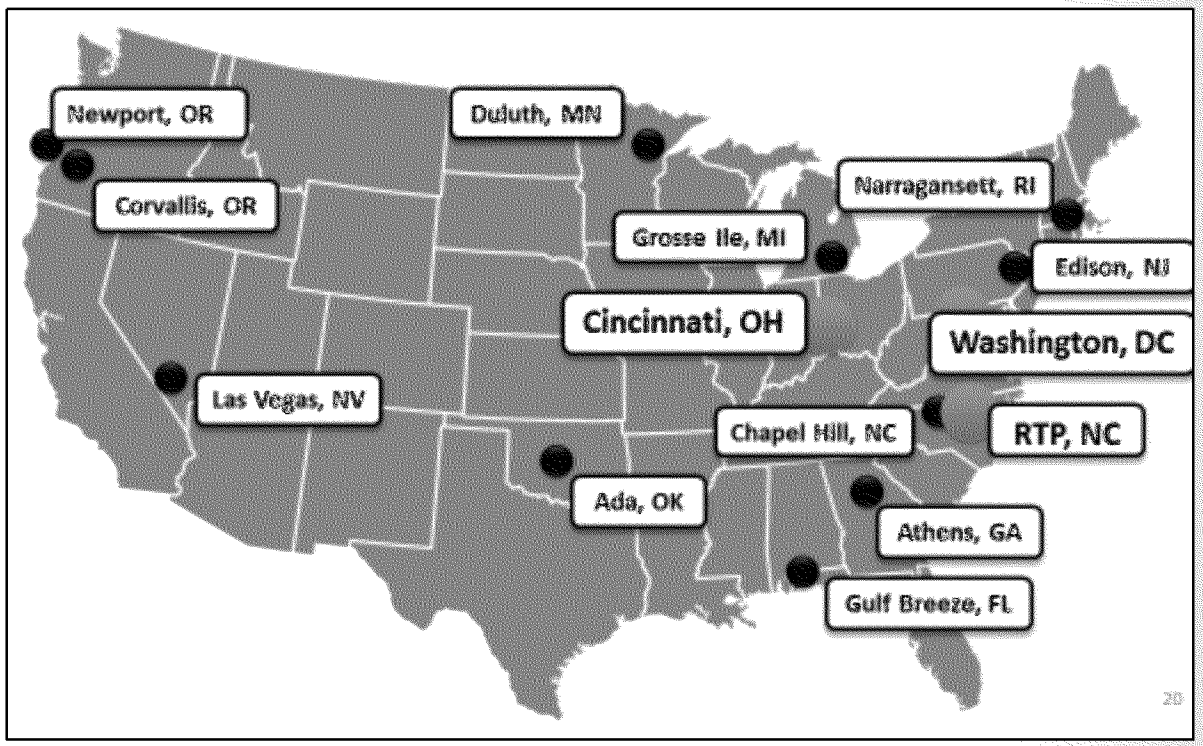
From: Benton, Donald
Location: Alm Conference Room
Importance: Normal
Subject: Briefing with Office of Research and Development (ORD)
Start Date/Time: Fri 2/3/2017 3:00:00 PM
End Date/Time: Fri 2/3/2017 3:45:00 PM
Transition Briefing FINAL.PDF

SCt: Denise Anderson, 564-1782

U.S. EPA's Office of Research and Development

Our Mission

Provide the science, technical support, technology, and tools to support EPA's mission to protect public health and the environment



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ORD Research

ORD provides the scientific foundation for EPA to execute its mandate to protect human health and the environment.

1. Longer Term Research: ORD conducts innovative and anticipatory research applied to a range of EPA program and regional needs in air, water, land, and homeland security to solve longer term major environmental challenges and provide the basis of future environmental protection.
2. Research on Specific Environmental Challenges: ORD experts provide research support to EPA program and regional offices, as well as states, tribes, and communities, to help them respond to contemporary environmental challenges.
3. Technical and Emergency Support Because of our expertise, local, state, and national officials come to us for technical support to respond to environmental crises and needs, large and small.

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Research Authorization

- EPA's research provides science that is mandated by several environmental laws including:
  - **Clean Air Act:** "shall establish a national research and development program for the prevention and control of air pollution."
  - **Safe Drinking Water Act**: "conduct research, studies, and demonstrations relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and other impairments of man resulting directly or indirectly from contaminants in water, or to the provision of a dependably safe supply of drinking water"
  - **Comprehensive Environmental Response, Compensation, and Liability Act:** "shall assure the initiation of a program of research designed to determine the health effects (and techniques for development of methods to determine such health effects) of such substance…and in combination with other substances with which it is commonly found."
  - **Toxic Substances Control Act:** "conduct such research, development, and monitoring as is necessary to carry out the purposes of this Act. The Administrator may enter into contracts and may make grants for research, development, and monitoring under this subsection."

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Science Advisor

Scientific Leadership

- Provide scientific advice to the Administrator on key issues

Scientific Integrity

- Ensure that the Agency's scientific work is of the highest quality and free from political interference or personal motivation

Peer Review

- Provide rigorous and thorough guidance on peer review to ensure that EPA's scientific and technical products go through open, transparent, and objective peer review

Human Subjects

- Assure the ethical conduct and regulatory compliance of human subjects research

Public Access to Data

- Ensure that EPA's scientific research is accessible to the public

Lab Enterprise Forum

- Coordinate Agency activities to support the effective and efficient use of laboratory resources to conduct high quality science

Innovation

- Promotes novel solutions to protecting human health and the environment through partnerships, challenges, and prizes.

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1. Longer TermResearch

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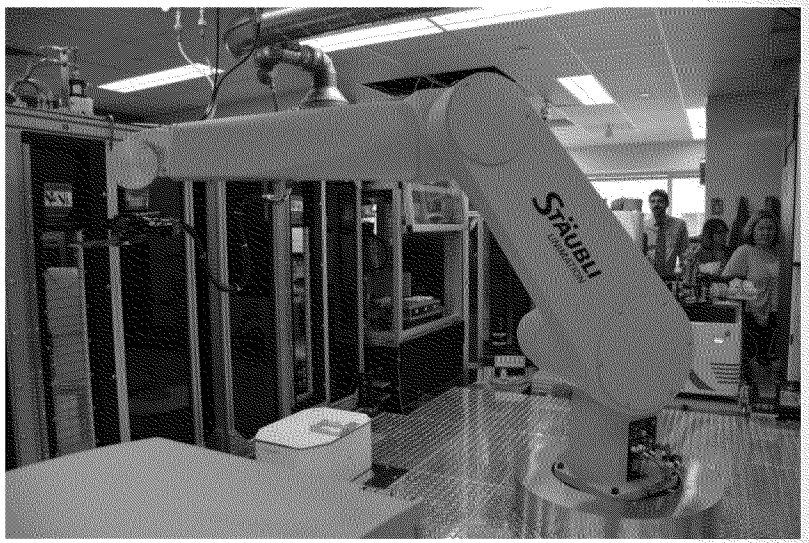
Chemical & Exposure Science

EPA'sComputational Toxicology research applies cutting-edge technologies to efficiently and economically evaluate the safety of thousands of chemicals currently in use.



Advances in chemical research include:

- **Rapid testing for chemical exposures** combined with EPA's toxicity data to prioritize chemicals based on their potential to cause health risks
- **"Non-targeted screening"** methods to identify which chemicals people are exposed to in indoor and outdoor environments to better understand health risks, as required by TSCA
- **Alternatives to animal-testing** that are faster and less expensive, aligning with new TSCA standards
- **Publicly available data and tools** for use by states, companies, and the scientific community
- **Tox21 partnership** with NIEHS, NIH, and FDA
- **Endorsed by recent NAS Report**, "Incorporating 21st Century Science in Risk-Based Evaluations"

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Homeland Security Research

- **ORD's Homeland Security Research Program** focuses on protecting water systems security, and remediating wide-area contamination incidents.
- For more than a decade, ORD has been assessing the best methods to identify and decontaminate threats from chemical, radiological, and biological agents.
- **Advances in decontamination research includes:**
  - Identification and testing of several anthrax decontamination technologies during the Bio-Response Operational Testingand Evaluation project, in partnership with the Department of Homeland Security.
  - Evaluation of decontamination techniques in real-world situations to measure the costs and effectiveness of each method, and the expense of managing waste from cleanup.
  - Determination of the best ways to bring a transportation system, like a subway, back to service following an event as part of the Underground Restoration Project where we worked with the Department of Homeland Security, the Department of Defense.

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Other Longer Term Research

- **Sensor Technology Research and Challenges**
  - Creating challenges, prizes, and other incentive-based strategies to find innovative, cost-effective solutions to environmental challenges, such as monitoring pollution
- **National Aquatic Resource Surveys**
  - Supporting assessments of the Nation's waterways and wetlands to compare their condition over time and to support States in managing their aquatic resources
- **Oil Spills Research**
  - Mitigating the effects of past and future oils spills by developing laboratory protocols for the National Contingency Plan Product Schedule, providing guidance on bioremediation following spills and demonstrating important factors for dispersion of oil into the water column
- **Enabling Local Decisions**
  - Developing tools and approaches to effectively translate science and communicate public health information to people affected by environmental challenges and hazards, such as wildfires
  - Developing tools to help communities understand how a decision, such as building new roads, will impact their local communities and environments
  - Conducting research to understand how ecosystems services, such as clean air and water, fertile soil, and flood control, interrelate with human health and well-being

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2. Research on Specific Environmental Challenges

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Small Drinking Water Systems

- **Small water systems** that serve less than 10,000 people make up 97% of the U.S. public drinking water systems. Many face enormous challenges in maintaining, replacing, and improving water distribution technologies due to a lack of technical expertise and financial resources.
- **EPA research** is providing information, tools, training workshops and webinars, and technical assistance to state, local, and utilities personnel so that they can reduce costs and deliver safe, clean drinking water.
- **Our monthly webinars** have trained over 17,000 people and provided over 9,000 continuing education certificates.
- **Examples of ORD's small systems research:**
  - Solutions for disinfection byproducts - the chemical, organic, and inorganic substances that can form when a disinfectant reacts with naturally-occurring organic matter in the water.
  - Solutions for sampling methods and water quality challenges for lead and copper contamination.
  - An ORD pilot study helped a small Iowa community reduce ammonia in their drinking water. As a result, they built a cost effective full-scale plant that meets their treatment goals.
  - ORD's small systems research has informed technical assistance in Sebring, Ohio and Flint, Michigan on lead issues and corrosion control, and national assistance with selecting lead free products (39,000 + downloads of assistance tool).

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Perfluorinated Chemicals

- Several communities are dealing with PFC contamination in soil and water: Hoosick Falls, NY; Joint Base Elmendorf Richardson in Anchorage, AK; and Wurtsmith Air Force Base in Michigan.
- Epidemiology studies indicate that PFCs can cause increased cholesterol levels, with more limited findings related to low infant birth weights, effects on the immune system, cancer, and thyroid hormone disruption.
- More than 1,000 different perfluorinated chemicals (PFC) are used in everyday products, including stain resistant materials, non-stick cookware, and firefighting foam.
- **ORD researchers are:**
  - studying the potential hazards of PFCs in the environment using cutting-edge technologies pioneered by our computational toxicology research
  - developing a standardized method for remediation of PFCs in groundwater, ambient water, soil, and sediment
  - developing robust analytical methods for ground, surface, and wastewater and for solids including soils, sediments, and biosolids

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Other Contemporary Activities

- **Harmful Algal Blooms**
  - Monitoring algal blooms and building an early warning indicator system for toxic and nuisance blooms
- **TSCA Implementation**
  - Providing research expertise to evaluate specific chemicals and framing broader assessment activities within timelines mandated by the new law
- **Integrated Risk Information System**
  - Enabling 21st century chemical evaluations
- **Integrated Science Assessments**
  - Creating evaluations and syntheses of the most policy-relevant science for reviewing the National Ambient Air Quality Standards
- **Climate Change**
  - Interpretation, assessments, and development of tools to respond to the changing environment
- **Environmental Contaminants**
  - Lead Exposure, Tire Crumb Research,Methyl Bromide

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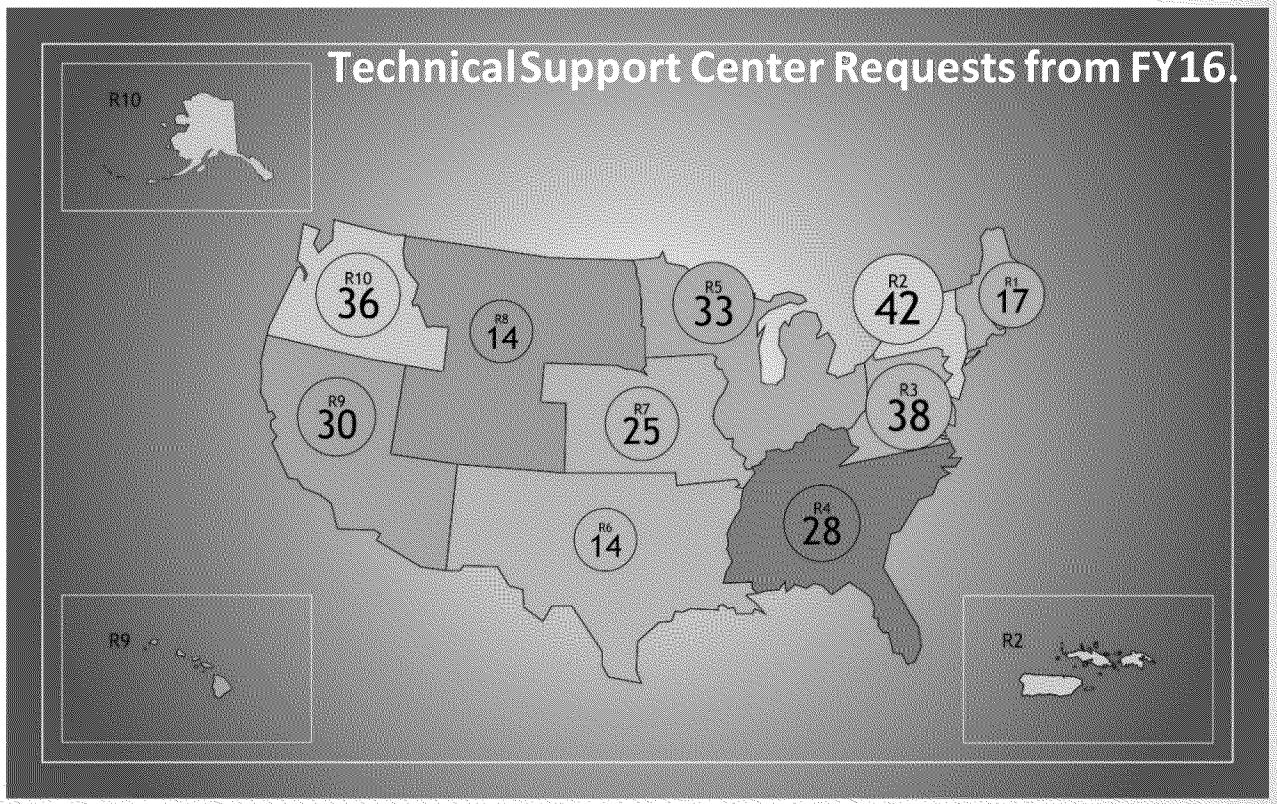
3. Technicaland Emergency Support

Technical Support Centers

- ORD has Technical Support Centers that respond to requests from EPA's program offices and regions at Superfund, Resource Conservation & Recovery Act (RCRA), and Brownfields sites.

- For example, in Holley, New York, a chemical company accidentally released a hazardous chemical mixture into the air, and residents reported health effects. ORD centers provided data that helped Region 2 make cleanup decisions.



Toledo Drinking Water Crisis

- In August 2014, Ohio EPA and the City of Toledo requested ORD's technical assistance to analyze drinking water for the presence of cyanobacterial toxins resulting in a harmful algal bloom.
- ORD helped identify the best approach for controlling cyanobacterial toxins in the treatment plant and the distribution system.
- Scientists provided rapid, crucial scientific assistance to inform the "Do Not Drink" order that the City of Toledoissued for approximately 500,000 people.
- We then provided critical information to the Mayor of Toledoand the Governor of Ohio to help them make the decision to lift the "Do Not Drink" order.

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Other Emergency Response

- **ReAChback for Emergency Response**
  - Quick-response scientific support capability to ensure coordinated, timely response to large-scale disasters
- **Corpus Christi, Texas Drinking Water Contamination**
  - Identified decontamination approaches to purge the drinking water systems of the contaminant
- **Flint, Michigan Drinking Water Crisis**
  - Developed sampling protocols and exposure risk assessment models for lead in drinking water, and distribution system monitoring for disinfectant and disinfection byproducts
- **Ebola Response**
  - Prepared for Ebola patients in U.S. by identifying decontamination methods for Personal Protective Equipment for health care workers, technical support for waste management, and the fate of the virus in wastewater
- **Gold King Mine**
  - Provided toxicity information and developed modeling for long-term monitoring
- **Elevating Critical Public Health Issues Policy**
  - Developed a process to allow staff to expedite the elevation of important issues

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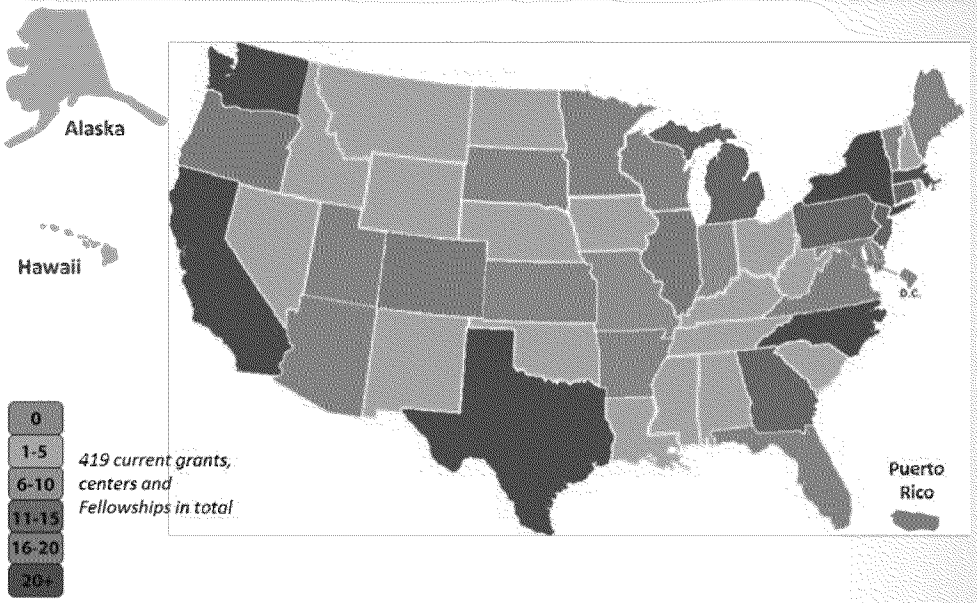
Extramural Research

Science to Achieve Results (STAR)

- EPA's STAR program funds research grants through a competitive selection process.
- STAR engages some of the nation's best scientists and engineers in research that complements EPA's own research.
- The map shows extramural research grants, centers, and Fellowships active in FY15.



Small Business Innovation Research (SBIR) Program

- Established by the Small Business Innovation Development Act of 1982, EPA's SBIR program provides critical early-stage capital for innovative small companies in the green tech arena.
- Since 1982, SBIR has supported 616 individual small businesses with 1,782 (1329 Phase Is, 453 Phase IIs) awards and around $186,000,000 in 46 states (as of 2016).
- A great SBIR success is the company Ecovative, which developed an innovative technique using mushrooms to create water-resistant, flame-retardant, compostable, heat-trapping insulation that is as strong as concrete by weight.

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Critical Issues

- Chemical Evaluations
- Clean and Safe Drinking Water
- Relationship with ECOS
- Title 42
- Facilities

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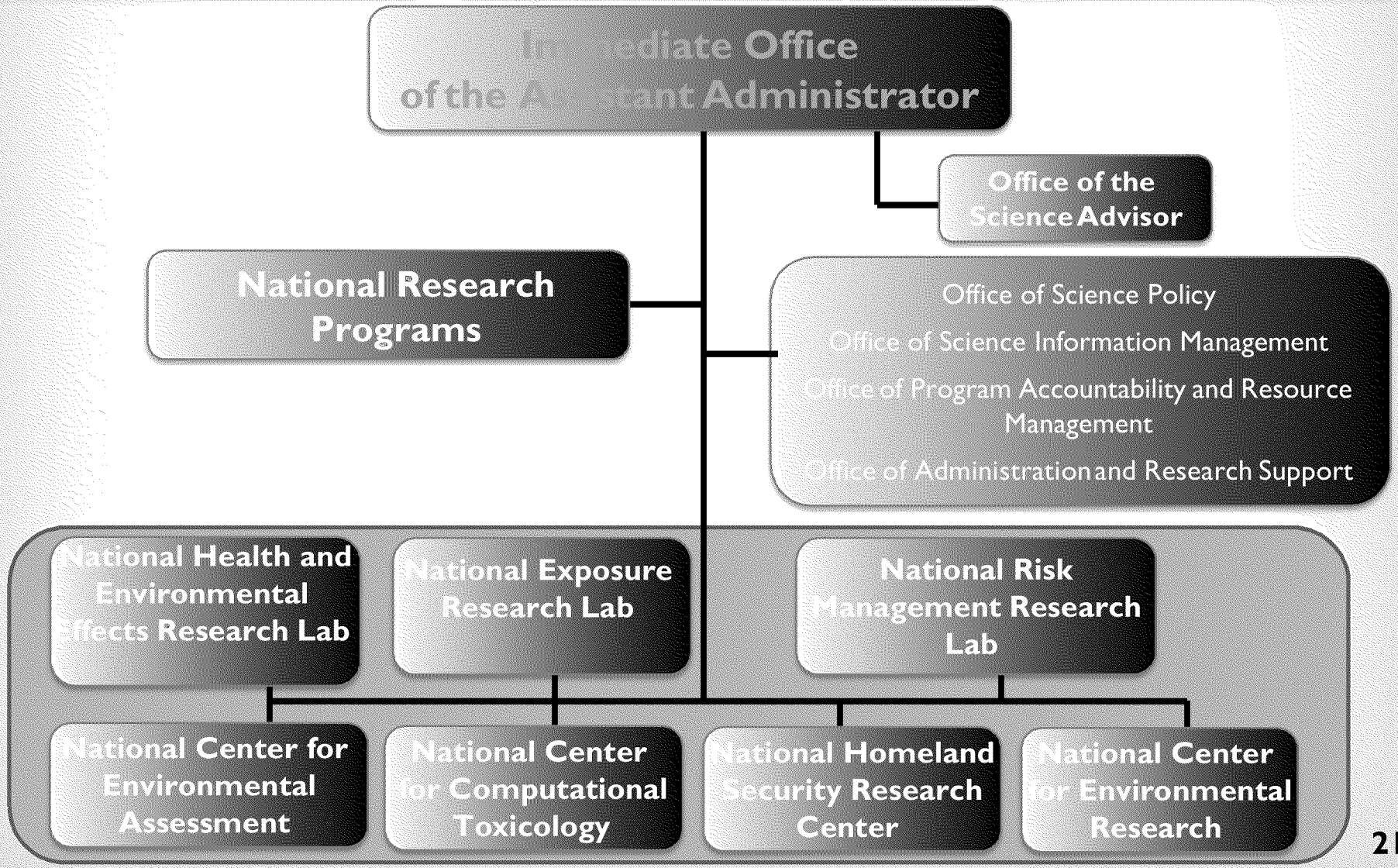
Appendix

ORD Organizational Chart



Scientific Integrity

- To ensure that the Agency's scientific work isof the highest quality and free from political interference or personal motivation.
- The Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.
- EPA's Scientific Integrity Policy provides a framework to promote scientific and ethical standards and to create a proactive culture to support them.
- The Policy applies to all EPA employees including contractors, grantees, collaborators, and student volunteers.
- The Policy works in conjunction with policies and procedures for addressing research misconduct, information quality, quality assurance, and peer review. The Policy also works in conjunction with statutes such as the Freedom of Information Act and Federal Advisory Committee Act.

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Peer Review At EPA

- **Peer review ensures that all Agency actions are supported by sound science.**
- **EPA's Peer Review Handbook**
  - EPA's Peer Review Handbook provides a rigorous and thorough guidance on peer review. It ensures that EPA's scientific and technical products go through open, transparent, and objective peer review.
- **Board of Scientific Counselors (BOSC)**
  - The BOSC evaluates and provides information and recommendations about ORD research programs. The BOSC is made up of academia, industry/business, federal, state and local governments, non-governmental and environmental organizations, research laboratories, and other relevant entities.
- **Influential Scientific Information (ISI) and Highlight Influential Scientific Assessments (HISA)**
  - OMB has additional requirements for scientific products they define as "influential scientific information" or "highly influential scientific assessments."
  - These requirements include publicly posting the Peer Review Agenda to ensure transparency.

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Human Subjects Research

- Human subjects research is any research that systematically collects data or information about living individuals with the intent of developing or adding to generalizable knowledge.
- At EPA, this can include activities like fish consumption surveys, questionnaires on household practices, or analysis of biological samples.
- EPA's human research ethics oversight supports the ethical conduct and regulatory compliance of human subjects research conducted or supported by the EPA.
- EPA follows The Common Rule, a regulation which governs human subjects research conducted or supported by 19 federal departments and agencies, including HHS, DOD, and CPSC.
- EPA also has very a thorough approval process and rigorous guidelines that exceed what is required by universities, industry, and other government agencies.
- The people involved in human subjects research are also protected through the informed consent process, which requires participants to give their fully informed consent before taking part in any human subjects research carried out by the Agency.
- EPA researchers are subject to federal and state laws that protect the privacy and confidentiality of research participants, research data, and subjects' medical and personal information.

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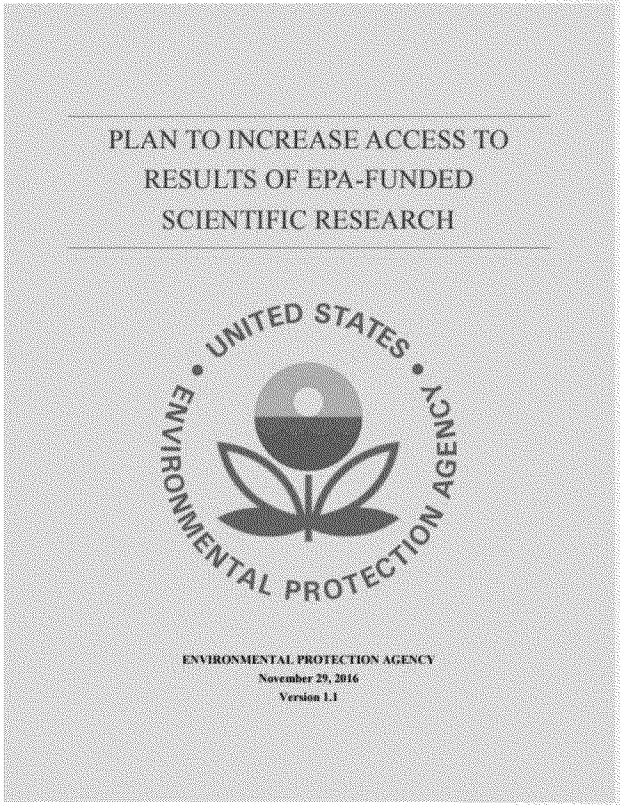
Public Access to Data

- Federally-funded scientific research should be available to the public, the scientific community, and industry to the greatest extent feasible consistent with applicable law.
- The more EPA can inform the above parties, the better it can work together with major partners, such as states, tribes, other agencies, and the public to meet our common goals.
- EPA has a long history of collaboration in scientific research and is a leader in providing access to environmental information. Open access helps our partners, such as states and tribes, make more informed decisions for their communities.
- EPA's Plan ensures that peer-reviewed publications in scientific journals and related digital scientific research data are accessible to the public.


PLAN TO INCREASE ACCESS TO RESULTS OF EPA-FUNDED SCIENTIFIC RESEARCH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROTECTION AGENCY
November 29, 2016
Version 1.1

https://www.epa.gov/open/plan-increase-access-results-epa-funded-scientific-research

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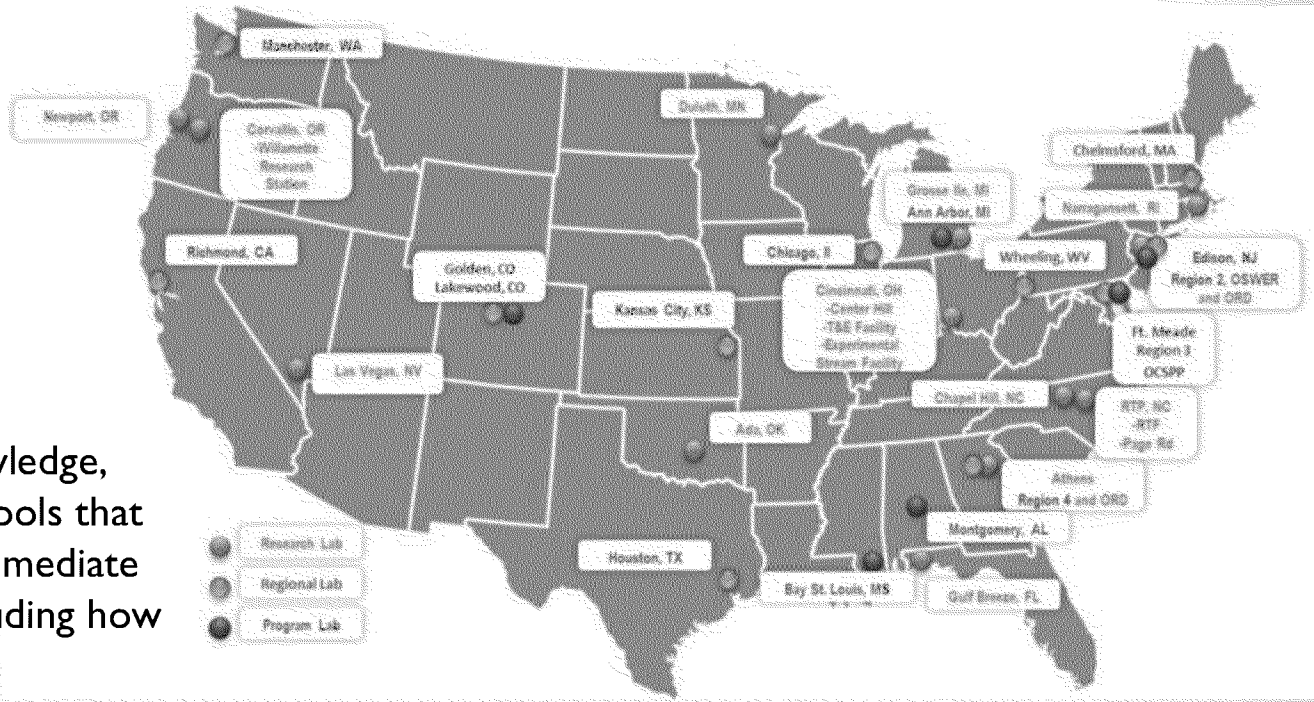
Laboratory Enterprise

- EPA's Science Advisor is responsible for coordinating Agency activities to support the effective and efficient use of laboratory resources to conduct high quality science.
- EPA has three different types of labs: program, regional, and research.
- Regional labs provide data to support decisions by Regional environmental programs, address needs of states and tribes, and help inform decisions on emergency response, compliance, and enforcement.
- Program labs help EPA programs respond to Congressional legislation, typically supporting EPA decisions on national regulations, compliance, or enforcement.
- Research labs develop knowledge, assessments, and scientific tools that help the country address immediate and longer-term issues, including how to respond to emergencies.



To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Info CEC
Sent: Fri 2/3/2017 8:26:49 PM
Subject: Join CEC advisory committee meeting on reducing food and organic waste streams

To view hosted version, click here View it in our website: www.cec.org

CEC
Event

Join CEC advisory committee meeting on reducing food and organic waste streams

Registration now open: *Come to Tuxtla Gutiérrez, Chiapas, Mexico, or join via live webcast*

Montreal, 3 February 2017—On 23 March 2017, the CEC's Joint Public Advisory Committee invites you to join their public meeting, virtually or in-person, to discuss challenges and opportunities for Reducing and managing food and organic waste streams in North America.

Canada, Mexico and the United States produce an immense and increasing amount of food waste, intensifying the impacts of agricultural production, taxing food delivery systems, and increasing the release of methane gas—a greenhouse gas that is

March 2017

23

The JPAC meeting is open to the public and free of charge! View the full agenda

over 20 times more potent than carbon dioxide.

Here are some quick statistics on food waste in North America:

- In 2012, organic waste accounted for about 63% of municipal solid waste disposed in landfills in the United States.
- In Canada, approximately 33 million tons of residential and non-residential waste were generated in 2010, of which about 76% was disposed of, mostly in landfills, while only about 16% was diverted to productive use.
- In Mexico in 2011, about 5% of the total waste stream was directed to recycling or composting, with the remaining 95% of the waste stream disposed in landfills.

Register today to participate in the discussion about

REGISTER

online at
www.cec.org/JPACTu

Participate online

Use the hashtag #JPACTuxtla and watch on Facebook Live (**www.facebook/cecco** or at **www.cec.org/webcast** **where you can submit questions and send comments to the moderator.**

About the CEC

The Commission for Environmental Cooperation (CEC) is an intergovernmental organization that supports the cooperative environmental agenda of Canada, Mexico and the United States to green North America's economy, address climate change by promoting a low-carbon economy, and protect its environment and the health of its citizens. The CEC is composed of three bodies: a Council, representing the governments of the three member countries, a Joint Public Advisory Committee (JPAC) that advises the Council and serves as a liaison with the public, and a Secretariat that supports the Council and JPAC and prepares independent reports. The CEC brings together governments, civil society, and businesses to develop innovative North American solutions to global environmental challenges. Find out more at: www.cec.org.

CEC initiatives are undertaken with the financial support of the Government of Canada, through Environment and Climate Change Canada; the Government of the United States of America, through the Environmental Protection Agency; and the Government of the United States of Mexico, through the Secretaría de Medio Ambiente y Recursos Naturales.

Follow the CEC

Commission for Environmental Cooperation
393 Saint-Jacques Street West
Suite 200
Montreal, QC H2Y 1N9
Canada

Add us to your address book

This newsletter was sent to mccabe.catherine@epa.gov from Commission for Environmental Cooperation.

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Unsubscribe from this list | Update subscription preferences | View email in browser

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Info CEC
Sent: Wed 2/1/2017 6:59:13 PM
Subject: Winners of the Make #NotWasting Food a Way of Life video contest announced

To view hosted version View it on our website:

CEC News

Winners of the Make #NotWasting Food a Way of Life video contest announced

Watch and learn from the countless ways North Americans are tackling food waste at: www.notwasting.com

Montreal, 1 February 2017—The Commission for Environmental Cooperation (CEC) and the UN Environment North America Office have recognized entrants from across North America who demonstrated innovative, impactful and effective approaches to reducing food waste and loss:

- Brianne Miller, Zero Waste Market, Vancouver, Canada
- Daniel Alejandro García Rodríguez, *Grupo Ambiental Ola Verde - Instituto Tecnológico de Colima*, Colima, Mexico
- Laura Jellum, Food Forward, Los Angeles, United States

Each winner has been invited to present their initiative at the inaugural North American Workshop on Food Waste Reduction and Recovery in Toronto, Canada. The conference is being hosted by the CEC and runs from February 28 to March 2, 2017.

"With over one-third of all food wasted globally, the groundswell of food waste reduction efforts underway across North America is very encouraging. Immediate action is necessary if we want to reach the Sustainable Development Goal to halve food waste globally by 2030," said Patricia Beneke, UN Environment Regional Director for North America.

"We thank everyone who shared their efforts. They are living proof that nutritious and abundant food for everyone doesn't have to come at the expense of the environment. Their efforts have tremendous impacts on their communities, help keep food out of landfills and ultimately succeed in reducing food waste in North America," said César Rafael Chávez, Executive Director, Commission for Environmental Cooperation.

The esteemed panel of North American judges who evaluated the video submissions include:

- Malcolm Brodie, Chair of the Canadian Zero Waste Council and Mayor of the City of Richmond, British Columbia
- Marzena Gersho, Director, Communications and National Programs, Food Banks Canada
- César Rafael Chávez, Executive Director, Commission for Environmental Cooperation
- Hilda Esthela Flores Escalera, Senator, Mexican Legislature
- Dana Gunders, Senior Scientist, Food and Agriculture Program, National Resources Defense Council
- Patricia Beneke, Regional Director, UN Environment North America Office

The judges would also like to recognize those videos that deserve honorable mention, due to their excellent portrayal of the food waste and recovery issue in North America:

- National Zero Waste Council, Canada
- *La Tablée des Chefs*, Canada
- Unilever, Mexico
- "Uso de Lactosuero", Mexico
- Foodfully App, United States
- John Green Elementary School, United States

To view all videos and for more information on the *Make #NotWasting Food a Way of Life* contest, visit www.notwasting.com. For more information on the CEC's *North American Initiative on Food Waste Reduction and Recovery* and its upcoming workshop, visit www.cec.org/FoodWasteWorkshop.

Follow UN Environment on Facebook (www.facebook.com/RONA.UNEP) and Twitter (@UNEPRONA).

Follow the Commission for Environmental Cooperation on Facebook (www.facebook.com/CECconnect) and Twitter (@CECweb).

Contacts:

Megan Ainscow, Acting Manager, Communications, CEC:
(514) 350-4372
mainscow@cec.org

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About the CEC

The Commission for Environmental Cooperation (CEC) is an intergovernmental organization that supports the cooperative environmental agenda of Canada, Mexico and the United States to green North America's economy, address climate change by promoting a low-carbon economy, and protect its environment and the health of its citizens. The CEC is composed of three bodies: a Council, representing the governments of the three member countries, a Joint Public Advisory Committee (JPAC) that advises the Council and serves as a liaison with the public, and a Secretariat that supports the Council and JPAC and prepares independent reports. The CEC brings together governments, civil society, and businesses to develop innovative North American solutions to global environmental challenges. Find out more at: www.cec.org.

CEC initiatives are undertaken with the financial support of the Government of Canada, through Environment and Climate Change Canada; the Government of the United States of America, through the Environmental Protection Agency; and the Government of the United States of Mexico, through the Secretaría de Medio Ambiente y Recursos Naturales.

Follow the CEC

Commission for Environmental Cooperation
393 Saint-Jacques Street West
Suite 200
Montreal, QC H2Y 1N9
Canada

This newsletter was sent to mccabe.catherine@epa.gov from Commission for Environmental Cooperation.

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To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: ACOEL
Sent: Wed 2/1/2017 5:58:45 PM
Subject: [ACOEL.org] - Paris: Should We Stay or Should We Go?

Paris: Should We Stay or Should We Go?
Posted by Eugene Trisko
The Paris Agreement reached at the 21st Conference of the Parties (COP-21) to the 1992 UN Framework Convention on Climate Change is a tobacco-style mass tort settlement cloaked as a global agreement to control greenhouse gases. Remaining in or departing the agreement involves a host of complex diplomatic, economic, and environmental issues....
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ACOEL
American College of Environmental Lawyers
1730 M Street NW Suite 700
Washington, DC 20036

American College of Environmental Lawyers, The ACOEL, is a professional association of lawyers distinguished by experience and high standards in the practice of environmental law, ethics, and the development of environmental law.

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Georgetown Climate Center
Sent: Fri 1/27/2017 9:22:06 PM
Subject: Preserving Federal Adaptation Resources; Upcoming RGGI Webinar

The Georgetown Climate Center has been working to preserve federal adaptation resources since Nov.; join us for an upcoming RGGI webinar...

News and Updates

Preserving Federal Adaptation Resources

In recent years, the federal government has developed a wealth of resources and data to help communities prepare for climate change impacts. The Georgetown Climate Center is working to preserve and share adaptation resources to support efforts at the state and local level.

The Georgetown Climate Center began working in November to archive and update all federal adaptation resources in our Adaptation Clearinghouse. The Center is also developing a page in the Clearinghouse to make it easy to find all archived federal resources in one place.

Below are some examples of federal adaptation resources that have been preserved and made available in the Adaptation Clearinghouse:

- Opportunities to Enhance the Nation's Resilience to Climate
- Memorandum for Executive Departments and Agencies: Strengthening Climate Adaptation Planning in Fiscal Year 2016 and Beyond
- CEQ Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews
- OMB Standards and Finance to Support Community Resilience
- President's State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience: Recommendations to the President

An Emissions Containment Reserve for RGGI: How Might It Work

Join us for an upcoming webinar at 10 a.m. EST on Feb. 7 to discuss the potential for an emissions containment reserve within the Regional Greenhouse Gas Initiative (RGGI).

RGGI states are conducting a program review to evaluate the emissions trading system and consider potential changes. In the course of this review, the idea of an emissions containment reserve mechanism has been proposed to address a common issue confronting market-based emission systems worldwide: prices for emissions allowances tend to be lower than program designers anticipate in advance, making mid-course corrections necessary for systems to perform as intended. An emissions containment reserve would automatically make corrections when needed.

This webinar will bring together experts and representatives from states, electricity generators, academia, and nongovernmental organizations to consider this new approach. The webinar is co-sponsored by the Georgetown Climate Center, the Nicholas Institute for Environmental Policy Solutions at Duke University, and Resources for the Future. It is organized by the Collaborative for RGGI Progress and hosted by Resources for the Future.

LEARN MORE AND REGISTER

Georgetown Climate Center, 600 New Jersey Avenue, NW, Washington, DC 20001

SafeUnsubscribe™ mccabe.catherine@epa.gov

Forward this email | Update Profile | About our service provider
Sent by coil@law.georgetown.edu

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Rethink Methane, February 21-22
Sent: Thur 1/26/2017 7:00:47 PM
Subject: 2017 Speakers: Renowned Clean Energy Leaders

Partnering for a sustainable future: Bioenergy | Solar | Wind | Hydrogen | Fuel Cell | Natural Gas

February 21-22, 2017
Sheraton Grand Sacramento

Take advantage of complimentary registration for public agencies. REGISTER NOW »

Rethink Methane Symposium Full Speaker Roster

Learn how renewable methane can help the U.S. drive economic growth while mitigating smog, toxic air contaminants, and climate change. Read more »

Join us in Sacramento as renowned clean energy leaders discuss solutions to harness California's vast renewable methane feedstocks--including livestock manure, agricultural stubble, municipal food and green waste, forestry biomass, and power-to-gas. Featured speakers include:

Mary Nichols

Chair, California Air Resources Board (CARB)

Kip Lipper

Chief Policy Advisor, Energy, Natural Resources, and Environment, Office of CA Senate Pro Tempore Kevin de Leon

Henry Stern

Senate District 27, California State Senate

Lawrence Lingbloom

Chief Consultant, Committee on Natural Resources, California State Assembly

Martha Guzman-Aceves

Commissioner, California Public Utilities Commission

Jack Brouwer

Associate Director, National Fuel

Cell Research Center

Tina Andolina

Senior Policy Consultant, Office of State Senator Ben Allen

Roberta Larson

Executive Director, California Association of Sanitation Agencies

Wayne Nastri

Executive Officer, South Coast Air Quality Management District

Jack Broadbent

Executive Officer/Air Pollution Control Officer, Bay Area Air Quality Management District

Julia Levin

Executive Director, Bioenergy Association of California

George Minter

Regional VP, External Affairs & Environmental Strategy, Southern California Gas Company

Learn how renewable methane can help California:

- **Achieve the GHG emissions reduction objectives in SB 32, AB 197, and SB 1383**
- **Integrate its sustainability goals for organic waste (ag, food, forestry, and wastewater)**
- **Accelerate the development of practical, large-scale storage for renewable power**
- **Facilitate the creation of a low-carbon hydrogen supply for a fuel cell future**
- **Create economic development opportunities for disadvantaged regions of the state**

LEARN MORE

Take advantage of complimentary registration for public agencies. REGISTER NOW »

Symposium Venue

Sheraton Grand Sacramento
Camellia/Gardenia Room
1230 J Street, Sacramento, CA

Go to Visit Sacramento to find other area hotels and things to do while

you are in town.

Interested in Sponsoring? Contact Tony Quist at 310-573-8564.

VIEW PROSPECTUS

www.rethinkmethane.org

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To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: International Centre for Parliamentary Studies
Sent: Mon 1/23/2017 7:38:29 AM
Subject: Last Chance to Register: Strategic Climate Change Adaptation

Professional Certificate in Strategic Climate Change Adaptation
20th - 23rd February 2017, London

Dear Colleague,

This is your last chance to register onto the Professional Certificate in Strategic Climate Change Adaptation**, which will take place in London from 20th - 23rd February, 2017.** If you would like to learn more about constructing and implementing strategic climate change adaptation strategies, leading effective organisational change, or improving legislation and transparency in this area to reduce disaster risk, register online to secure your place on this programme.

This course will be held in Westminster, close to London's most iconic buildings, including the Houses of Parliament. Past delegates have enjoyed the accessibility of a plethora of tourist attractions and shopping opportunities in the vicinity of the training venue.

If you are not able to join us on the date above, but would like to learn more about the monitoring and reduction of disaster risk, several places remain on our Professional Certificate in Disaster Risk Reduction. This programme will take place on 19th - 23rd June 2017, and will examine topics from best-practice tools and methods for disaster risk monitoring, to resource allocation and understanding causes and impacts of natural disasters at local, regional and international levels. Individual or group bookings onto this programme can be made here.

All iCPS certificates are accredited by the Chartered Management Institute, the leading body to award internationally recognised and sought after management and leadership qualifiations.

Do feel free to circulate this information to relevant colleagues.

Kind regards,

The International Training Team

For Enquirie[redacted] and Booking[redacted]
Call: +44 203 [redacted] 137 8648
Email: enquirie[redacted]

Register [redacted] Now iCPS Training [redacted] Group/**In** House Trainin[redacted] To discuss [redacted] tailored training solution[redacted] for your group in London or in your country please contact [redacted] team ma[redacted]

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To: Mccabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Hull, George[Hull.George@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]
Cc: Hubbard, Carolyn[Hubbard.Carolyn@epa.gov]; Blackburn, Elizabeth[Blackburn.Elizabeth@epa.gov]; Gwinn, Maureen[gwinn.maureen@epa.gov]; Rodan, Bruce[rodan.bruce@epa.gov]; Radzikowski, Mary Ellen[Radzikowski.Maryellen@epa.gov]; Robbins, Chris[Robbins.Chris@epa.gov]; Burden, Susan[Burden.Susan@epa.gov]
From: Kavlock, Robert
Sent: Thur 2/2/2017 7:38:07 PM
Subject: ORD Weekly Update for Feb 3-10
ORD External Activities Feb 3-10.docx

Acting Administrator,

On February 10th I am scheduled to speak on a panel at a closed session of the National Academies of Science, Engineering, and Medicine. The purpose of this meeting is to discuss opportunities for the NAS to provide advice and leadership in solving complex environmental health challenges and a number of public health oriented agencies will be represented.

For this week I have included upcoming external activities and presentations for ORD in an attachment for February 3-10th. Starting next week we will provide this information via OPA's external events tracker looking ahead 30 days.

Flint

ORD scientists are traveling to Flint this week to participate in a meeting with the Flint's water utility. ORD will update the City on the calibration of their hydraulic model, and install a tool that provides the City real-time secure access to water quality and operational distribution system data.

Lead Modeling

The Office of Policy has initiated an effort with ORD to develop an integrated lead benefits modeling approach that could be used to inform future cost-benefit estimates for Agency actions involving lead. On February 6, the Office of Policy will convene a staff level cross-Agency meeting to begin developing the approach.

Small Water Systems Webinar Series

Tuesday's webinar on disinfectant residuals broke attendance record. An estimated 1,400+ people attended the small systems webinar, which received praise from attendees. ORD and OW updated states, water utilities, and others on the importance of disinfectant residuals and on monitoring for residuals for protecting consumers against waterborne contaminants.

Technical Support to Ohio EPA on Water Treatment Plant Audits for Algal Toxin Removal

ORD and OW are assisting Ohio EPA with an effort to optimize water treatment plants for algal toxin removal. A team completed a comprehensive performance evaluation of a treatment plant in Cadiz, OH in January. Their evaluation included treatment plant administration, design, operation, and maintenance practices. Tappen Lake, which is the drinking water source in Cadiz, has periodic harmful algal blooms containing microcystin. The team will conduct evaluations of additional plants this summer.

Nutrient Roundtable

EPA & USGS are sponsoring a Nutrient Roundtable in Reston, VA on March 8. The goal is to develop strategies to better coordinate air, atmospheric deposition, and water quality monitoring for nitrogen and phosphorus. Representatives from federal agencies, the Center for Watershed Protection and several academic institutions will attend. A resulting white paper will provide the platform for further refinement at the National Atmospheric Deposition Program's spring meeting on April 24-28, 2017.

Nutrient Sensor Challenge

Judging Complete and Winners Announced Early March: The Nutrient Sensor Challenge targets he need for accurate, dependable, and affordable water sensors for nitrate and phosphate. Testing and evaluation of the sensors has been completed. Judging decisions will be finalized in a webinar on February 6th. Sensors were evaluated on accuracy, precision, range, deployment length, and cost of each. Winners of the Nutrient Sensor Challenge will be announced at the Association for the Sciences of Limnology and Oceanography meeting on March2, 2017.

Lakewood, Colorado

In response to an unidentified pollutant thought to be responsible for killing several birds in a Lakewood, Colorado retention pond, Region 8 asked ORD to help run water samples to try and determine the identity of the pollutant. They are looking for our help using a evaluating organic chemicals in water samples collected from the pond. US Fish and Wildlife, USDA, Colorado Parks and Wildlife, and the local West Metro Fire Rescue are also involved in the investigation.

Canadian Science Advisory Secretariat Seeks ORD Expertise on Assessment of Biological Effects of Oil

This week ORD's Mace Barron represented EPA in Ottawa, Canada at the Canadian Science Advisory Secretariat, Department of Fisheries and Oceans, Canada, on needs and approaches for assessing hazards of oil spills. Dr. Barron also served as an EPA expert witness in the Deepwater Horizon litigation. His expertise has substantially improved the ability to respond to these disasters, minimizing their impact on the environment and human health.

Tire Crumb

EPA, the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry, and the Consumer Product Safety Commission are studying health questions related to the use of tire crumbs in playing fields and playgrounds. The Center for Disease Control and Prevention prepared a Federal Register Notice for data collection activities under the Federal Research Action Plan for research on tire crumb used in synthetic turf fields. It could be published as soon as February 3.

Meeting with Safe Healthy Playing Fields Coalition

ORD also met with the Safe Healthy Playing Fields Coalition on February 1 to hear their perspectives on the interagency tire crumb research plan, the Washington State investigation of reported cancer among soccer players, and tire crumb safety. After a presentation by a University of Washington soccer coach, who compiled a list of soccer players with cancer, the Safe Healthy Playing Fields asked the Federal Government to issue an advisory about playing on fields with tire crumbs.

Bay Area Rapid Transit Tabletop Bioagent Exercise

ORD is participating in a tabletop exercise with the Department of Homeland Security (DHS)-led Underground Transportation Restoration program in San Francisco on February 7. is conducting the exercise. EPA is a key contributor to the science supporting a DHS framework to guide sampling and remediation of subways following a biological incident. The exercise facilitates use of the draft framework by local authorities to inform the response in a mock bioterror scenario, to improve the framework by identifying knowledge and capability gaps. This one will focus on an attack occurring within the Bay Area Rapid Transit system; a similar exercise is planned in spring in New York City.

Fentanyl Reference Guide development for On-Scene Coordinators

The misuse of therapeutic fentanyl products and illegal use of fentanyl as an enhancing agent to other opioid drugs is quickly approaching epidemic scale. We see evidence of this in daily reports by local and national media of drug overdoses in which fentanyl is a major contributor. As the popularity of fentanyl rises, so does the potential for contamination of indoor environments. ORD is developing a Reference Guide for EPA On-Scene Coordinators who may respond with, or provide technical advice to, local HazMat teams at sites with fentanyl contamination. Reference Guides summarize information on characteristics, release scenarios, health effects, effect levels, personal safety, personal protective equipment, field detection, sampling, analysis, decontamination/cleanup, and waste management.

Region 9 Field Study

EPA researchers will conduct air quality measurements in Oakland, California over the next month to evaluate the effect of roadside vegetation in mitigating the impacts of traffic emissions on near-road air quality. We are working with the Bay Area Air Quality Management District and Urban Releaf, who planted vegetation along the heavily travelled I-880. This case study is the first to plant roadside vegetation to support air quality improvements for the local population.

Memorandum of Understanding on Sustainable and Resilient Installations

EPA has renewed, for five more years, its Memorandum of Understanding with the Department of Defense to support sustainable and resilient DoD installations. The partnership is focused on Net Zero strategies and implementation. This includes technology demonstrations and targeted initiatives to help achieve Net Zero goals for specific DoD installations or groups of installations. EPA is developing Net Zero projects in the Mojave, California Region that will represent the first phase of work under the renewed MOU. There is also an existing project in Fort Riley, Kansas featuring an anaerobic membrane bio reactor that contributes important data to the development of

risk-based standards for safe reclaimed water and a real-world test of a portable water treatment system.

Tribal Research

Over 100 people participated in the EPA Tribal Science Webinar on January 31. Presenters discussed their roles and involvement in Artic research, the One Health approach, STEM and citizen science through their collaboration on the Local Environmental Observer Network. The network consists of local environmental observers and topic experts in Arctic and sub-Arctic areas. It applies traditional and local knowledge, science, and technology to share visual information on environmental observations and changes in Alaska. The network has an ever-increasing reach, as indicated by contributors and members from all over the world.

Publication on Fluorinated Compounds in Fast Food Packaging

A paper co-authored by ORD about fluorinated compounds in fast food packaging was published online in Environmental Science & Technology Letters on February 1. The paper's lead authors are from Silent Spring Institute, California Department of Toxic Substances Control, the Environmental Working Group, and U.C. Berkeley's Chemistry Department and Green Science Policy Institute. The paper reports on a study that collected over 400 samples of food contact papers, paperboard containers, and beverage containers from fast food restaurants throughout the U.S. and analyzed total fluorine content. The analysis detected fluorine in 46 percent of food contact papers and 20 percent of paperboard samples. Further analysis suggested that the detected fluorine came from per- and polyfluoroalkyl substances and other polyfluorinated compounds in the paper extracts. EPA Office of Public Affairs responded to a media inquiry about this research on Jan. 31 from the Denver Post.

Upcoming Presentations and Meetings- ORD, February 3- 10, 2017

Singaporean Scientific Workshop on Predictive Toxicology
Feb 3-8, ORD's Director of the National Center for Computational Toxicology, Russell Thomas will attend a workshop entitled "Advancing Safety Sciences into the Next Generation" hosted by Singapore's Agency of Science, Technology, and Research (A*STAR). Dr. Thomas will provide advice as a member of the Expert Panel on Predictive Human Safety and Efficacy Evaluation, and participate a scientific symposium.

Society for Laboratory Automation and Screening 2017
February 4-8, ORD will participate in the Society for Laboratory Automation and Screening conference in Washington, DC. The Society for Laboratory Automation and Screening is a global organization that provide forums for education and information exchange. It encourages collaboration aimed at advancing life sciences research and development using technology for the drug discovery, biotechnology, chemical, data informatics, clinical diagnostic, consumer product, pharmaceutical, and other industries.

Alaska Forum on the Environment
During the week of February 6, ORD will join Region 10 and OITA at the Alaska Forum on the Environment in Anchorage, AK. Among the topics of interest to ORD are sessions on tribal health, the Local Environmental Observing network, effects of climate change on communities in Alaska, and STEM. Side meetings will be held with EPA's Tribal Science Council members in attendance and the Alaska Native Tribal Health Consortium.

Gulf of Mexico Research Oil Spill & Ecosystem Science Conference, New Orleans, LA, February 6-9
ORD's Robyn Conmy, a member of the Gulf of Mexico Research Initiative advisory board, will co-chair two sessions at the Gulf of Mexico Research Oil Spill & Ecosystem Science Conference in New Orleans, February 6-9. The purpose of the conference is to connect decision makers in the response and restoration communities with scientific research to inform planning, preparedness, response and recovery for spill events.

Athens consolidation meeting
On February 8th, ORD leadership will be in Athens, Georgia to meet with Region 4 and OARM. The purpose of the meeting will be to discuss the Athens consolidation effort.

The Storm Water Drainage Conference
ORD scientists will participate in the plenary session of the Storm Water Drainage Conference in West Lafayette, IN on February 9, hosted by Purdue University and Indiana Local Technical Assistance Program. ORD will provide an overview of ongoing green infrastructure research, and present research on ancillary benefits of green infrastructure.

Task Force on Hemispheric Transport of Air Pollution
On February 9, ORD will speak about the work of the Task Force on Hemispheric Transport of Air Pollution at a half day meeting organized by the UN Environment Program's North American Regional Office. The meeting, "Towards the UN Environment Assembly: Combating Global Pollution," will highlight the research being conducted under the auspices the task force, including EPA contributions, and the relevance of the research findings to UNEP's work on air pollution. EPA has co-led the Task Force since its inception in 2005 and is currently contributing to its efforts to improve the linkages

between regional- and global-scale air pollution models.

Mixture Risk Assessment Workshop
On February 9th and 10th, ORD will participate in a workshop on *Integrating Mixture Risk Assessment into Prioritization Procedures under the EU Water Framework Directive* in Gothenburg, Sweden. The workshop will address questions on identifying priority chemical mixtures, the drivers of chemical mixture toxicity, and setting Environmental Quality Standards.

Per and Polyfluorinated compounds at Flame Retardant Symposium
ORD will present at the *2017 Flame Retardant Dilemma and Beyond Symposium* at UC Berkeley on February 10th. The workshop aims to bring together stakeholders to share information on the science and policy of flame retardants, highly fluorinated chemicals, and other chemical classes of concern used in consumer products and building materials. Workshop topics include the health and environmental impacts of these chemicals, safer alternatives, the obstacles to change, and composting and recycling these materials. ORD will present about *Per and Polyfluorinated Compounds: Health and Environmental Impacts*.

To: Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Grantham, Nancy
Sent: Tue 1/31/2017 5:08:34 PM
Subject: Fwd: External Meetings Files Updated - Administrator Only and Dual
Administrator-Level Upcoming External Meetings.xlsx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: January 31, 2017 at 11:52:56 AM EST
To: "Benton, Donald" <benton.donald@epa.gov>
Cc: "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Anderson, Denise" <anderson.denise@epa.gov>
Subject: FW: External Meetings Files Updated - Administrator Only and Dual

Don,

Attached please find the Administrator level external meetings/events coming up, as discussed this morning.

Please let us know if you need additional information.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy (mobile)

External Meetings for Incoming Administrator

Office	Meeting	Date	Location	Highest Ranking Person Who Would Typically Attend (A / DA / AA / RA)	Type of Meeting	Brief Description of Meeting (opportunity for new adminstration, if any)	EPA Executives that typically attend	Key EPA Contact for this Meeting
OW	**National Association of Clean Water Agencies (NACWA) Winter Conference**	February 4–7	Tampa, FL	A	Conference	Conference will explore increasing regulatory requirements and the external drivers that present compliance challenges and impact the water sector's ability to move in the direction of the utility of the future. Topics to include potential standards for viruses, nutrient controls, and peak flow management – coupled with continued pressure from EPA enforcement and environmental NGOs. The approaches employed by EPA and other regulators – including imposing new, or amending existing, requirements through policy statements and guidance documents, instead of formal rulemaking – will also be explored. All of this will be put into the context of the need for broader change. The conference will also feature its first-ever discussion among technology/ solution providers and utility managers on the role of 'big data' and how real-time decision-making and data analysis can help utilities better address the growing list of requirements they must meet.	Administrator/Deputy Administrator/OW AA	Ann Campbell (OW IO)
OCIR	**National League of Cities**	Feb. 7-8	Washington, DC	A	"Fly In" meeting	State Municipal Leagues' Executive Directors and Presidents, Mayors, and Councilmembers; 50 Municipal Leagues expected	Administrator/Deputy Administrator/Assistant Administrators	M. Arnita Hannon Christmon, 564-3704, hannon.arnita@epa.gov
OAR	**National Association of State Energy Officials (NASEO) Energy Policy Outlook Conference**	February 7-10	Washington, DC	A	Association Meeting	This event will be held February 7-10, 2017 in Washington, DC. This is one of two general membership meetings that NASEO holds annually, and focuses on EPA programs and regulations related to energy efficiency and renewable energy.	Typically the A and the AA for OAR	Carolyn Snyder, Director, CPPD
OAR	**National Association of Regulatory Utility Commissioners (NARUC) Winter Committee Meetings**	February 12-15 (est)	Washington, DC	A	Association Meeting	Usually held the second week of February, although the dates for 2017 have not been announced yet. This is one of three general membership meetings that NARUC holds annually, and is a combination of plenary sessions and committee break-out sessions. They typically like to hear about EPA regulations that affect the electricity, natural gas and water sectors. Once the dates are announced, they will be posted at http://www.naruc.org/meetings-and-events/meetings-overview.	Typically the A and the AAs for OAR and OW	Carolyn Snyder, Director, CPPD
OITA	**National Congress of American Indians (NCAI)**	February 13-16	Washington, DC	A	Council Meeting	NCAI is the oldest and largest American Indian and Alaska Native organization of tribal governments in the U.S. 2017 Executive Council Winter Session - This meeting presents an opportunity for EPA's leadership to meet locally with a large gather of tribal leaders to discuss issues of shared concern. Senior Tribal leaders AA or A typically attends.	Administrator, AA for OITA	Jane Nishida, JoAnn Chase
OCIR	**Western Governors Association: Cabinet Breakfast**	February 26	Washington, DC	A	Roundtable	For the past 3 years, EPA has hosted the Western governors plus USDA and DOI Secretaries for a roundtable. WGA has already expressed interest in holding this meeting again in 2017.	Administrator/Deputy, most Assistant Administrators	Becky Cook-Shyovitz, 564-5340, cook-shyovitz.becky@epa.gov
OCIR	**National Governors Association Winter Meeting**	February 24-27	Washington, DC	A	Annual Meeting	Annual winter meeting. Natural Resources Committee meets; Administrator addressed committee in 2015 and held one-on-one meetings with interested governors	OIR DAA, sometimes Administrator/Deputy	Becky Cook-Shyovitz, 564-5340, cook-shyovitz.becky@epa.gov
OCIR	**National Association of Counties (NACo) Legislative Conference**	Feb. 25 – March 1	Washington, DC	A	DC Legislative Conference	NACo's Energy, Environment and Land Use Committee meets to consider interim policies/resolutions that will be in force until summer meeting in July. The General Session, attended by a few hundred county officials, could be opportunity to "preview" administration priorities.	Senior program staff discuss issues of current interest. Deputy Administrator or senior OA designee could be invited to address General Session, tent. scheduled for 2/27.	Andrew Hanson, 564-3664, Hanson.Andrew@epa.gov
OCIR	**Mississippi River Cities & Towns Initiative**	Feb. 28 - Mar. 2	Washington, DC	A	Executive Meeting	MRCTI partners with EPA's Hypoxia Task Force. Cabinet Secretaries and the Administrator are invited to appear in Capitol Hill Executive Meeting March 1	Administrator, Deputy Administrator, Assistant Administrators, Senior OW Staff	M. Arnita Hannon Christmon, 564-3704, hannon.arnita@epa.gov
OAR	**2017 Climate Leadership Awards**	March 2	Chicago, IL	A	Award Ceremony	The Climate Leadership Awards honors organizations leading the response to climate change by reducing GHG emissions in their operations, supply chains, and in partnership with other organizations. EPA co-sponsors the Awards with the Center for Climate and Energy Solutions (C2ES) and The Climate Registry. An awards dinner keynote presentation to the audience of about 400 attendees with CEOs of Fortune 100 companies is an important opportunity for the new Administration.	A and the AA for OAR	Carolyn Snyder, Director, CPPD
OECA	**National Environmental Justice Conference and Training Program (NEJC)**	March 8-10	Washington, DC	A	Conference	March 8-10, 2017: The 2017 National Environmental Justice Conference and Training Program (NEJC) to be held at the Washington Marriott Metro Center, Washington, D.C. Although not public engagement in the general sense, we will be engaging and partnering with a variety of stakeholders during this 2-day event. The conference theme has not yet been decided.	Administrator, select AA's for speaking opportunities	Matthew Tejada, Director, Office of Environmental Justice, 564-8047
OCIR	**National League of Cities Congressional City Conference**	March 11-16	Washington, DC	A	Annual Meeting	Annual convening/Over 3,000 local officials;	Administrator/Deputy; AAs; OIR DAA; Sr. Program Staff	M. Arnita Hannon Christmon, 564-3704, hannon.arnita@epa.gov

OCIR	**Local Government Advisory Committee Administrative Meeting**	TBD - March	Washington, DC	A	Teleconference /Meet and Greet	LGAC holds an Administrative meeting in March, 2017 for 'meet and greet' with incoming Administrator via teleconference.	The Administrator will be invited to speak. The Deputy Administrator, DAA for Intergovernmental Relations, OCIR staff and most of the AAs and RAs are expected to attend.	Frances Eargle, 564-3115, eargle.frances@epa.gov
OCIR	**"Big 10" Intergovernmental Partners Quarterly Association Meeting**	TBD- March	Washington, DC	A	Quarterly Meeting	OCIR hosts, quarterly, an in-person meeting of our "Big 10" intergovernmental partners. Topics vary but generally focus on a recent issue of state/local priority	TBD, depending on the topic. Sometimes Administrator, sometimes an AA or other Senior Agency employees.	M. Arnita Hannon Christmon, 564-3704, hannon.arnita@epa.gov
OCIR	**Environmental Council of States Spring Meeting**	April 6-8	Washington, DC	A	Membership Meeting	ECOS holds an in-person, full membership meeting every Spring. The agenda usually includes a closed, EPA-State only discussion.	The Administrator will be invited to speak. The Deputy Administrator, DAA for Intergovernmental Relations, and most of the AAs and RAs are expected to attend.	Andrea Barbery, 564-1397, barbery.andrea@epa.gov
AO-OSBP	**National Small Business Week**	April 30-May 6	Washington, DC	A	Awards Ceremony	National Small Business Week (Sunday, April 30, 2017 - May 6, 2017) A week of National recognition of the critical contributions of America's entrepreneurs and small business owners, National Small Business Week has been recognized since 1963. To kick off this week, EPA's Administrator provides an Agency-wide letter in support of the Agency's Small Business Programs. Additionally, during this week, EPA hosts several small business activities to highlight what the Agency and OSBP is doing in support of the small business community. ****Administrator's Small Business Program Awards Ceremony:** The Administrator recognizes various EPA program activities, individuals, businesses and state and local entities for their outstanding contributions, and their support of small businesses and the mission of the Environmental Protection Agency, in a Fiscal Year. 2017 will represent the 27th Annual Ceremony.	Administrator typically attends	
OAR	**ENERGY STAR Partner of the Year Awards**	TBD- April	Washington, DC	A	Award Ceremony	The ENERGY STAR Partner of the Year Awards, held since 1993, are EPA's highest honor for outstanding partner contributions to protecting the environment through superior energy efficiency achievements. The 2017 ENERGY STAR awards will take place in April in Wash, DC. A keynote presentation to the audience of about 900 attendees or an opportunity to speak with CEOs of Fortune 100 companies would be a good opportunity for the new Administration [TO DO WHAT?]. In addition to the recognition ceremony, this day also includes partner and networking meetings at which EPA principals are invited to speak.	Administrator and the AA for OAR	Carolyn Snyder, Director Climate Protection Partnerships Division
OITA	**G-7 Environment Ministerial**	Meeting has not been scheduled but could take place as early as April 2017.	Italy	A	International Meeting	Last year Japan reinstated the Environment Ministers track in the G7 and Italy indicated they will continue to host an environmental track during their presidency of the G7, which commences January 2017. Shortly after the new year, G7 countries will begin to negotiate outcomes for the next environment ministers meeting which could include commitments on: implementing the Paris Agreement and further climate actions from COP-22, developing national strategies for advancing the Sustainable Development Goals (SDGs).	Administrator, AA for OITA	Walker Smith

To: Flynn, Mike[Flynn.Mike@epa.gov]; Mccabe, Catherine[McCabe.Catherine@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Grantham, Nancy
Sent: Tue 1/31/2017 4:50:35 PM
Subject: FW: FYSA -- Fiscal Year 2016 Conference Spending Report
FINAL_FY2016 OMB Report Final Draft_PUBLISH.DOCX

Per our meeting this morning. Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy **(mobile)**

From: McMichael, Nate
Sent: Thursday, January 26, 2017 4:20 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Cc: Kelty, Diane <Kelty.Diane@epa.gov>; Conklin, Jeanne <Conklin.Jeanne@epa.gov>
Subject: RE: FYSA -- Fiscal Year 2016 Conference Spending Report

Hi Everyone - To follow up on this, here is the draft report for FY16. Our plan is to post this on the 31st. Please let me know if you have any questions or comments.

Thank you,

-Nate

From: McMichael, Nate
Sent: Wednesday, January 25, 2017 10:56 AM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Julia Valentine (Valentine.Julia@epa.gov) <Valentine.Julia@epa.gov>
Cc: Kelty, Diane <Kelty.Diane@epa.gov>; Conklin, Jeanne <Conklin.Jeanne@epa.gov>
Subject: FYSA -- Fiscal Year 2016 Conference Spending Report

I wanted to give you a heads up about a conference spending report that we are required to post each year by 1/31. Here are a few key details on it:

- For the past few years, we've been required to post an annual report listing all conferences at which the agency spent more than $100K.

- The requirement came after some questionable spending at other government conferences (not EPA's) drew a lot of attention a few years back.

- Every agency is required to post their report by the end of January.

- Last year's report is at https://www.epa.gov/planandbudget/fiscal-year-2015-conference-spending-report

I will give send you a draft report as soon as I get an electronic copy that is ready to share.

Thank you,

-Nate

Nate McMichael

U.S. EPA

Office of the Chief Financial Officer

202-564-0382 (o)

Ex. 6 - Personal Privacy (c)

Document ED_001178_00000143 is a DRAFT and has been withheld in full under FOIA Exemption 5. The report is available at:
https://www.epa.gov/sites/production/files/2017-01/documents/fy2016-conference-spending-report.pdf

To: Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Reeder, John[Reeder.John@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Mccabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Grantham, Nancy
Sent: Mon 1/30/2017 8:31:16 PM
Subject: Information on Climate Leadership Conference (ref: 1/27 Climate Wire Story)

Please see below. Let us know if you have questions or need more info.

Thanks ng

Background on the Climate Leadership Conference

•□□□□□□□□ The Climate Leadership Conference is hosted annually by the Center for Climate and Energy Solutions (C2ES) and The Climate Registry. EPA has a co-sponsorship agreement with the Center for Climate and Energy Solutions (C2ES) and The Climate Registry. As part of that agreement, EPA is a headline sponsor of the Climate Leadership Conference and is co-organizer of the Climate Leadership Awards.

•□□□□□□□□ The conference is an exchange for thought leaders from business, government, academia, and the non-profit community to share best practices for integrating GHG reduction and climate risk and resilience strategies into their organization's operations. Approximately 400 participants attend, comprised of leaders from business, government, academia, and the non-profit community.

•□□□□□□□□ The 2017 Climate Leadership Conference will take place March 1-3 in Chicago.

2017 EPA speakers/participants at the Climate Leadership Awards

Ex. 5 - Deliberative Process

Background on the Climate Leadership Awards

•□□□□□□□□ The Climate Leadership Awards is a national awards program that recognizes and incentivizes exemplary U.S. corporate, organizational, and individual leadership in response to reducing GHG emissions. Award recipients represent a wide array of industries, including finance, manufacturing, retail, technology, and local government. Recipients have demonstrated leadership in managing and reducing greenhouse gas emissions in internal operations and throughout the supply chain, as well as integrating climate resilience into their operating strategies.

•□□□□□□□□ Now in its sixth year, the program has honored more than 100 recipients; the awards continue to highlight leadership in addressing climate change by reducing carbon pollution and implementing adaptation planning initiatives. The Climate Leadership Awards Dinner takes place during the annual Climate Leadership Conference.

EPA To Sponsor Climate Change Conference.

ClimateWire (1/27, Chemnick) reported that the EPA is listed as a headline sponsor of the three-day Climate Leadership Conference, which will award private-sector companies for achievements in carbon reduction. Although "the EPA will likely be led soon by a climate skeptic," there have been no reports that the conference will be impacted.

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy **(mobile)**

To: Schnare, David[schnare.david@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Reeder, John
Sent: Mon 1/30/2017 2:13:38 PM
Subject: Re: EPA Climate Change Awards

Will follow up with you

Sent from my iPhone

On Jan 30, 2017, at 8:01 AM, Schnare, David <schnare.david@epa.gov> wrote:

We need to find out exactly what our role in this meeting is, whether we are sponsors and whether the awards are from EPA or the other sponsors.

We also need to find out what other such events are planned for which EPA is a sponsor.

John, can you please get us this information?

d.

From: Ericksen, Doug
Sent: Monday, January 30, 2017 7:49 AM
To: Benton, Donald <benton.donald@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: EPA Climate Change Awards

How do we want to handle this one?

The event in question is scheduled for March 1-3.

ericksen

EPA

Agency awaiting Pruitt plans to give climate awards

Jean Chemnick, E&E News reporter

Published: Friday, January 27, 2017

U.S. EPA will likely be led soon by a climate skeptic, but it's still planning to give out climate leadership awards to businesses and professionals at a Chicago ceremony later this winter.

The agency is listed as the headline sponsor of a voluntary awards program to be held as part of the three-day Climate Leadership Conference on March 1-3. The gathering is presented by the Center for Climate and Energy Solutions and the Climate Registry with other private sponsors. The awards recognize private-sector achievements in carbon reduction. Winners have not been announced.

The ceremony is still being planned despite the Trump administration's decision to cancel other climate-related gatherings, like a Climate and Health Summit that the Centers for Disease Control and Prevention had planned to host next month. It seems likely that Oklahoma Attorney General Scott Pruitt (R) will be EPA administrator at the time of that agency's event. He has expressed doubt about the role human activity plays in driving climate change.

A vote hasn't been scheduled yet on Pruitt's nomination, but the longtime adversary of EPA climate rules told a Senate committee earlier this week that the consequences of CO2 emissions are "subject to continuing debate and dialogue."

The event's planners said they had not been notified of any changes to either the conference or dinner and are hopeful that it will not be affected since it's not related to regulations. The awards dinner is an annual affair that former EPA Administrator Gina McCarthy presided over last year. Organizers said that no EPA officials were ever slated to speak, though support staff typically attends. EPA did not return calls.

The speakers lineup includes Paula Gant, deputy assistant secretary for oil and natural gas at the Energy Department.

To: Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Reeder, John[Reeder.John@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Schnare, David
Sent: Mon 1/30/2017 1:01:19 PM
Subject: RE: EPA Climate Change Awards

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Sent: Monday, January 30, 2017 7:49 AM
To: Benton, Donald <benton.donald@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Schnare, David <schnare.david@epa.gov>
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ericksen

EPA

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The speakers lineup includes Paula Gant, deputy assistant secretary for oil and natural gas at the Energy Department.

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
Cc: Reeder, John[Reeder.John@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Opalski, Dan[Opalski.Dan@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Lindsay, Nancy[Lindsay.Nancy@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]
From: Pirzadeh, Michelle
Sent: Fri 1/27/2017 9:51:05 PM
Subject: Region 10 Weekly Report

Hello Acting Administrator,

Here are a few items for Region 10 this week.

1) We are still awaiting word from HQ on the status of two decisions made by former RA McLerran that the Region publicly communicated in advance of the publication in the Federal Register. Once we hear the status we will notify the states and stakeholders accordingly.

•□□□□□□□ EPA's proposed approval of the PM 2.5 moderate air quality plan for the Fairbanks North Star Borough submitted by the Alaska Department of Environmental Conservation. This proposal met a Consent Decree deadline of January 19th for EPA action, final action is required by August 28, 2017. **We have a live website on this proposed approval and it has been covered in the Alaska media.**

•□□□□□□□ EPA affirmative determination that there is adequate pump out capacity in Puget Sound. Under Section 312(f)(3) of the Clean Water Act and this final determination Washington State may move forward with implementation of a Puget Sound wide No Discharge Zone. This decision was in response to a State of Washington petition submitted in July 2016. A Federal Register notice is not required as this is not a rulemaking. **Stakeholders were informed of this decision when it was made by former RA McLerran.**

2) I plan to travel to Anchorage for the annual Alaska Forum on the Environment (AFE) from February 8-10 to attend a meeting with our RTOC and to represent the Region at a Statement of Cooperation (SOC) meeting with DOD entities in Alaska and the State of Alaska. This SOC leadership group has been meeting in conjunction with the AFE for over 10 years.

•□□□□□□□ I also want to call your attention to an EPA session that is included in the AFE week-long agenda. The following is from the published AFE program:

Empowering Communities to Protect Human Health and the Environment Even as the Climate Changes

The U.S. Federal Government is working hard to strengthen the ability of States, Tribes, and communities to prepare for the impacts of climate change. This is a major challenge because there are 40,000 communities and 567 Tribes across the United States, and many of the middle- and smaller-sized underserved communities may lack information and tools to support climate adaptation. There is a need for a platform that empowers officials across the nation to adapt to climate change, regardless of expertise and experience. To address this, the U.S. EPA released to the public a new online Climate Change Adaptation Resource Center (ARC-X) in October 2016. It is an interactive system that offers information tailored for Tribal government, local government, and community leadership to help anticipate, prepare for, and adapt to, climate change. This session will provide an overview of the ARC-X center for AFE participants.
Presenters: Joel Scheraga

3) A CAA 114 information request was mailed to Ex. 6 - Personal Privacy on January 24, 2017. Ex. 6 - Personal Privacy operates a Non-Metallic Mineral Processing Plant (NMPP) located in Ex. 6 - Personal Privacy During an unannounced CAA compliance inspection conducted on July 13, 2016 a large diesel generator was noticed operating at the site. The president of Ex. 6 - Personal Privacy was present during the inspection and he informed the tribal inspector that the generator is used to provide electric power to its rock-crushers and conveyors. The information request is needed to establish whether or not the diesel generator is subject to the requirements in the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) (found at 40 C.F.R. Part 63, Subpart ZZZZ).

Please let me know if you have questions or need additional information.

Michelle

Michelle L. Pirzadeh

Acting Regional Administrator

U.S. Environmental Protection Agency, Region 10

Office: (206) 553-1234

Cell: Ex. 6 - Personal Privacy

Fax: (206) 553-1809

To: R2 Division Directors[R2_Division_Directors@epa.gov]; R2 Deputy Division Directors[R2_Deputy_Division_Directors@epa.gov]
Cc: Mccabe, Catherine[McCabe.Catherine@epa.gov]; Wilson, Eric[Wilson.EricJ@epa.gov]; Butler, Elizabeth[Butler.Elizabeth@epa.gov]; Brandt, Peter[Brandt.Peter@epa.gov]; Gutierrez, Claudia[Gutierrez.Claudia@epa.gov]
From: Mongelli, Thomas
Sent: Thur 1/26/2017 7:07:58 PM
Subject: Weekly Reports for the Week of 1/30/17
EPAR2-Weekly Reports-Week of 1-30-17.pdf

Good Afternoon Everyone,

Please find the attached document containing all of the weekly reports for the week of January 30th. Let me know if you have any questions.

Have a great weekend!

-Tom

Thomas Mongelli

Special Assistant

Office of the Regional Administrator

US EPA, Region 2

290 Broadway, 26th Floor

New York, NY 10007

(212) 637-4256

MAJOR MILESTONE REPORT – 1/26/17

Confirmed Dates:

Likely in January

Ex. 5 - Deliberative Process

Likely in February

Ex. 5 - Deliberative Process

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Clean Air and Sustainability Division
Weekly Report
January 25, 2017

Potential or expected press stories:
Contact from Elected Officials:
Potential or expected policy issues:
Freedom of Information Requests that the Regional Administrator should be aware of:

General Interest:

Dune Restoration to Protect Eastern Lake Ontario Wetlands, Sandy Island Beach State Park, Oswego County, Pulaski, New York: The Environmental Review Section (ERS) reviewed several documents including a workplan/proposal, project management/quality assurance plan, and a Short State Environmental Assessment Form from the NYS Office of Parks, Recreation and Historic Preservation. NYS is seeking federal funds through a grant from EPA to help with a small scale sand dune restoration project to protect and restore a degraded and blown out sand dune on a recently acquired parcel on the barrier beach that separates North Sandy Pond from Lake Ontario. By constructing a 300-foot long by 4-foot wide walkover, installing 450 feet of snow fencing with 100 signs, planting beachgrass, removing and controlling invasive wetland species, and hiring 2 education stewards to restore 0.85 acre of sand dunes, 46 acres of submerged wetlands and 2,400 acres of submerged and emergent wetland vegetation associated with North Sandy Pond will be protected. ERS will communicate with the Project Officer that the project documents provided are not sufficient to complete the preparation of an environmental assessment, consequently, an environmental information document is needed from the grantee.

EnergyStar Benchmarking - Improve Your Building's Energy Use with Assistance from NYSERDA: CASD's Juan Gutierrez was a speaker on NYSERDA's January 25 webinar: Clean Energy Communities Webinar Series. NYSERDA's Clean Energy Communities Program recognizes and rewards local governments for their clean energy leadership. Communities that complete four of the 10 High Impact Actions to earn the Clean Energy Community designation as well as a grant of up to $250,000 with no local cost share to support additional clean energy projects. About 100 people participated in the webinar.

NJ Partnership Building: On January 24, the second partnership building meeting was held at Rutgers University in New Brunswick. Twenty-four people representing: NJ Green Association, Montclair State University, Triple Ethos LLC, Center for Regenerative Community Solutions, ReThink Energy New Jersey, Ramapo College, NJDEP, American Sustainable Business Council, Rutgers University, Hackensack Meridian Health, Sustainable Jersey and EPA (11 agencies, organizations, small businesses and academic institutions) were present at the meeting. The goal was to identify specific areas of assistance that the group members could provide to each other. In organizing the event, EPA was aiming to have an open discussion of these diverse partners to identify possible overlap and to establish a platform for members of the group to work together. The exchange between the participants was very encouraging and offers EPA staff working in a variety of programs including Safer Choice, WaterSense, Food Recovery

Challenge, Energy Star and the Toxics Release Inventory, to coordinate with a number of the above partners.

Sustainable Materials Management (SMM) Awards: CASD drafted a blog featuring the SMM awards, with a photo from the awards event. The blog has gone live and can be found at: https://blog.epa.gov/blog/category/greeningtheapple/

MVD - Newburgh: Sustainable Materials Management staff provided various resources for the Newburgh Anti-Poverty Task Force Event sponsored by the United Way and will be following up with the Health and Wellness Sub Committee Chair to discuss the Food Recovery Challenge (FRC) and food donation opportunities in the city.

Western New York Nuclear Service Center/West Valley, NY: NYSERDA notified EPA and NYSDEC that, since the existing geomembrane cover over the State-Licensed Disposal Area is nearing the end of its design life, they plan to install a new geomembrane cover directly over the existing one. The design report is expected to be submitted shortly to EPA and NYSDEC for review.

Naval Weapons Industrial Reserve Plant Calverton (NWIRP), Calverton, NY: As a result of PFAS, contamination, the Navy will be submitting an expedited RI/FS for the 32-acres Fire Training Area in FY'17. The Navy is also proposing to complete an Interim Action Record of Decision (ROD) by March of 2017. This will allow the Navy to implement the final action for Munition of Explosive of Concern (MEC) and an early interim action for groundwater. The Interim Action ROD will be followed by a final ROD for the Fire Training Area. Remedy Construction Complete (CA550) is being rescheduled from Q1FY2017 to October, Q1FY2018.

Exposure Risk Assessment for Atlantic City Fire Company: Nidal Azzam handled an inquiry from the Atlantic City Fire Company on January 12th. One of their fire officers was exposed to a low dose of radiation (3mr/hr).

RadNet: As of the last report (1/20/17) from ORIA at headquarters and the National Analytical Radiation Environmental Laboratory, all Region 2 air monitors are operating normally. The sites are in Albany, NYC, Rochester, Syracuse, Yaphank, Edison and San Juan.

January is National Radon Action Month: Albany-based Capital District Physicians Health Plan included a Radon Message in a recent newsletter to patients. The Radiation and Indoor Air Branch worked with OPM-FMB to add a National Radon Action Month Message to the Message Board in the elevator lobby.

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WEEKLY HIGHLIGHTS
1/26/2017
CEPD

Contact from Elected Officials:
Meeting with the head of EQB and DNER is scheduled for Friday, February 3, 2017. CEPD appreciates input on potential meeting topics and talking points from other R2 Divisions by COB January 30.

Meetings are also being coordinated with other newly appointed government heads of key agencies and public corporations that collaborate with EPA in the island (DOH, DA, PRIFA, PRASA, Fortaleza, etc.) to initiate a dialogue on key/priority environmental issues.
Potential or Expected Policy Issues:
Potential or Expected Press Inquiries:
Freedom of Information Requests that the Regional Administrator should be aware of:
Travel/meetings/speaking engagements for Division Directors:
Upcoming Highlights for the week:
Additional Items (if any):

Health & Safety - 42 participants have completed their 8-Hour HAZWOPER Refresher. The training was offered in CEPD during three sessions from January 17-19.

Cruz Bay Petrochemical Storage Tank, Cruz Bay, St John, USVI (Removal) - USCG and EPA met with US National Park Service. The Chief Ranger provided several options for the staging location. The best site for the staging location is in the disused sea-plane dock. ERRS have awarded the transport and disposal subcontract; OSC consent has been given. Tentative start date for oily water transfer is February 3rd, 2017.

Puma Energy Caribe LLC, Bayamon, PR (RCRA Corrective Action) - Puma has informed EPA that they have completed the fieldwork for the scheduled semiannual groundwater monitoring event. The data from this groundwater sampling event will be instrumental to determine if indeed, contaminated groundwater at the site in under control and also determine if there are additional gaps to consider before moving to the Corrective Measures Study (CMS) phase.

RCRA Corrective Action FIRST Toolbox Training Coordination - On January 11, 2017 the registration for the RCRA Corrective Action FIRST Toolbox Training was opened and shared with interested parties from EPA, EQB, Facility Representatives and Consultants. The link for registration is on the TRAINEX website. So far, 22 participants have already registered. The training is going to be held from February 22-24, 2017 at the Rainforest Conference Room, CEPD. The RCRA FIRST approach provide tools to manage corrective action projects with a streamlined approach, which reduces time and costs needed to complete the investigation and remedy selection; accelerates positive environmental results for affected communities; provides a roadmap with process metrics

to drive continuous improvements; enhances communication throughout the process; and ensures all stakeholders have a clear understanding of the steps to select a remedy and complete construction.

On January 25, 2017, a meeting was held to coordinate with PUMA's representatives their participation on the training as a potential candidate to implement the FIRST tools. The Commonwealth Oil Refining Corporation (CORCO) has also confirmed their interest in applying the toolbox and participate on the third day of the training.

Peñuelas Valley Landfill, LLC - Compliance Order – MPCB/CWAT continues to work with ORC on the finalization of the Order which addresses violations of the NPDES storm water regulations and the Multi-Sector General Permit for Stormwater Discharges.

Request for Information – A request for information letter was prepared. MCPB/CWTA will seek CEPD/ DD's concurrence and issuance this week. This request for information requires submittal of information about the company's construction activities at its landfill that took place on or about 2014. The construction activities are related to the new landfill cell, which EPA found that the construction activities were conducted without the NPDES Construction General Permit.

Martin Peña- The RARE Green Infrastructure project to be performed in the Albert Einstein school in Caño Martín Peña has already commenced its construction last week.

A meeting with the G-8 community leaders to discuss the details of the ORD's pilot study known as "EPA Pilot Study Characterizing Fungal and Bacterial Populations at Homes after Flooding Events at the Martin Peña Channel Community" has been scheduled for February 6, 2017. We expect to have the G-8 community leaders in order to recruit 20 households (10 houses that get flooded and 10 that don't) volunteers to participate in the study.

Comments were provided to Enlace's Urban Waters small grant (UW96283801) draft Final Report for the Conceptual Design for the Buena Vista - Santurce Project. Enlace will need to address such comments and re-submit the Report prior to recommending closure of the Grant. The Final Report due date is March 31, 2017.

RARE Project (Tallaboa/Encarnación Community) - A site visit has been scheduled for January 27, 2017. Officials from CEPD, DESA and DISUR will visit the current locations of the ten air sensors that were installed in the Tallaboa/Encarnación community in Peñuelas, Puerto Rico. Also, the official will evaluate its functionality and operation.

Children Health - Additional funds were obtained to finalize the Clean, Green, Healthy Schools Project. Funds should provide for preparing pending school evaluation reports and sending them to the School Directors, Department of Education representatives, as well as OMEP, PBA, and School Lunchroom Administration Directors. In addition, meetings will be held with the Department of Education and the other pertinent agencies, summarizing and discussing the results.

Clean Water Division
Weekly News
January 26, 2017

- **Director Travel:** On January 26, Javier, Jeff and others are in Albany meeting with NYS DOH regarding drinking water. On January 24, Javier spoke at a plenary session at the Partnership for the Delaware Estuary's Delaware Estuary Science and Environment Summit in Cape May, NJ.

Puerto Rico 303(d) List: On January 17, Javier signed an approval letter for Puerto Rico's 2016 303(d) list. This list, a component of the biannual 303(d)/305(b) integrated report, uses monitoring data to identify waterbody-pollutant combinations in need of a Total Maximum Daily Load. One hundred thirty-five waterbody pollutant combinations were added to the 303(d) list this reporting cycle. One hundred eighty-one combinations were removed, largely due to improvements in water quality.

Supplemental Funding for Climate Change Activities in Barnegat Bay: We were notified this week that HQ is providing $101,352 of supplemental funds to support the project entitled "*Seagrass Vulnerability to Climate Change in Barnegat Bay.*" The goal of the project is to provide agencies and managers in the Barnegat Bay watershed with information and tools to support the long-term viability of restored/mitigated seagrass communities in light of changing climatic conditions. Another goal of the project is to inform the revision of the Comprehensive Conservation and Management Plan (CCMP), which is likely to address restoration goals for seagrass beds. The project includes the development of geographic information system (GIS)-based habitat suitability maps for the two important seagrass species in the region (*Zostera marina* (eelgrass) and *Ruppia maritima* (widgeon grass)) in Barnegat Bay under future climate scenarios, construction of a webpage with interactive maps and public-friendly infographics and facilitation of a workshop with regulatory agencies.

Long Island Sound Nitrogen Strategy: On January 19 the Connecticut Department of Energy and Environmental Protection announced an RFP for professional services to study the effects of nitrogen loading from septic systems to Long Island Sound. Specifically, the contractor will conduct an inventory and assessment of onsite wastewater treatment systems (OWTS) in coastal areas, estimate effluent nitrogen loading from OWTS, evaluate technologies and approaches being used elsewhere and evaluate and identify alternative structural and non-structural management options to achieve nitrogen reduction and water quality goals in Connecticut. The RFP is funded with EPA Long Island Sound funds.

Long Island Sound Funders Collaborative: The collaborative of private foundations coordinating funding for Long Island Sound projects will meet on February 3 at the New York Community Bank offices in New York City. The meeting will include presentations on: Strategic

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Delivery of Green Infrastructure Resiliency in the Raritan River Basin, New Jersey, Christopher Obropta, Director, New Jersey Water Resources Research Institute.

- Cultivating Civic Stewardship for Social Ecological Resilience, Ericka Svendsen, US Forest Service
- Green Infrastructure to Manage Stormwater in New Haven, Colleen Murphy Dunning
- LIS Report Card and Unified Water Study - Tripp Killin, Jenian Foundation
- Long Island Sound Nitrogen Reduction Strategy, Mark Tedesco, EPA Long Island Sound Office
- Suffolk County Reclaim Our Water effort to promote innovative/alternative onsite wastewater treatment systems, Cindy Krezel, New York Community Bank Foundation

CREAT Training and Outreach – On April 6, In conjunction with the American Water Works Association, EPA will be offering CREAT training scheduled in Syracuse, NY. On January 25 and 26, EPA be holding an in-person technical assistance workshop with PRASA a field visit of Hatillo-Camuy WWTP and Sergio Cuevas WTP and a CREAT development exercise.

Office of Water Climate Change Workgroup – Region 2 has submitted climate change adaptation highlights for the Climate Change Group's annual highlights of progress report for 2016 and the report has been finalized. It is available at https://www.epa.gov/sites/production/files/2017-01/documents/2016_nwp_climate_highlights_report_final_1.pdf

Storm Surge and Sea Level Rise Updates – National storm surge hazard maps were just released for Puerto Rico based on estimated flooding due to different category hurricanes. On January 19, NOAA unveiled the localized sea level rise data in a report which updates the upper-end sea-level rise projections with the potential for rapid ice melt in Greenland and Antarctica, using different emissions scenarios and timelines through 2100. The new scenarios also provide additional local information that integrates the updated sea-level rise scenarios with regional factors, including changes in land elevation and ocean circulation. https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf

Onondaga Lake Water Quality Compliance Conference held on January 25: The objective of the conference is to gain an understanding of the options for complying with the Fourth Stipulation to the Amended Consent Judgment (ACJ) and EPA National CSO Control Policy. Discussion topics will include: 1) wet weather standards/temporary suspension; 2) modified designated use; 3) variances to water quality standards; and 4) the role of other tools, such as TMDLs and Integrated Planning, will also be addressed. Onondaga County will summarize the ACJ requirements, water quality monitoring results, and their vision for moving forward. EPA will provide its perspective on options for compliance and provide examples of what other communities have done and the challenges associated with those examples.

Delaware Estuary: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

NJDEP Tier A MS4 General Permit: On Monday, January 23, CWD and ORC met with NJDEP to discuss their upcoming NJDEP Tier A MS4 General Permit. Discussed were: NJ Council on Local Mandates' 2011 dumpster cover ordinance "unfunded mandate" decision pertaining to the current MS4 permit, and its potential impacts on the new draft permit; TMDL requirements in the permit; and, the overall improvements that address Region 2's comments on the preliminary draft issued publicly. NJDEP is taking steps to address our concerns. The NJDEP Draft Tier A MS4 General Permit is expected to be public noticed for comment in mid-February.

2017 Draft FAD Development: NYCDEP and the regulators are meeting next week to discuss program commitments in the draft FAD for the East of Hudson Nonpoint Source Program and the Land Acquisition Program. The target date for the release of the draft FAD is the end of February 2017. One of the requirements in the draft 2017 FAD will be to "seek to establish a partnership between the Catskill Streams Buffer Initiative (CSBI) program and the Conservation Reserve Enhancement Program (CREP) program to enable CREP to be implemented on former agricultural lands through the CSBI." The purpose of this partnership is to increase stream buffer protections on streams in the NYC Watershed. On February 1, 2017 the Watershed Agricultural Council is hosting a meeting in Walton, NY to discuss the initial partnership with all of the partners. CWD will participate.

WaterSense: CWD is partnering with the NYC Benchmarking Help Center for the 2017 Energy and Water Workshops for the NY Archdiocese. The New York City Benchmarking Help Center provides information, assistance, and answers to questions about NYC Local Law 84 (LL84) which requires owners of large buildings to annually measure their energy and water consumption in a process called benchmarking. LL84 standardizes this process by requiring building owners to enter their annual energy and water use in EPA's online tool, ENERGY STAR Portfolio Manager® and use the tool to submit data to the city. LL84 gives building owners information about a building's energy and water consumption compared to similar buildings, and tracks progress year over year to help in energy efficiency planning. The Benchmarking Help Center's goal is to help New York City increase compliance, improve data accuracy, and assist new building owners to benchmark, enabling New Yorkers to use energy

and water responsibly and prepare for a more sustainable future. NYC Benchmarking Help Center is also looking to expand benchmarking training to other building sectors throughout NYC.

New York and New Jersey Harbor and Tributary (HAT) Study: As we previously reported, the USACE has initiated a feasibility study to assess vulnerabilities to coastal resilience that have not been addressed by the numerous efforts after Hurricane Sandy. Many of the USACE efforts were for projects that had been authorized prior to Sandy, but had not been fully funded. The aim of the study is to prepare a consistent flood risk vulnerability assessment of the entire tidally affected area around the New York-New Jersey Harbor and up the Hudson River to Troy. CWD and CASD participated in an initial agency scoping meeting on Jan 24. USACE anticipates that NEPA scoping will occur in the summer of 2017 and initial alternatives analysis will occur in the winter of 2017/2018.

Long Island Sound Climate Change Webinar: The Long Island Sound Study and its partners held a webinar on Jan. 18 for secondary school teachers interested in teaching their students about how changes in climate affect the living marine resources of Long Island Sound. More than 20 teachers joined the webinar. The featured presenter was Penny Howell, a biologist at the Connecticut Department of Energy and Environmental Protection, who was a co-investigator of a Long Island Sound Study/Sea Grant-funded research project that used climate models and historic datasets to simulate the effects of climate on Long Island Sound's physical environment and living marine resources.

Hard Bottom Habitat Quality Assessment at the HARS – We are coordinating with the contractor and finalizing the QAPP for the Quantitative Image Analysis of Hard Bottom Habitat Quality Assessment at the HARS.

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Division of Environmental Science and Assessment
Weekly News
January 26, 2016

Potential or Expected Press Stories

Freedom of Information Requests of RA Interest

Travel/Meetings/Speaking Engagements for Division Directors

Anahita Williamson, Rachael Graham and Pat Sheridan will be in Albany, NY on January 31 meeting with NYSDEC on air and water citizen science programs.

Upcoming Highlights for the week (please provide a bulleted list)

Field Activities Internal Auditor Training: On January 24, 2017, DESA personnel participated in EPA Quality Assurance Field Activities Procedure (QAFAP) Audit Training entitled QA Field Activities Procedure for Internal Auditing training. EPA Office of Water and Region 4 personnel provided the training in Headquarters and via webinar. The morning session was a presentation, introducing QAFAP auditing and describing the audit steps. Questions were taken throughout the presentation, creating an interactive atmosphere. The afternoon session consisted of a Tabletop exercise. Participants were given a scenario and supporting documentation, then asked to "audit" the scenario using the QAFAP Assessment Checklist to identify non-conformances. Findings were shared and discussed. For those who missed a portion of the training, could not participate, or would like a review, the webinar was recorded and will be made available.

The EPA Peer Review Advisory Group (PRAG): The PRAG met on January 24, 2017. Topics included an update on the release of two Peer Review eLearning courses in Skillport. The training is not mandatory, but participation is highly encouraged. Other topics included: update of the Office of Science Advisor webpage to include a feature box on Peer Review; Peer Review of Agency Calculators; and if/when Congressional Bill H.R. 70 is enacted, Peer Reviews using contractors would probably need to incorporate FACA rules. Bill H.R. 70 reads that it is "To amend the Federal Advisory Committee Act [FACA] to increase the transparency of Federal advisory committees, and for other purposes." The bill includes a provision that contractor panels would fall under FACA. Should this occur, the PRAG will revisit the current procedures and the Peer Review Handbook to incorporate the additional requirements.

Scientific Integrity (SI): The EPA SI Committee held its quarterly meeting on January 25, 2017. The SI Official shared the status of allegations nationally, results of the >1,000 post-2016 SI training evaluations returned, SI Policy errata & supplemental information, and project updates for Clearance Best Practices, the Survey Report, the Differing Scientific Opinion Policy, and the Annual report. In addition, topics including the FY2017 Annual Work Plan, upcoming Management SI Training, and EPA SI's 5th Anniversary activities were presented for Committee input. The meeting ended with a discussion resulting from a January 25, 2017 NPR article

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entitled: EPA Scientists' Work May Face 'Case By Case' Review By Trump Team, Official Says.

BEACH Act grants - The Office of Inspector General (OIG) is currently conducting an audit of the EPA BEACH Act grant program, which is organizationally located in the Office of Water - Office of Science and Technology (OST). OIG is looking at the current state of the beach program, it's effectiveness and areas where the program can be improved. OST asked the Regions to have their states answer the following question: " without grant funding provided to coastal states, how will states continue monitoring and notification of coastal recreation waters?' Region 2 answers are as follows: Without BEACH Act funding, New Jersey would reduce the number of beaches monitored, and New York would reduce both the number of beaches monitored and the frequency of monitoring. Both states would reduce staff supporting their beach programs. Neither the Virgin Islands nor Puerto Rico, important vacation destinations with year-round swimming, would be able to sustain a beach monitoring program, as they are funded entirely by the EPA BEACH Act grants.

Waldick Aerospace Devices Superfund site – On January 18, 2017, two members of SST successfully sampled two groundwater monitoring wells at the Waldick Aerospace Devices Superfund site in Sea Girt, NJ. The sampling was done at the request of ERRD and in regard to a real estate transfer at the parcel of property immediately south of the site. The 4 wells on this parcel of property have not recently been sampled; however, the team was able to locate and assess these wells and subsequently determine that only 2 contained water allowing for sample collection. The samples were submitted to DESA's laboratory in Edison for the analysis of metals and volatile organics.

Cinnaminson Groundwater Contamination Superfund site – During the week of January 30, 2017, SST staff will be collecting vapor intrusion sub-slab samples at residential properties affiliated with the Cinnaminson Groundwater Contamination Superfund site in Cinnaminson, Burlington County, NJ. Results will be used to assist in the assessment and management of hazards associated with vapor intrusion from an underground contaminant source. Landfill and mining operations were located on the Site from the 1950s to 1980 resulting in groundwater contamination with arsenic and volatile organic compounds, or VOCs. Samples will be sent for laboratory analysis through the regional BPA.

Region 2 Laboratory Projects – The Laboratory will receive samples next week in support of the following programs:

NYC Hillview Reservoir – Drinking Water program
Turbidity, Total Coliform, E. Coli., Giardia, Cryptosporidium (2 aqueous samples)

Industrial Latex – Superfund program
Metals (2 aqueous and 19 non-aqueous samples)

Olean Well Field – Superfund program
VOA-Trace (14 aqueous samples)

Lawrence Aviation Monthly – Superfund program
VOA-Trace, Fluoride, Metals+Hg: (15 Aqueous Samples)

Old Roosevelt Field – Superfund program
Volatile Organic Compounds (10 aqueous samples); Metals, Nitrate+Nitrite, Total Suspended Solids, Total Dissolved Solids, and Oil + Grease (2 aqueous samples)

South Jersey Clothing Company – Superfund program
VOA-Trace (10a; Metals (Fe & Mn), TSS, TDS, pH (1-2A)

Weekly Highlights - ERRD
EPA Region 2
Week of: January 30, 2017

Potential or expected press stories

- **Dewey Loeffel Public Meeting**: A public information meeting was held January 25 to provide the community with an update on the status of the landfill-groundwater and drainageways RI/FSs, including the results of the 2015 sediment and soil sampling in the drainageways. The Town Supervisor had shared information regarding the meeting on his webpage and had encouraged the public to attend. The meeting was well attended with approximately 50-60 attendees, including local officials, the TAG-recipient (UNCAGED) and residents. Overall, the community was interested in and supportive of the work being performed at the site. Time Warner Cable (TWC) news was present and footage from the meeting aired on 1/25 indicating that the purpose of the meeting was to discuss the results of PFOA sampling and that additional PFOA testing will be performed. The CIC reached out to TWC on 1/26 to inform them that the purpose of the meeting was to provide an update on the ongoing investigation field work, and was not related to PFOA. Since reaching out to TWC, the article on their website has been removed and it is unknown whether television coverage has been removed or modified. A Times Union reporter was also present at the meeting and we expect the potential for additional coverage.

Ex. 5 - Deliberative Process

Contact from Elected Officials

Potential or expected policy issues

Freedom of Information Requests that the Regional Administrator should be aware of
Hackensack River: The following FOIA requests were received and processed after the Hackensack River sampling activities were completed:

- Integrated Environmental Technologies, FOIA # EPA-R2-2016-010500, (09/22/2016) – Requested the Expanded Site Inspection (ESI) work plan and sampling results for the 2016 sampling in the Hackensack River. Responsive documents included the QAPP, Field Sampling Plan, and validated sampling results.
- AMEC – Foster Wheeler, FOIA # EPA-R2-2017-002115, (12/16/2016) - Requested information included work plan, results, data collection reports, data validation reports, sampling location maps, and conclusions from this study, as well as any recommendations/decisions for NPL superfund listing. Responsive documents included the QAPP, Field Sampling Plan, and validated sampling results.
- The ELM Group, FOIA # EPA-R2-2016-009759, (08/26/2016) - Requested documents related to the 2016 Hackensack River Superfund Listing Assessment, including: work plans, QAPP, and field sampling plans related to 2016 Hackensack River sampling. Also,

requested information and correspondence discussing the timing and process used to develop the budget for the characterization work. Responsive documents included the QAPP, Field Sampling Plan, and validated sampling results.

- Connell Folley LLP, FOIA # EPA-R2-2017-002991, (1/19/2017) - Requested a list containing the names of all 653 facilities and 268 Site Remediation Projects (SRP) sites identified as potential sources of contamination to the Hackensack River as referenced in Section 4 of the September 2015 Preliminary Assessment report for the Lower Hackensack River. Pre-Remedial is processing the response. Responsive documents will include the Preliminary Assessment report and references.
- Hackensack River Keeper, no formal FOIA request. Asked for copies of the ESI sampling results. We sent Captain Bill Sheehan a copy of the QAPP, Field Sampling Plan, and validated sampling results.

Indian Nation Consultations Initiated

Travel/meetings/speaking engagements for Division Directors

Upcoming Highlights for the week (please provide a bulleted list)

- DuPont Pompton Lakes Works site – On Thursday 1/26, the radio station WGHT will conduct an interview with EPA (PAD (Seppi) and ERRD (Katz)) regarding the status of the Pompton Lakes dredging project and soil uplands cleanup. We are not sure when it will air. PAD cleared this already.

Additional Items (if any)

Vieques/Culebra:

Culebra: On 1/23/17, an interview with the former RA appeared in El Nuevo Dia. In the interview she expressed her concerns with the status of the work being performed by the Army Corps on Culebra. She also briefly discussed the work on Vieques.
http://www.elnuevodia.com/noticias/locales/nota/exigenlimpiezaparaculebra-2283565/

Passaic River/Newark Bay:

Lower 8.3 Miles: Meeting on Thurs 1/26 to discuss performance standards with experts; Glenn Springs included in meeting. Prior Written Approval memo still with OECA.

ORC Weekly News
January 26, 2016

Potential or Expected Press Stories:
None

Contacts from Elected Officials:
None

Freedom of Information Act Requests that the Regional Administrator should be aware of:
None

Travel/Meetings/Speaking Engagements for Division Directors:
None

Upcoming Highlights for the Week:
None

Additional Items:

Litigation with P.R. Contractor. The lawsuit brought against EPA and the Commonwealth government by a Puerto Rico contractor, Longo En-Tech Puerto Rico, continues. The United States filed a Motion to Dismiss on January 17, 2017. In papers that it recently filed with the court, the plaintiff outlined the claims it will argue, including that there is a contractual relationship between EPA and PRASA, and that EPA is therefore obliged to produce the SRF funds. The plaintiff also continues to insist that there has been a constitutional "taking," and that this is the appropriate forum for such complaint. The plaintiff's recent filing includes statements making personal attacks on various EPA employees. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Transition Issues:

I. Regulatory Freeze. In response to the January 20, 2017 memo from the President's chief of staff to agency heads, captioned "Regulatory Freeze Pending Review" (the "Priebus Memo"), HQ has:

> (i) issued a direct final rule postponing until March 21, 2017 approximately 30 regulatory actions that had been published in the *Federal Register* but had not yet taken effect. The primary ones of interest to us in Region 2 are: (a) our action approving and promulgating amendments to New York State's SIP dealing with PSD, nonattainment NSR, and infrastructure SIP requirements;
> (b) the amendments to the Superfund Hazard Ranking System to include subsurface intrusion component; (c) the amendments to EPA's Accidental Release Prevention

regulations under the CAA; and (d) the amendments that HQ promulgated to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties. As required by the Priebus Memo, there will now be a review of the ~30 regulatory actions for any questions of fact, law or policy; and potentially, the Agency could conduct further rulemaking to extend the effective date beyond 3/21/17 and may consider proposing further notice-and-comment rulemaking on these matters. See item 3 of the Priebus Memo for more details.

(ii) withdrawn from the Office of the Federal Register (OFR) all notices that had been submitted for publication but not yet published. EPA has begun a review of each of those proposed *Federal Register* notices to determine which of them are not "regulations," as defined in the Priebus Memo, and thus can be published in the *Federal Register* without delay. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

II. Review of Near-Term Planned Enforcement Actions. As requested by HQ, we are compiling and sending OECA, on January 26th, a list of certain categories of pending or planned enforcement actions and settlements, using a template provided by HQ. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Weekly Highlights – Office of Strategic Programs
EPA Region 2
Week of January 23, 2017

Potential or expected press stories

Contact from Elected Officials

Potential or expected policy issues

Freedom of Information Requests that the Regional Administrator should be aware of

Travel/meetings/speaking engagements for Division Directors

Indian Nation Consultation Initiation or Request: N/A

MVD - Newark

The R2 MVD Newark Team met with the City of Newark Chief Sustainability Officer and Sustainability Policy Advisor on January 25 to provide updates on EPA's ongoing efforts in Newark and discuss the Mayor's 2017 priorities for the City's implementation of the Sustainability Action Plan. The City invited EPA to participate in a Town Hall to reinvigorate community interest in the Sustainability Action Plan, and also suggested EPA follow up on the 2016 Superfund 101 workshop with a community workshop explaining the differences between Superfund, Brownfields and RCRA Subtitle C and the respective sites in their neighborhoods. The City will also be continuing their focus on green infrastructure, environmental code enforcement, with a new focus on lead in homes and youth engagement.

Sabina Byck participated in a Newark Housing Authority led tour of the Dayton Street Choice Neighborhood and Training Education and Recreation Center (TREC) in Newark's South Ward with HUD Field Office staff on January 24, 2016. HUD will be providing focused, targeted support (similar to the MVD focus community model) to the Dayton Street neighborhood in 2017 as part of a national effort for HUD to focus on communities that were top scorers but not selected as White House Promise Zones. The City of Newark was also unsuccessful in their attempt to receive HUD Choice Neighborhood Implementation Funding. The City and Housing Authority are currently looking for funding to aid with the demolition of the 560 long-abandoned units in Seth Boyden Terrace.

Sabina Byck and Reema Loutan (CASD) met with OAR to revise the scope of work for the technical assistance EPA is providing to the Newark Environmental Commission to support the Idle Free Newark Campaign. EPA will meet with the Newark Environmental Commissioners next week to discuss which tasks can be covered by this contract and begin the process of identifying subcontractor. The Commission has stipulated they would like a subcontractor from Newark/Newark area familiar with the air quality issues surrounding the port.

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Seneca Nation of Indians GAP, Brownfields and UST Program Review
The Seneca Nation of Indians (SNI) Environment Division will have its annual GAP, brownfields, and UST Program Review meeting here on February 22 and 23. We are expecting eight participants from the Nation, including Lisa Maybee who is the current Director of the SNI Environmental Protection Department. We also may have one Councilor from the SNI Tribal Council in attendance for the meeting.
Meeting logistics, agenda and other information to be shared soon.

Shinnecock Indian Nation regarding wetlands matter
A teleconference with the Shinnecock Indian Nation Leadership (Chairman Bryan Polite, Trustee Terrell Terry, etc.) and Shavonne Smith, Shinnecock Environment Program Director, is scheduled for Thursday 1/26. EPA Region 2 will report out on the status of info request letter sent to trucking companies that are dumping on Shinnecock lands. The Shinnecock Indian Nation will clarify its enforcement request (R2 received letter from Chairman requesting enforcement assistance but Trustee Terry suggested an alternative remedy). Lastly, EPA and Nation can clarify the process for sending a info request letter to Shinnecock landowner who is allowing dumping on his lands on the Nation territory.

Tuscarora Nation to host Eco-Healthy Child Care Training in June 2017
The Nation has agreed to work with our R2 Children's Health Coordinator and host an Eco-Healthy Child Care (EHCC) Training on how to reduce a children's exposure to toxics. The course is expected to offer information on 11 core content areas: pesticides, poor air quality, household chemicals, lead, mercury, furniture and carpets, art supplies, plastics arsenic, radon and recycling. The purpose of the training is to prepare individuals to become an EHCC resource for their localized communities. Child care providers would then have a local contact that can provide training and technical assistance and offer direction to helpful resources pertaining to children's environmental health.

Haudenosaunee Environmental Task Force (HETF) GAP Review Meeting
The HETF (Cayuga, Onondaga, Tonawanda Seneca & Tuscarora Nations) will be at our regional office for its annual GAP review meeting on February 28 and March 1. We are expecting one Nation rep for each nation in attendance along with Dave Arquette, Director of the HETF. Meeting logistics, agenda and other information to be shared soon.

Risk Assessment
Mark is working with the EPA-Office of Emergency Management and the ORD-Homeland Security Research Center on a RARE proposal to study decontamination methods for illegal Fentanyl labs. Fentanyl is a highly potent opiate which, along with the existence of even more potent substituted Fentanyls, has created acute hazards for response and remediation personnel. Within the scope of this research proposal will be the development of exposure guidelines for fentanyl(s) in indoor air and residuals on interior surfaces. Based on inter-Regional interest, a joint proposal may be submitted with Regions 5 & 8.

Children's Health & Schools
Thanks to a Skills Marketplace project, Kathy Savino (DESA) worked with the Children's Health team to develop a single screening checklist for any inspector or EPA staff person visiting

a school. It covers all aspects of school environmental health and is meant to flag any issues for other programs to follow up, not necessarily to confirm compliance. It is now complete and available, and other regions and state programs may adopt a version of it as well.

On January 25, Becky attended the NJ Interagency Task Force for the Prevention of Lead Poisoning. The group, which has representation from EPA, various state and local agencies and health departments, non-profits and associations, is drafting a 2017 Strategic Plan and dividing into workgroups to develop specific objectives and actions. The next meeting will be in March.

Public Affairs Division Weekly Highlights
1/26/16

Press Stories/News Releases/Issues Anticipated:

- **General:** PAD is likely to continue to receive significant, continued media interest in a variety of matters related to the new administration. We are coordinating closely with the Office of Public Affairs and have a good system for answering and tracking inquiries.

News Releases Issued This Week:

News Releases for next week or two:

- News release on final cleanup plan to address contamination in the Creek Corridor portion of the Eighteen Mile Creek Superfund Site, in Lockport, NY. Timing is TBD, likely early next week.

Events in the works for the next week or two:

Social Media:

- None

Contact with Elected Officials:

- PAD is coordinating with ERRD and CWD on a briefing for Senators Gillibrand's and Schumer's offices on 1,4 dioxane and PFOA/PFOS in Long Island drinking water.
- PAD is coordinating with ERRD on a briefing for Congressman Norcross' staff on Route 561 Dump SF site.
- PAD is arranging for a telephone briefing for Walter with Congressman Faso on Hoosick Falls and Hudson River.
- PAD is coordinating a briefing for Walter with Congressman Gottheimer on general issues.
- PAD will communicate to Senator Schumer's staff the status of sale of Diaz SF site houses to town of Holley, NY.

International:

- After completing the train-the-trainer public participation workshop in July, 2016, PAD will be coaching NGO's in Central America on mechanisms for public participation and the public participation toolkit. The first workshop is planned for the week of February 5 in Nicaragua. Subsequent workshops in Guatemala, El Salvador and the Dominican Republic are in planning stage.

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FOIA Update:

- We released correspondence between Ford, the Borough of Ringwood and EPA regarding the Ringwood Mines/Landfill Superfund site to Sean Sullivan with The Star Ledger.

- We performed an interim release of documents to Scenic Hudson related to the Hudson River PCBs Superfund site cleanup.

Travel/meetings/speakingengagements for Division Directors and Deputies:

Upcoming Highlights for the week:

Expected Developments Next Week:

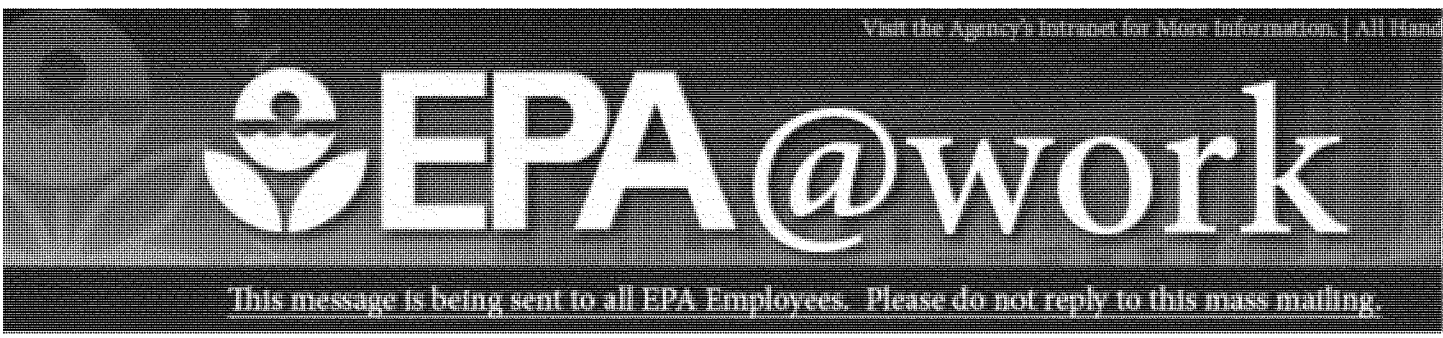
To: Reeder, John[Reeder.John@epa.gov]; Mccabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Kavlock, Robert
Sent: Thur 1/26/2017 3:37:55 PM
Subject: RE: USEPA Scientific Integrity Policy

John

I have been checking whether there is anything more "official" looking than the PDF of the policy that is on the scientific integrity webpage -

https://www.epa.gov/osa/basic-information-about-scientific-integrity

But there does not appear to anything different. The policy was announced in 2012 (also undated):



MEMORANDUM

SUBJECT: EPA Scientific Integrity Policy

FROM: Bob Perciasepe, Deputy Administrator

TO: All EPA Employees

Dear Colleagues:

Science is the backbone of EPA's decision-making, and the Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

As such, I am pleased to announce the enactment of a new Scientific Integrity Policy that builds on our long history of scientific safeguards and further ensures that sound science drives Agency decision making.

On March 9, 2009, President Obama issued an executive memorandum that articulated the need for sound science to inform and guide agency decisions on a wide range of issues, including improvement of public health, protection of the environment, increased efficiency in the use of energy and other resources, mitigation of the threat of climate change, and protection of national security. In response, the Office of Science and Technology Policy (OSTP) provided foundational principles and specific expectations for scientific integrity in the Federal government. In particular, OSTP asked the Federal agencies to develop scientific integrity policies that included four areas: scientific integrity in government, public communications, use of Federal Advisory Committees, and professional development of government scientists and engineers.

The final policy incorporates stakeholder input from the EPA Science and Technology Policy Council, OSTP, the public, and our Agency scientists. It also establishes a Scientific Integrity Committee to implement this policy and provide an annual report. In advance of completing the annual report, the Scientific Integrity Committee will conduct an Agency-wide annual meeting on scientific integrity that will include the involvement of senior EPA leadership, reports from offices and programs, and an opportunity for input from the EPA scientific community.

The environmental policies, decisions, guidance, and regulations that impact the lives of all Americans every day must be grounded, at a most fundamental level, in sound, high quality science. When dealing with science, it is the responsibility of every EPA employee to conduct, utilize, and communicate science with honesty, integrity, and transparency, both within and outside the Agency.

The Scientific Integrity Policy and its implementation have my full support, as well as the support of the Administrator, Science Advisor, and all Assistant and Regional Administrators. It is effective immediately and will ensure that science continues to drive our efforts to protect human health and the environment.

The complete policy is available at:
http://www.epa.gov/osa/pdfs/epa_scientific_integrity_policy_20120115.pdf

Let me know if you need anything else.

Bob

From: Reeder, John
Sent: Thursday, January 26, 2017 10:32 AM
To: Mccabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Kavlock, Robert <Kavlock.Robert@epa.gov>
Subject: RE: USEPA Scientific Integrity Policy

I have this document already...no worry Bob.

I'll follow up with Mike and the copies.

Thanks

From: Mccabe, Catherine
Sent: Thursday, January 26, 2017 6:38 AM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Kavlock, Robert <Kavlock.Robert@epa.gov>
Subject: Fwd: USEPA Scientific Integrity Policy

See message below. I would like to give the Science Integrity Policy to the transition team. Bob - please send it to John, for ease of distribution. John - please prepare hard copies for the team and give to Mike this morning. Thx

Sent from my iPhone

Begin forwarded message:

From: Frank McCormick <Ex. 6 - Personal Privacy
Date: January 25, 2017 at 11:23:31 PM EST
To: mccabe.catherine@epa.gov
Subject: USEPA Scientific Integrity Policy

Dear Ms. McCabe,

I am writing as a former scientist with USEPA's Office of Research and Development to express my dismay at the reported statement by the communications director of the EPA transition team, Doug Ericksen. I believe that the statement violates the Agency's Scientific Integrity Policy.

Though I'm sure that you're familiar with it, I proudly worked under its guidance or that of earlier versions. The wording is explicit and powerful, invoking both the importance of ethical behavior, peer review, and service to the public. Thus, they are worth including in my email:

Release of Scientific Information to the Public

The Policy aims to foster a culture of transparency regarding the results of research, scientific activities and technical findings. EPA encourages open communication, free from political or other interference.

- EPA scientists and managers are expected to:

- Freely exercise their right to express their personal views provided that they specify that they are not speaking on behalf of, or as a representative of, the Agency, but rather in their private capacity with the use of a prominent and unmistakable disclaimer; and

- Review, correct, and approve the scientific content of any proposed Agency document intended for public dissemination that significantly relies on their research.

- Outreach activities and media interactions are expected to adhere to Agency ethics regulations.

- Under no circumstances should the public affairs staff attempt to alter or change scientific findings or results. The role of the public affairs officer is to ensure that the science is plainly and clearly communicated for the intended audience in a timely fashion.

Peer Review and the Use of Federal Advisory Committees

Independent peer review of Agency science is a crucial aspect of scientific integrity.

- To ensure that scientific products undergo appropriate peer review by qualified experts, **EPA relies on its Peer Review Policy and Handbook.**

- Transparent recruitment of new FAC members through broad based vacancy announcements

- The selection of members to serve on a scientific or technical FAC should be based on expertise, knowledge, contribution to the relevant subject area, balance of the scientific or technological points of view and the consideration of conflicts of interest.

Professional Development of Government Scientists

Scientific leadership is a key component of advancing the mission of EPA.

- Agency scientists are encouraged to engage with their peers in academia, industry, government, and non-governmental organizations consistent with their work

responsibilities.

- This includes presenting research findings in scientific journals and at professional meetings, serving on editorial boards, and actively participating in professional societies,

obtaining training to keep current with their scientific qualifications and professional certifications, and accruing professional awards and honors for their research discoveries. Professional activities are expected to adhere to Agency ethics regulations.

I urge you to stand with your scientists and protect the scientific leadership of the Agency.

Frank H. McCormick, Ph.D.

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Minoli, Kevin
Sent: Thur 1/26/2017 4:20:22 AM
Subject: Fw: Sierra Club letter re FOIA request and document preservation
Sierra Club letter re document preservation.pdf

Catherine- I just had a chance to review my emails and noticed this letter from the Sierra Club regarding a recent FOIA request they indicated they made for data and information currently on our website. They reference a FOIA request from the Environmental Defense Fund that allegedly asks for information contained on the website at one time that is has recently been taken down. I have not seen either request to verify our receipt of them or their contents.

Ex. 5 - Deliberative Process

I will answer any questions you may have at the Ops meeting.

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8040

Direct Dial: 202-564-5551

From: Andrea Issod <andrea.issod@sierraclub.org>
Sent: Wednesday, January 25, 2017 4:55 PM

To: Mccabe, Catherine; Minoli, Kevin; Purifoy, Tiffany
Cc: joanne.spalding
Subject: Sierra Club letter re FOIA request and document preservation

Please see attached.

--

Andrea Issod
Senior Attorney
Sierra Club Environmental Law Program
2101 Webster St., Suite 1300
Oakland, CA 94612
415.977.5544
andrea.issod@sierraclub.org

CONFIDENTIAL LEGAL COMMUNICATION/WORK PRODUCT
This e-mail may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please notify me and delete all versions from your system. Thank you.

January 25, 2017

The Honorable Catherine McCabe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator McCabe,

We are writing to request a written commitment from EPA that records that Sierra Club recently requested under the Freedom of Information Act (FOIA) will not be destroyed or otherwise removed from publicly accessible websites.

On January 12, 2017, Sierra Club submitted a FOIA request for vital records, including climate and air pollution data, agency guidance and prior permitting decisions, air dispersion modeling data, and air monitoring and enforcement data (designated as EPA-HQ-2017-002792). On January 20, 2017, Sierra Club requested the same information, plus additional records, in a format that can be easily downloadable in bulk (EPA-HQ-2017-003038). As explained in our requests, Sierra Club has asked EPA to provide records and data that are currently available through various EPA websites because we are concerned that this information is at risk of being destroyed or made unavailable to the public under the new Presidential Administration.

Sierra Club's mission is to explore, enjoy, and protect the planet; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment, and to use all lawful means to carry out those objectives. To these ends, Sierra Club seeks to ensure strict enforcement of the nation's environmental statutes, to hold polluters accountable for damage to the environment and public health, and to support public education and scientific study of environmental issues. Sierra Club's FOIA request is an effort to obtain and preserve records that are essential to these objectives.

ED_001178_00000179-00001

Our concerns are credibly based on actions undertaken by the new Administration during the transition and since the inauguration. President Trump, members of his transition team, and some of his Cabinet nominees, including his nominee for EPA Administrator, have questioned the scientific basis of climate change and vowed to rescind Obama Administration actions to reduce greenhouse gas emissions.[1] The transition team also issued a questionnaire to the Department of Energy that requested the names of agency staff who participated in international climate talks, of employees and contractors who attended meetings on the social cost of carbon, and of top staff at national laboratories and the titles of their peer-reviewed publications.[2]

On the day President Trump took office, the official White House's website deleted nearly all references to climate change, with exception of one, which outlines the new Administration's plan to eliminate former President Obama's Climate Action Plan.[3] Last night, the media reported that the Trump Administration instructed EPA's communications team to remove the agency's climate change website,[4] which contains links to climate research and detailed information on emissions from pollution sources including, but not limited to, EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks,[5] which is one of the records sought under our FOIA request. According to sources, this set of webpages would be removed as early as today. In addition, on January 23, the Administration instructed EPA staff to halt all communications to the public via social media as well as the publication of new content on any of the agency's webpages.[6] Today, InsideEPA reported that EPA is "temporarily suspending its plans to remove the main climate change page from the agency's website," and that the Office of

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[1] *See* https://twitter.com/realdonaldtrump/status/265895292191248385?lang=en (tweet from President Trump stating that "[t]he concept of global warming was created by and for the Chinese in order to make U.S. manufacturing non-competitive"); Agency Landing Teams, available at https://greatagain.gov/agency-landing-teams-54916f71f462#.gxm0syy8u; Myron Ebell, Myron Ebell: Promoting sound policy for real environmental improvement, Competitive Enterprise Institute, November 22, 2016, https://cei.org/blog/myron-ebell-promoting-sound-policy-real-environmental-improvement; John Walke, Scott Pruitt's Extremism Makes Him Unfit to Lead EPA, January 17, 2017, https://www.nrdc.org/experts/john-walke/scott-pruitts-extremism-makes-him-unfit-lead-epa .

[2] Steven Mufson and Juliet Eilperin, Trump transition team for Energy Department seeks names of employees involved in climate meetings, The Washington Post, December 9, 2016, https://www.washingtonpost.com/news/energy-environment/wp/2016/12/09/trump-transition-team-for-energy-department-seeks-names-of-employees-involved-in-climate-meetings/?utm_term=.2dc4aa380ef6

[3] Coral Davenport, With Trump in Charge, Climate Change References Purged From Website, The New York Times, January 20, 2017, https://www.nytimes.com/2017/01/20/us/politics/trump-white-house-website.html?_r=1&mtrref=undefined&gwh=247C9C1B59CFB6F6C37EAD05BE869293&gwt=pay ; An America First Energy Plan, https://www.whitehouse.gov/america-first-energy ; The Obama Administration's climate change page was migrated to a National Archives website. Climate Change and President Obama's Action Plan, available at https://obamawhitehouse.archives.gov/president-obama-climate-action-plan .

[4] Valerie Volcovici, Trump administration tells EPA to cut climate page from website: sources, January 25, 2016, http://mobile.reuters.com/article/idUSKBN15906G.

[5] EPA, U.S. Greenhouse Gas Inventory Report: 1990-2014, *available at* https://www.epa.gov/ghgemissions/us-greenhouse-gas-inventory-report-1990-2014

[6] Robin Bravender and Kevin Bogardus, Social media horse-collared as Trump team grabs reins, Greenwire, January 24, 2017, http://www.eenews.net/greenwire/2017/01/24/stories/1060048886

General Counsel has been asked to analyze the implications of removing some information.[7] Nevertheless, the continued availability of these records appears to be uncertain, and we have legitimate concerns that at least some of these records will be made unavailable to the public and possibly destroyed.

EPA must preserve all potentially responsive records while our FOIA request is pending or under appeal. 40 C.F.R. § 2.106 ("[r]ecords shall not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the FOIA"); *see Chambers v. U.S. Dep't of Interior*, 568 F.3d 998, 1004 (D.C. Cir. 2009) ("an agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under FOIA or the Privacy Act"). Additionally, EPA must make available for public inspection in an electronic format copies of records that, due to their subject matter, "the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records." 5 U.S.C. § 552(a)(2). The broad media attention to this issue demonstrates the likelihood of subsequent requests, and Sierra Club is aware that the Environmental Defense Fund submitted to the agency a FOIA request asking for a copy of all climate and air quality records "that appeared on EPA's websites on January 19, 2017 but no longer appear, or were modified, as of January 20, 2017 or any date thereafter."[8]

In addition, the Federal Records Act requires the EPA Administrator to preserve records designed to protect the legal rights "of persons directly affected by the agency's activities," and to establish safeguards against their loss and removal. 44 U.S.C. §§ 3101, 3105. Federal records cannot be destroyed except as provided under the Act. Specifically, the Act requires the Administrator to submit to the Archivist a list of the records that the agency proposes to discard and disposal schedules, and the Archivist to examine those lists and schedules. If -and only if- the Archivist agrees that those records lack "sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government," the Archivist may authorize their disposal "after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon." *Id.* §§ 3303, 3303a, 3314.

The Clean Air Act, the Clean Water Act, and other environmental statutes administered by the EPA contain numerous provisions requiring the agency to provide agency records and other information available to the public. *See, e.g.*, 42 U.S.C. § 7414 (requiring public availability of air pollution sources' records needed to develop or implement standards of performance, emission standards or any regulation of solid waste combustion, except upon a satisfactory showing that access to such information -other than emissions data- would divulge trade secrets); *id.* § 7412(l)(3) (requiring the Administrator to establish and maintain an air toxics clearinghouse to provide technical information and assistance to state, local agencies and

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[7] Doug Obey, Trump EPA To 'Stand Down' For Now On Website Climate Data Removal Plans, InsideEPA, January 25, 2017, https://insideepaclimate.com/daily-news/trump-epa-stand-down-now-website-climate-data-removal-plans.

[8] *Id.*

others on control technology, health and ecological risk assessment, risk analysis, ambient monitoring and modeling, and emissions measurement and monitoring); *id.* § 7408(d) (requiring EPA to make air quality criteria and information on air pollution control techniques available to the general public); 33 U.S.C. § 1318(b) (requiring effluent data to be made available to the public); *id.* § 1314(c) (requiring the Administrator to make information on pollution discharge elimination procedures available to state water pollution control agencies and other interested persons); 42 U.S.C. § 300j-4 (requiring drinking water contaminant databases to be made available to the public in readily accessible form); 42 U.S.C.A. § 6921(ll) (requiring the EPA to make hazardous waste information obtained pursuant to inspections available to the public).

Specifically with respect to climate change, federal law requires the Energy Information Administration, through appropriate consultation with EPA, to develop and update an annual inventory of national aggregate emissions of each greenhouse gas. 42 U.S.C. § 13385. Furthermore, pursuant to a Congressional directive included in the FY2008 Consolidated Appropriations Act, EPA established a mandatory greenhouse gas reporting program in 2009 under its existing Clean Air Act authority, specifically under sections 114 and 208. *See* Consolidated Appropriations Act, 2008, Public Law 110–161, 121 Stat. 1844, 2128 (2008); 40 C.F.R. Pt. 98; 74 Fed. Reg. 56,260, 56,264 (Oct. 30, 2009). This program requires annual emissions reporting from major downstream sources of greenhouse gases, as well as from most upstream suppliers of fossil fuels and industrial greenhouse gases and manufacturers of vehicles and engines. 74 Fed. Reg. at 56,264. And, pursuant to sections 114 and 208 of the Clean Air Act, data collected under this program must be made available to the public. *Id.* at 5,6268, 42 U.S.C. §§ 7414(c), 7542(c).

The EPA records requested by Sierra Club contain scientific data, research, pollution records, and other key information sets that are essential to ongoing scientific research into threats to the natural and human environment and to public health. It is also necessary for citizen enforcement of environmental requirements. Moreover, our members and the public rely on this information to understand the threats resulting from pollution in their communities.

Given the large volume of the requested data, Sierra Club's limited resources, and because much of the data is available only through queries and is not easily downloadable in bulk, it will take the Sierra Club approximately 90 days to download the requested data. For this reason, in our FOIA request we have asked that EPA provide us the information on external hard drives.

Please provide a written commitment that these records will not be destroyed or otherwise removed from publicly accessible websites. Given the the uncertainty of the status of these records and the urgent public interest in preserving them, we respectfully request that you provide such assurance by this Friday, January 27. Should you wish to discuss this matter, please call me at 415-977-5725.

Sincerely,

Joanne Spalding
Chief Climate Counsel

cc: Kevin S. Minoli
Tiffany Purifoy

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Purifoy, Tiffany[Purifoy.Tiffany@epa.gov]
Cc: joanne.spalding[joanne.spalding@sierraclub.org]
From: Andrea Issod
Sent: Wed 1/25/2017 9:55:07 PM
Subject: Sierra Club letter re FOIA request and document preservation
Sierra Club letter re document preservation.pdf

Please see attached.

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Andrea Issod
Senior Attorney
Sierra Club Environmental Law Program
2101 Webster St., Suite 1300
Oakland, CA 94612
415.977.5544
andrea.issod@sierraclub.org

CONFIDENTIAL LEGAL COMMUNICATION/WORK PRODUCT
This e-mail may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please notify me and delete all versions from your system. Thank you.

January 25, 2017

The Honorable Catherine McCabe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

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ED_001178_00000182-00001

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[2] Steven Mufson and Juliet Eilperin, Trump transition team for Energy Department seeks names of employees involved in climate meetings, The Washington Post, December 9, 2016, https://www.washingtonpost.com/news/energy-environment/wp/2016/12/09/trump-transition-team-for-energy-department-seeks-names-of-employees-involved-in-climate-meetings/?utm_term=.2dc4aa380ef6

[3] Coral Davenport, With Trump in Charge, Climate Change References Purged From Website, The New York Times, January 20, 2017, https://www.nytimes.com/2017/01/20/us/politics/trump-white-house-website.html?_r=1&mtrref=undefined&gwh=247C9C1B59CFB6F6C37EAD05BE869293&gwt=pay ; An America First Energy Plan, https://www.whitehouse.gov/america-first-energy ; The Obama Administration's climate change page was migrated to a National Archives website. Climate Change and President Obama's Action Plan, available at https://obamawhitehouse.archives.gov/president-obama-climate-action-plan .

[4] Valerie Volcovici, Trump administration tells EPA to cut climate page from website: sources, January 25, 2016, http://mobile.reuters.com/article/idUSKBN15906G.

[5] EPA, U.S. Greenhouse Gas Inventory Report: 1990-2014, *available at* https://www.epa.gov/ghgemissions/us-greenhouse-gas-inventory-report-1990-2014

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[8] *Id.*

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Sincerely,

Joanne Spalding
Chief Climate Counsel

cc: Kevin S. Minoli
Tiffany Purifoy

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Grantham, Nancy
Sent: Wed 1/25/2017 4:06:09 PM
Subject: RE: EPA Climate Change Website

I would like to propose to Doug that we add the highlighted to the existing comms statement

Let me know what you think.

Ex. 5 - Deliberative Process

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy (mobile)

From: Mccabe, Catherine
Sent: Wednesday, January 25, 2017 11:02 AM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA Climate Change Website

Sent from my iPhone

Begin forwarded message:

From: Caroline Christopher Ex. 6 - Personal Privacy
Date: January 25, 2017 at 10:58:39 AM EST
To: McCabe.catherine@Epa.gov
Subject: EPA Climate Change Website

Do you have to do what Trump says and take the climate change page down? I thought the EPA works for The People, not the president. The People value the work the EPA does and we have paid for it with our taxes. Please explain to me. (And I hope you can save all the work that has gone into the website first, if you must take it down. I am crying about this.)
Caroline Christopher
Chapel Hill, NC

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Caroline Christopher
Sent: Wed 1/25/2017 3:58:39 PM
Subject: EPA Climate Change Website

Do you have to do what Trump says and take the climate change page down? I thought the EPA works for The People, not the president. The People value the work the EPA does and we have paid for it with our taxes. Please explain to me. (And I hope you can save all the work that has gone into the website first, if you must take it down. I am crying about this.)
Caroline Christopher
Chapel Hill, NC

To: Dunham, Sarah[Dunham.Sarah@epa.gov]
Cc: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Flynn, Mike
Sent: Wed 1/25/2017 12:54:47 PM
Subject: Re: Reuters: Trump administration tells EPA to cut climate page from website: sources

Thanks for the heads Sarah

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
202-564-4711 (0)
202-343-9356 (D)

On Jan 25, 2017, at 7:46 AM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Millett, John" <Millett.John@epa.gov>
Date: January 25, 2017 at 6:16:46 AM EST
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Shaw, Betsy" <Shaw.Betsy@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Cc: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Subject: Reuters: Trump administration tells EPA to cut climate page from website: sources

Reuters

Trump administration tells EPA to cut climate page from website: sources

|

- **Edition: United States**

ENVIRONMENT
Wed Jan 25, 2017 | 4:30 AM EST

Trump administration tells EPA to cut climate page from website: sources

U.S. President Donald Trump hosts a meeting with business leaders in the Roosevelt Room of the White House in Washington January 23, 2017.
REUTERS/KEVIN LAMARQUE

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http://reut.rs/2kq5FCc

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By Valerie Volcovici | WASHINGTON

U.S. President Donald Trump's administration has instructed the Environmental Protection Agency to remove the climate change page from its website, two agency employees told Reuters, the latest move by the newly minted leadership to erase ex-President Barack Obama's climate change initiatives.

The employees were notified by EPA officials on Tuesday that the administration had instructed EPA's communications team to remove the website's climate change page, which contains links to scientific global warming research, as well as detailed data on emissions. The page could go down as early as Wednesday, the sources said.

"If the website goes dark, years of work we have done on climate change will disappear," one of the EPA staffers told Reuters, who added some employees were scrambling to save some of the information housed on the website, or convince the Trump administration to preserve parts of it.

The sources asked not to be named because they were not authorized to speak to the media.

A Trump administration official did not immediately respond to a request for comment.

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The order comes as Trump's administration has moved to curb the flow of information from several government agencies who oversee environmental issues since last week, in actions that appeared designed to tighten control and discourage dissenting views.

The moves have reinforced concerns that Trump, a climate change doubter, could seek to sideline scientific research showing that carbon dioxide emissions from burning fossil fuels contributes to global warming, as well as the career staffers at the agencies that conduct much of this research.

Myron Ebell, who helped guide the EPA's transition after Trump was elected in November until he was sworn in last week, said the move was not surprising.

"My guess is the web pages will be taken down, but the links and information will be available," he said.

The page includes links to the EPA's inventory of greenhouse gas emissions, which contains emissions data from individual industrial facilities as well as the multiagency Climate Change Indicators report, which describes trends related to the causes and effects of climate change.

The Trump administration's recently appointed team to guide the post-Obama transition has drawn heavily from the energy industry lobby and pro-drilling think

tanks, according to a list of the newly introduced 10-member team.

Trump appointed Oklahoma Attorney General Scott Pruitt, a longtime foe of the EPA who has led 14 lawsuits against it, as the agency's administrator. The Senate environment committee held a tense seven-hour confirmation hearing for Pruitt last week. No vote on his nomination has been scheduled yet.

(Reporting by Valerie Volcovici; Editing by Richard Valdmanis and Lisa Shumaker)

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Trump administration seeks to muzzle U.S. agency employees

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  Trump administration tells EPA to cut climate page from website: sources
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*All quotes delayed a minimum of 15 minutes. See here for a complete list of exchanges and delays.

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John Millett
Ex. 6 - Personal Privacy

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Dunham, Sarah
Sent: Wed 1/25/2017 12:46:05 PM
Subject: Fwd: Reuters: Trump administration tells EPA to cut climate page from website: sources

Sent from my iPhone

Begin forwarded message:

From: "Millett, John" <Millett.John@epa.gov>
Date: January 25, 2017 at 6:16:46 AM EST
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Shaw, Betsy" <Shaw.Betsy@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>
Cc: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Subject: Reuters: Trump administration tells EPA to cut climate page from website: sources

Reuters

Trump administration tells EPA to cut climate page from website: sources

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- **Edition: United States**

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ENVIRONMENT
Wed Jan 25, 2017 | 4:30 AM EST

Trump administration tells EPA to cut climate page from website: sources

U.S. President Donald Trump hosts a meeting with business leaders in the Roosevelt Room of the White House in Washington January 23, 2017.
REUTERS/KEVIN LAMARQUE

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(Reporting by Valerie Volcovici; Editing by Richard Valdmanis and Lisa Shumaker)

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*All quotes delayed a minimum of 15 minutes. See here for a complete list of exchanges and delays.

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John Millett
Ex. 6 - Personal Privacy

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Starfield, Lawrence
Sent: Tue 1/24/2017 10:38:24 PM
Subject: FW: Keystone and DAPL

FYI – some more detail on today's NEPA issues.

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Tomiak, Robert
Sent: Tuesday, January 24, 2017 4:06 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>
Subject: Keystone and DAPL

Larry/Dave,

I had a chance to connect with colleagues at USACE, State, Region 8, and Jane on both projects.

Dakota Access Pipeline: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Keystone Pipeline: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Summary: Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

V/R, Rob

To: Richardson, RobinH[Richardson.RobinH@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Mccabe, Catherine[McCabe.Catherine@epa.gov]; Barbery, Andrea[Barbery.Andrea@epa.gov]; Hanson Carolyn[chanson@ecos.org]
From: Alexandra Dapolito Dunn
Sent: Tue 1/24/2017 7:25:27 PM
Subject: Fwd: URGENT REQUEST FROM ECOS Members: What is the Impact of the Grants Freeze? For Early PM ET Mtg w EPA Leadership (Acting/Trump)
removed.txt

Sent from my iPhone

Begin forwarded message:

From: "West, Samantha (DEQ)" <WestS4@michigan.gov>
Date: January 24, 2017 at 2:05:55 PM EST
To: '"chanson@ecos.org'" <chanson@ecos.org>, '"adunn@ecos.org'" <adunn@ecos.org>
Cc: "Pallone, Maggie (DEQ)" <PalloneM@michigan.gov>, "Brown, Eric (GOV)" <BrownE15@michigan.gov>, "Grether, Heidi (DEQ)" <GretherH@michigan.gov>
Subject: RE: URGENT REQUEST FROM ECOS Members: What is the Impact of the Grants Freeze? For Early PM ET Mtg w EPA Leadership (Acting/Trump)

Here is another example from Michigan. I realize this is past the deadline, but sending as an fyi.

The State of Michigan Office of the Great Lakes currently has a Great Lakes Restoration Initiative Grant from EPA for approximately $7.4M that runs through March 31, 2019 and support the Michigan Areas of Concern and Lakewide Management Programs. EPA has only committed partial funding for the grant through March 31, 2017. If the grant freeze is interpreted to mean that no additional funding will be added to the grant to sustain Michigan's Area of Concern and Lakewide Management Programs, then approximately a dozen employees would need to be laid off as early as April 2017, and current progress toward protecting and restoring the Great Lakes will likely cease.

From: West, Samantha (DEQ)
Sent: Tuesday, January 24, 2017 1:37 PM
To: 'chanson@ecos.org'; 'adunn@ecos.org'
Cc: Pallone, Maggie (DEQ); Brown, Eric (GOV); Grether, Heidi (DEQ)
Subject: RE: URGENT REQUEST FROM ECOS Members: What is the Impact of the Grants

Freeze? For Early PM ET Mtg w EPA Leadership (Acting/Trump)
Importance: High

Here are a few examples from Michigan:

•□□□□□□□□ We are expecting our quarterly grant disbursement of $1.2 million by March 1st. This money partially funds air monitoring, air permits to install, citizen complaint investigations, and inspection activities. The loss or delay of this money equates to 8 to 9 Full Time Equivalent (FTE) positions and would negatively impact our ability to protect public health public health, potentially cause delays in business development and economic growth, and impact our ability to comply with the requirements of the federal Clean Air Act and state law .

•□□□□□□□□ Grant Title: Performance Partnership Grant

Grant Amount Pending: $11.1 million, annual allocation

Grant Time Frame: October 1, 2016 through September 30, 2017

Grant Purpose: The program works to protect and enhance the state's water quality through a number of programs and activities that range from prevention to remedial and from voluntary to regulatory.

•□□□□□□□□ Grant Title: Air Pollution Control Program

Grant Amount Pending: $6.1 million, two year allocation

Grant Time Frame: October 1, 2016 through September 30, 2018

Grant Purpose: The program works to protect and improve the air quality of the state, to protect public health and the environment. Activities include air monitoring, testing, and partnerships with local, state, federal agencies.

If you need any further information please do not hesitate to contact me.

Thank you,

Sam

Samantha West

Chief of Staff to Heidi Grether, Director

Department of Environmental Quality

Direct: 517-284-6703

Cell: Ex. 6 - Personal Privacy

wests4@michigan.gov

From: Alexandra Dapolito Dunn [mailto:adunn@ecos.org]
Sent: Tuesday, January 24, 2017 12:28 PM
To: Alexandra Dunn; Hanson Carolyn
Subject: URGENT REQUEST FROM ECOS Members: What is the Impact of the Grants Freeze? For Early PM ET Mtg w EPA Leadership (Acting/Trump)

All,

Thanks for the many calls. We know you and your staff are concerned as are we. We are alerting the Hill and encourage you to do the same with your delegations. BEFORE 130 PM please send an example, like the one below summarizing our conversation with Nebraska, about what the freeze means to you (eg you're waiting for $, need to lay off staff, do you have your CR funds?)

Quick responses are best to me and Carolyn. EPA Career Acting and the Trump Team have a 2 pm meeting to discuss everything and we've gotten this on the agenda. Please help us make our case, that, regardless of politics, that incoming Team has made a significant state alienating and state harming misstep on their first day on the job.

"NE is awaiting a grant award of funding to get them to mid April consistent with the CR Congressional funding. NE has not received its award although the paperwork has long been submitted. They have approximately $60,000 remaining on a current award and are in need now of their requested funding. NE will be making a draw against its current award soon and hopes this will go through (e.g., will a draw be allowed?). Funding is critical."

---------- Forwarded message ----------
From: **Alexandra Dapolito Dunn** <adunn@ecos.org>
Date: Tue, Jan 24, 2017 at 6:21 AM
Subject: ECOS Members: Washington Update (Grants Freeze, STAG Cuts, Beachhead Team), Thursday's All Member Call - 3-4 ET, Spring Meeting Incl. States Only Programming
To: "Stine, John (MPCA)" <john.stine@state.mn.us>, "Rudolph, Martha" <martha.rudolph@state.co.us>, Todd Parfitt <todd.parfitt@wyo.gov>, "Keogh, Becky" <Keogh@adeq.state.ar.us>

Dear ECOS Members:

As we enter the first working week of the new Administration, I share a few updates with you as follows:

Transition. The new Administration's "beachhead" team has arrived at EPA (see below). ECOS has shared our Transition Paper (attached) with most of this team already. We will be seeking meetings and engagements with these individuals and with Scott Pruitt. The beachhead team has asked for a temporary suspension of grants and contract awards (see email below). This freeze is getting press, some more colorful than others. See EPA Freezes Grants, Tells Employees Not To Talk About It, Sources Say | The Huffington Post and https://www.propublica.org/article/trump-administration-imposes-freeze-on-epa-grants-and-contracts?utm_campaign=sprout&utm_medium=social&utm_source=sprout&utm_content=1485225176 We are obtaining information about the scope and duration of this freeze. There is wide discussion of a Transition Paper, attributed to Beachhead team chair Myron Ebell, that suggests ways to reduce EPA's size and budget, including STAG cuts. https://www.axios.com/axios-am-2207230091.html

Thursday's All Member Call. During these times of change and transition, I urge all of you to dial in to Thursday's ECOS All Member call from 3-4 ET. The call agenda will be circulated later this morning and will provide 45 minutes for ECOS

Members to discuss questions, comments, and other issues, as well as to hear from ECOS' Officers and Committee leadership on key developments, as we begin the new Administration and new Congress. We also will invite Acting Administrator McCabe and/or Acting Deputy Administrator Flynn to join us for the last 15 minutes of the call for an update on transition. We are making a special effort to invite all the new ECOS Members to join us - we have quite a few due to Gubernatorial elections and other moves.

Spring Meeting. There is no time like now to make your plans for the Spring Meeting. The States Only Program is attached here and offers two venues for ECOS Members to engage with one another exclusively - on Wednesday evening at a States Only evening event and on Saturday morning. Our agenda will bring discussion leaders to you for meaningful conversation. Plan to arrive in DC to attend the 330 PM E-Enterprise for the Environment Engagement - an important opportunity to hear about the progress we've made with this initiative, where it is heading, see featured burden reducing projects, and to meet with invited business association, corporate, and NGO representatives. See the Spring Meeting open agenda for April 6 – 7, hotel information, and online registration, here: http://www.ecos.org/event/2017-spring-meeting/. Register by February 17 for the reduced early bird rate. The ECOS rate at The Mayflower Hotel is available until March 14 at 5 p.m. Eastern or sellout of the room block, whichever is sooner.

Please know that your Officers talk every Wednesday morning with me and we regularly email information with one another to stay atop of all changes and developments. You can reach out at any time to any of us for information. The ECOS staff is also hard at work - and we have a few new staff members ready to assist you. The most current list of ECOS staff contacts will be appended to Thursday's call agenda.

Thank you!

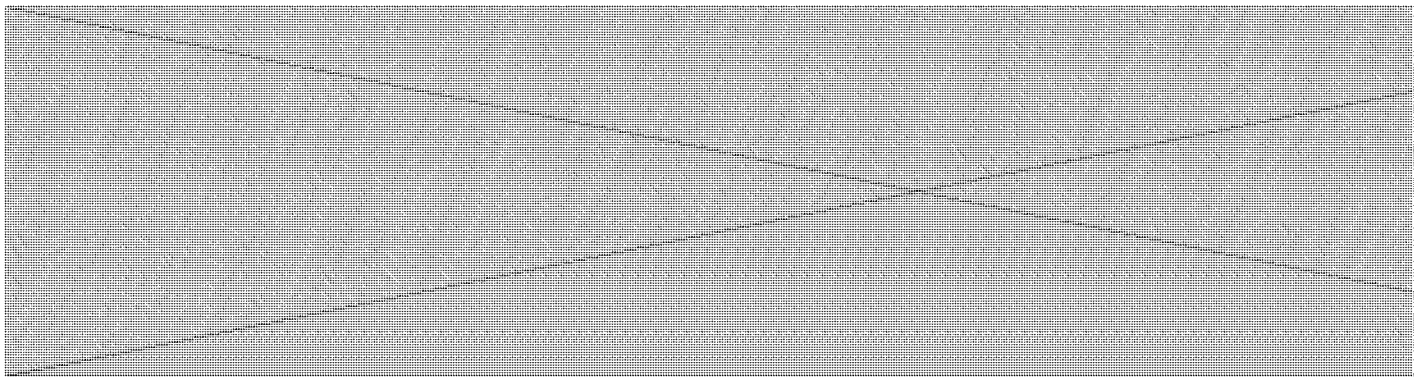
Subject: Fwd: EPA Temporary Suspension of Grant and Contract Awards

Subject: Temporary Suspension of Grant and Contract Awards

The team from the new Administration has asked us to temporarily suspend grant and contract awards. We hope to have clarification on this over the weekend. Until we receive clarification, we will hold awards. Thank you for your cooperation.

Diana Esher
Assistant Regional Administrator
for Policy and Management
US EPA Region 3
215-814-2706
esher.diana@epa.gov<mailto:esher.diana@epa.gov>

From: MassMailer
Sent: Monday, January 23, 2017 4:46 PM
To: MassMailer <massmailer@epa.gov>
Subject: Message from the Acting Administrator



Today we welcome to EPA members of President Trump's beachhead team. Acting Deputy Administrator Mike Flynn and I will work closely with them as they transition into the Agency.

A message from Senior White House Advisor Don Benton and White House Liaison Charles Munoz:

"As the leaders for the new Administration on EPA transition, we would like to say thank you for the warm reception that we have received. We are looking forward to working with the career professionals at the EPA to make this transition work as well as possible, and to carry out the Agency's mission to protect public health and the environment. We know and understand the incredible knowledge level and commitment of the people who work here. We will be asking you for help. We are committed to working with you. While transitions are always hard, straight forward honest communication combined with respect for each other will make the process work much better."

Listed below are the names and short bios of those currently serving on the transition team.

Layne Bangerter

- Layne is an Idaho native who most recently worked with Sen. Crapo. He brings a wealth of experience in the natural resources world related to farming and ranching.

Don Benton, Senior White House Advisor

- Don is from Washington State and served in the State Senate there for 20 years. Don has a long and accomplished history in the private sector in addition to his service as the head of a large county environmental office in Washington.

Patrick Davis

- Patrick is a nationally recognized political consultant and strategist. Since 1992, he has advised candidates for President, Governor, U.S. Senate, Congress, and state/local offices. Patrick is an organizational, strategic, and communications consultant to corporations, issue committees, and non-profits.

Doug Ericksen, Communications Director

- Doug is a Washington State native and a current member of the Washington State Senate. Senator Ericksen has extensive background in energy and environmental policy. He holds a B.A. in Government from Cornell University and a M.A. in Environmental Policy.

Holly Greaves, Budget Issues

- Holly has a long background in government accounting and Federal financial management. Ms. Greaves previously worked as a senior manager with KPMG and with the public accounting firm EY. She is a licensed CPA, CISA, and CGFM.

David Kreutzer

- David finished nine years with the Heritage Foundation as Senior Research Fellow in Energy, Economics, and Climate Change. David taught economics at Ohio University for three years and at James Madison University for 22 years. His academic research has been published in numerous professional publications.

Charles Munoz, White House Liaison

- Charles comes to the EPA from Nevada, where he served in key capacities for Americans for Prosperity. For the last two years, Charles served The Donald J. Trump campaign in several high level positions.

David Schnare, Esq.,Ph.D

- Dr. Schnare is an attorney and environmental scientist returning to EPA after a 41 year career in the field of environmental science, with 33 of those years at EPA. Most recently, Dr. Schnare has been associated with the Free-Market Environmental Law Clinic, The Energy and Environment Legal Institute and the Center for Environmental Stewardship at the Thomas Jefferson Institute for Public Policy.

Justin Schwab, Legal Advisor

- Justin is an environmental and regulatory lawyer currently practicing in the Washington, D.C., area. Justin will be serving as legal advisor on several fronts including environmental health and safety, in addition to other key areas of implementing EPA's core mission.

George Sugiyama

- George brings over 30 years of EPA experience with him to the transition team. George will be serving as a senior advisor to the team.

Please join me in welcoming our new colleagues to EPA.

Catherine McCabe

Acting Administrator

Alexandra Dapolito Dunn, Esq.

Executive Director & General Counsel

Environmental Council of the States

50 F Street, NW, Suite 350

Washington, DC 20001

202-266-4929 (T); Ex. 6 - Personal Privacy (C);202-266-4937 (F)

adunn@ecos.org; Twitter @ECOStates

See my research: http://ssrn.com/author=1356207

Save the Date! ECOS' Spring Meeting, April 6-8, 2017, Washington, DC, www.ecos.org

********** ATTACHMENT REMOVED **********

This message contained an attachment which the administrator has caused to be removed.

********** ATTACHMENT REMOVED **********

Attachment name: [image001.jpg]
Attachment type: [image/jpeg]

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Briggum, Sue
Sent: Tue 1/24/2017 4:27:03 PM
Subject: FW: TRUMP BEACHEAD TEAM ANNOUNCED FOR EPA--Message from the Acting Administrator
removed.txt

Catherine – What a delight to see your face as the Acting Administrator. This is a well-deserved and wonderful development.

If you ever have a free moment, I'd love to get together. Welcome back to DC!

Sue

Sue Briggum

VP Federal Public Affairs

Waste Management

sbriggum@wm.com

202 639 1219

From: MassMailer
Sent: Monday, January 23, 2017 4:46 PM
To: MassMailer <massmailer@epa.gov>
Subject: Message from the Acting Administrator

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Catherine McCabe

Acting Administrator

Recycling is a good thing. Please recycle any printed emails.

********** ATTACHMENT REMOVED **********

This message contained an attachment which the administrator has caused to be removed.

********** ATTACHMENT REMOVED **********

Attachment name: [image001.jpg]
Attachment type: [image/jpeg]

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Grantham, Nancy
Sent: Tue 1/24/2017 12:08:20 PM
Subject: FW: EPA Daily News Briefing for Tuesday, January 24, 2017
epaNewsBriefing170124.doc

Good morning,

Sending you the morning clips. You should start receiving these directly today; please note that often the first direct send ends up in your junk email box, so please check there as well.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy **mobile)**

From: Bulletin Intelligence [mailto:epa@bulletinintelligence.com]
Sent: Tuesday, January 24, 2017 6:58 AM
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Tuesday, January 24, 2017

Mobile version and searchable archives available at epa.bulletinintelligence.com.

TO: ADMINISTRATOR AND SENIOR EXECUTIVES

DATE: TUESDAY, JANUARY 24, 2017 7:00 AM EST

TODAY'S TABLE OF CONTENTS

Administrator

• Former Gov. Schwarzenegger “Rips” Into Pruitt On Twitter Over Auto Emissions. (HUFFPOST, LAT)

• WSJ: Pruitt’s First Action Should Be To Pebble Mine Veto. (WSJ)

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Additional Reading.

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Other News

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In a commentary for Breitbart (1/23), Jay H. Lehr, Ph.D., science director of The Heartland Institute, writes that during the "Republican National Convention last summer, the GOP approved a platform that stated: 'We propose to shift responsibility for environmental regulation from the federal bureaucracy to the states and to transform the EPA [Environmental Protection Agency] into an independent bipartisan commission, similar to the Nuclear Regulatory Commission, with structural safeguards against politicized science.'" The platform also says "We will likewise forbid the EPA to regulate carbon dioxide, something never envisioned when Congress passed the Clean Air Act." Lehr added, "Trump and the GOP are saying, finally, what millions of people have been thinking for a long time: EPA has become the cause of, not the solution to, the nation's major environmental problems. It's time to end EPA."

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The Hill (1/23, Henry) reports Senate Energy and Natural Resources Committee has postponed a vote, which was scheduled for Tuesday morning, on two of President Trump's cabinet nominees, former Texas governor Rick Perry to head the Energy Department and Rep. Ryan Zinkie to be the next Interior Secretary. On Monday evening, the committee said that the hearing will be delayed "until further notice." Perry and Zinke "have not been considered especially controversial nominees." Reuters (1/23) reports "the panel gave no reason for the delay." NBC News (1/24) also provides coverage of the postponement on its website.

The Washington Examiner (1/23) reports both "nominees are less controversial than Trump's pick to lead the Environmental Protection Agency, Oklahoma Attorney General Scott Pruitt, who is being considered by the Environment and Public Works Committee." The three men "are the key Cabinet officials who would drive Trump's energy and environment agenda." A separate article by The Hill (1/23, Cama, Henry) reports that if the nominations are approved by the committee, "they'll move to the floor for a final confirmation vote."

Watchdog Group Director Says Perry Avoided "Oops" Moment During Hearing. ClimateWire (1/23) reports Perry's performance during the hearing "has earned him praise for style and criticism on substance" and that he "avoided saying anything controversial in his bid to lead" DOE. Director of Texans for Public Justice Craig McDonald said, "I thought he didn't have any 'oops' moments at all." McDonald added, "I thought he was pretty cautious. ... I think his positions are more extreme than he characterized them [Thursday]. What it's going to be going forward, I don't know. What we do know about him is he's a good politician."

In an article about the new Senate cybersecurity panel, Bloomberg BNA (1/23, Stoller) reports many Cabinet nominees "have been tackling cybersecurity questions in their confirmation hearings." Perry "said at his hearing for Energy secretary Jan. 19 that he will take responsibility for the Energy Department's cybersecurity concerns."

SAEN: Perry Did "Reasonably Well" At Confirmation Hearing. In an editorial the San Antonio Express-News (1/23) writes that during his confirmation hearing the former Texas governor "performed reasonably well." The piece goes on to say that it was important that Perry "disavowed a controversial questionnaire President Donald J. Trump's transition team had given to the Energy Department" and he highlighted that "the questionnaire preceded his selection to the post." He stated, "I didn't approve it. I

don't approve of it. I don't need that information. I don't want that information. ... I have a history of working with people to deal with the challenges that face us." The Express News concludes, "It's the last point that could be Perry's greatest strength overseeing what he now understands is a vital and significant agency."

Smitherman Resigns Partnership From Vinson & Elkins Law Firm. Fuel Fix (TX) (1/23) reports Barry Smitherman, former chairman of the Railroad Commission of Texas and the Public Utility Commission of Texas, has "resigned his partnership at Vinson & Elkins on Friday." Smitherman left the firm to "pursue other career opportunities and interests," the firm said in a statement. Last month, "Smitherman wrote an opinion piece in the Dallas Morning News about why former Texas Governor Rick Perry is a great pick to be the next U.S. secretary of energy." Smitherman "pointed to Perry's work in creating a competitive electricity market for consumers, spurred the development of wind power and supported the domestic oil and gas industry with extra resources, especially as fracking greatly enhanced production."

Chapin Criticizes Trump For "Going After" Intellectual "Elites." In a piece highly critical of Trump for "going after" on intellectual "elites" and his Cabinet choices, Laura Chapin, a Democratic communications strategist, writes for U.S. News & World Report (1/23, Chapin) that "in his elevation of ignorance and dismissal of 'elites,' Trump is nominating cronies, contributors and fools to some of the most important jobs in Washington." Among the Energy Department's "priorities" are "ensuring the integrity and safety of the country's nuclear weapons." President Obama's most recent energy secretary, Ernest Moniz, "is a nuclear physicist." Stephen Chu, who came before Moniz, "won the Nobel Prize." Perry, Trump's nominee for the post, received "a D in meat science at Texas A&M and blanked on the name of the agency itself at a Republican debate." Chapin contends "these people have no idea what they're doing or have the slightest competence at running a federal agency" but they are "loyal" to Trump and "that's all that matters."

Additional Reading.

•□□□□□□□□ ***Obama's EPA Chief Keeps Twitter Handle.*** Washington Examiner. (1/24, Emery)

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Additional Reading.

•□□□□□□□□ ***DDT In Spotlight As Trump Team Takes EPA Helm.*** Greenwire (1/23)

Rules/Regulations/Policy

Energy Institute's Guith Quoted On Potential Rollback Of Methane Regulations.

The Washington Examiner (1/23) reports that Congress "needs to move quickly" if it intends to use the Congressional Review Act to halt new methane emission and coal mining rules "before the 60-day deadline for doing so is up." The article says that Republicans already missed an opportunity "to strike down one layer of methane rules" that were issued by the Environmental Protection Agency regarding leaks from oil wells and pipelines because they "only just realized that the 60-day window had passed." However, Institute for 21st Century Energy vice president Christopher Guith explained that it is "not too late" to dismiss the Bureau of Land Management's "methane venting and flaring rule, which will likely get

CRA'd."

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TO: **ADMINISTRATOR AND SENIOR EXECUTIVES**

DATE: **TUESDAY, JANUARY 24, 2017 7:00 AM EST**

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Senate Committee Postpones Votes On Perry, Zinke. The Hill (1/23, Henry) reports Senate Energy and Natural Resources Committee has postponed a vote, which was scheduled for Tuesday morning, on two of President Trump's cabinet nominees, former Texas governor Rick Perry to head the Energy Department and Rep. Ryan Zinkie to be the next Interior Secretary. On Monday evening, the committee said that the hearing will be delayed "until further notice." Perry and Zinke "have not been considered especially controversial nominees." Reuters (1/23) reports "the panel gave no reason for the delay." NBC News (1/24) also provides coverage of the postponement on its website.

The Washington Examiner (1/23) reports both "nominees are less controversial than Trump's pick to lead the Environmental Protection Agency, Oklahoma Attorney General Scott Pruitt, who is being considered by the Environment and Public Works Committee." The three men "are the key Cabinet officials who would drive Trump's energy and environment agenda." A separate article by The Hill (1/23, Cama, Henry) reports that if the nominations are approved by the committee, "they'll move to the floor for a final confirmation vote."

Watchdog Group Director Says Perry Avoided "Oops" Moment During Hearing. ClimateWire (1/23) reports Perry's performance during the hearing "has earned him praise for style and criticism on substance" and that he "avoided saying anything controversial in his bid to lead" DOE. Director of Texans for Public Justice Craig McDonald said, "I thought he didn't have any 'oops' moments at all." McDonald added, "I thought he was pretty cautious. ... I think his positions are more extreme than he characterized them [Thursday]. What it's going to be going forward, I don't know. What we do know about him is he's a good politician."

In an article about the new Senate cybersecurity panel, Bloomberg BNA (1/23, Stoller) reports many Cabinet nominees "have been tackling cybersecurity questions in their confirmation hearings." Perry "said at his hearing for Energy secretary Jan. 19 that he will take responsibility for the Energy Department's cybersecurity concerns."

SAEN: Perry Did "Reasonably Well" At Confirmation Hearing. In an editorial the San Antonio Express-News (1/23) writes that during

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his confirmation hearing the former Texas governor "performed reasonably well." The piece goes on to say that it was important that Perry "disavowed a controversial questionnaire President Donald J. Trump's transition team had given to the Energy Department" and he highlighted that "the questionnaire preceded his selection to the post." He stated, "I didn't approve it. I don't approve of it. I don't need that information. I don't want that information. ... I have a history of working with people to deal with the challenges that face us." The Express News concludes, "It's the last point that could be Perry's greatest strength overseeing what he now understands is a vital and significant agency."

Smitherman Resigns Partnership From Vinson & Elkins Law Firm. Fuel Fix (TX) (1/23) reports Barry Smitherman, former chairman of the Railroad Commission of Texas and the Public Utility Commission of Texas, has "resigned his partnership at Vinson & Elkins on Friday." Smitherman left the firm to "pursue other career opportunities and interests," the firm said in a statement. Last month, "Smitherman wrote an opinion piece in the Dallas Morning News about why former Texas Governor Rick Perry is a great pick to be the next U.S. secretary of energy." Smitherman "pointed to Perry's work in creating a competitive electricity market for consumers, spurred the development of wind power and supported the domestic oil and gas industry with extra resources, especially as fracking greatly enhanced production."

Chapin Criticizes Trump For "Going After" Intellectual "Elites." In a piece highly critical of Trump for "going after" on intellectual "elites" and his Cabinet choices, Laura Chapin, a Democratic communications strategist, writes for U.S. News & World Report (1/23, Chapin) that "in his elevation of ignorance and dismissal of 'elites,' Trump is nominating cronies, contributors and fools to some of the most important jobs in Washington." Among the Energy Department's "priorities" are "ensuring the integrity and safety of the country's nuclear weapons." President Obama's most recent energy secretary, Ernest Moniz, "is a nuclear physicist." Stephen Chu, who came before Moniz, "won the Nobel Prize." Perry, Trump's nominee for the post, received "a D in meat science at Texas A&M and blanked on the name of the agency itself at a Republican debate." Chapin contends "these people have no idea what they're doing or have the slightest competence at running a federal agency" but they are "loyal" to Trump and "that's all that matters."

Additional Reading.

- ***Obama's EPA Chief Keeps Twitter Handle.*** Washington Examiner. (1/24, Emery)
- ***SOURCE: Career EPA Staffers Will Undermine Trump, Leak To The Press.*** Daily Caller. (1/23, Bastasch)

PESTICIDES:

Additional Reading.

- ***DDT In Spotlight As Trump Team Takes EPA Helm.*** Greenwire (1/23)

RULES/REGULATIONS/POLICY:

Energy Institute's Guith Quoted On Potential Rollback Of Methane Regulations. The Washington Examiner (1/23) reports that Congress "needs to move quickly" if it intends to use the Congressional Review Act to halt new methane emission and coal mining rules "before the 60-day deadline for doing so is up." The article says that Republicans already missed an opportunity "to strike down one layer of methane rules" that were issued by the Environmental Protection Agency regarding leaks from oil wells and pipelines because they "only just realized that the 60-day window had passed." However, Institute for 21st Century Energy vice president Christopher Guith explained that it is "not too late" to dismiss the Bureau of Land Management's "methane venting and flaring rule, which will likely get CRA'd."

ED_001178_00000201-00005

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To: Mccabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Alexandra Dapolito Dunn
Sent: Tue 1/24/2017 11:41:41 AM
Subject: Fwd: ECOS Members: Washington Update (Grants Freeze, STAG Cuts, Beachhead Team), Thursday's All Member Call - 3-4 ET, Spring Meeting Incl. States Only Programming

FYI. Andrea will reach out re your availability for 345-4 Thursday.

Sent from my iPhone

Begin forwarded message:

From: Alexandra Dapolito Dunn <adunn@ecos.org>
Date: January 24, 2017 at 6:21:17 AM EST
To: "Stine, John (MPCA)" <john.stine@state.mn.us>, "Rudolph, Martha" <martha.rudolph@state.co.us>, Todd Parfitt <todd.parfitt@wyo.gov>, "Keogh, Becky" <Keogh@adeq.state.ar.us>
Subject: ECOS Members: Washington Update (Grants Freeze, STAG Cuts, Beachhead Team), Thursday's All Member Call - 3-4 ET, Spring Meeting Incl. States Only Programming

Dear ECOS Members:
As we enter the first working week of the new Administration, I share a few updates with you as follows:

Transition. The new Administration's "beachhead" team has arrived at EPA (see below). ECOS has shared our Transition Paper (attached) with most of this team already. We will be seeking meetings and engagements with these individuals and with Scott Pruitt. The beachhead team has asked for a temporary suspension of grants and contract awards (see email below). This freeze is getting press, some more colorful than others. See EPA Freezes Grants, Tells Employees Not To Talk About It, Sources Say | The Huffington Post and https://www.propublica.org/article/trump-administration-imposes-freeze-on-epa-grants-and-contracts?utm_campaign=sprout&utm_medium=social&utm_source=sprout&utm_content=1485225176 We are obtaining information about the scope and duration of this freeze. There is wide discussion of a Transition Paper, attributed to Beachhead team chair Myron Ebell, that suggests ways to reduce EPA's size and budget, including STAG cuts. https://www.axios.com/axios-am-2207230091.html

Thursday's All Member Call. During these times of change and transition, I urge all of you to dial in to Thursday's ECOS All Member call from 3-4 ET. The call agenda will be circulated later this morning and will provide 45 minutes for ECOS Members to discuss questions, comments, and other issues, as well as to hear from ECOS' Officers and Committee leadership on key developments, as we begin the new Administration and new Congress. We also will invite Acting Administrator McCabe and/or Acting Deputy Administrator Flynn to join us for the last 15 minutes of the call for an update on transition. We are making a special effort to invite all the new ECOS Members to join us - we have quite a few due to Gubernatorial elections and other moves.

Spring Meeting. There is no time like now to make your plans for the Spring Meeting. The States Only Program is attached here and offers two venues for ECOS Members to engage with one another exclusively - on Wednesday evening at a States Only evening event and on Saturday morning. Our agenda will bring discussion leaders to you for meaningful conversation. Plan to arrive in DC to attend the 330 PM E-Enterprise for the Environment Engagement - an important opportunity to hear about the progress we've made with this initiative, where it is heading, see featured burden reducing

projects, and to meet with invited business association, corporate, and NGO representatives. See the Spring Meeting open agenda for April 6 – 7, hotel information, and online registration, here: http://www.ecos.org/event/2017-spring-meeting/. Register by February 17 for the reduced early bird rate. The ECOS rate at The Mayflower Hotel is available until March 14 at 5 p.m. Eastern or sellout of the room block, whichever is sooner.

Please know that your Officers talk every Wednesday morning with me and we regularly email information with one another to stay atop of all changes and developments. You can reach out at any time to any of us for information. The ECOS staff is also hard at work - and we have a few new staff members ready to assist you. The most current list of ECOS staff contacts will be appended to Thursday's call agenda.

Thank you!

Subject: Fwd: EPA Temporary Suspension of Grant and Contract Awards

Subject: Temporary Suspension of Grant and Contract Awards

The team from the new Administration has asked us to temporarily suspend grant and contract awards. We hope to have clarification on this over the weekend. Until we receive clarification, we will hold awards. Thank you for your cooperation.

Diana Esher
Assistant Regional Administrator
for Policy and Management
US EPA Region 3
215-814-2706
esher.diana@epa.gov<mailto:esher.diana@epa.gov>

From: MassMailer
Sent: Monday, January 23, 2017 4:46 PM
To: MassMailer <massmailer@epa.gov>
Subject: Message from the Acting Administrator

<image003.jpg>

Today we welcome to EPA members of President Trump's beachhead team. Acting Deputy Administrator Mike Flynn and I will work closely with them as they transition into the Agency.

A message from Senior White House Advisor Don Benton and White House Liaison Charles Munoz:

"As the leaders for the new Administration on EPA transition, we would like to say thank you for the warm reception that we have received. We are looking forward to working with the career professionals at the EPA to make this transition work as well as possible, and to carry out the Agency's mission to protect public health and the environment. We know and understand the incredible knowledge level and commitment of the people who work here. We will be asking you for help. We are committed to working with you. While transitions are always hard, straight forward honest communication combined with respect for each other will make the process work much better."

Listed below are the names and short bios of those currently serving on the transition team.

Layne Bangerter

- Layne is an Idaho native who most recently worked with Sen. Crapo. He brings a wealth of experience in the natural resources world related to farming and ranching.

Don Benton, Senior White House Advisor

- Don is from Washington State and served in the State Senate there for 20 years. Don has a long and accomplished history in the private sector in addition to his service as the head of a large county environmental office in Washington.

Patrick Davis

- Patrick is a nationally recognized political consultant and strategist. Since 1992, he has advised candidates for President, Governor, U.S. Senate, Congress, and state/local offices. Patrick is an organizational, strategic, and communications consultant to corporations, issue committees, and non-profits.

Doug Ericksen, Communications Director

- Doug is a Washington State native and a current member of the Washington State Senate. Senator Ericksen has extensive background in energy and environmental policy. He holds a B.A. in Government from Cornell University and a M.A. in Environmental Policy.

Holly Greaves, Budget Issues

- Holly has a long background in government accounting and Federal financial management. Ms. Greaves previously worked as a senior manager with KPMG and with the public accounting firm EY. She is a licensed CPA, CISA, and CGFM.

David Kreutzer

- David finished nine years with the Heritage Foundation as Senior Research Fellow in Energy, Economics, and Climate Change. David taught economics at Ohio University for three years and at James Madison University for 22 years. His academic research has been published in numerous professional publications.

Charles Munoz, White House Liaison

- Charles comes to the EPA from Nevada, where he served in key capacities for Americans for Prosperity. For the last two years, Charles served The Donald J. Trump campaign in several high level positions.

David Schnare, Esq.,Ph.D

- Dr. Schnare is an attorney and environmental scientist returning to EPA after a 41 year career in the field of environmental science, with 33 of those years at EPA. Most recently, Dr. Schnare has been associated with the Free-Market Environmental Law Clinic, The Energy and Environment Legal Institute and the Center for Environmental Stewardship at the Thomas Jefferson Institute for Public Policy.

Justin Schwab, Legal Advisor

- Justin is an environmental and regulatory lawyer currently practicing in the Washington, D.C., area. Justin will be serving as legal advisor on several fronts including environmental health and safety, in addition to other key areas of implementing EPA's core mission.

George Sugiyama

- George brings over 30 years of EPA experience with him to the transition team. George will be serving as a senior advisor to the team.

Please join me in welcoming our new colleagues to EPA.

Catherine McCabe

Acting Administrator

Alexandra Dapolito Dunn, Esq.

Executive Director & General Counsel

Environmental Council of the States

50 F Street, NW, Suite 350

Washington, DC 20001

202-266-4929 (T); Ex. 6 - Personal Privacy *(C);202-266-4937 (F)*

adunn@ecos.org; Twitter @ECOStates

See my research: http://ssrn.com/author=1356207

Save the Date! ECOS' Spring Meeting, April 6-8, 2017, Washington, DC, www.ecos.org

<AA States-Only Spring Meeting Programming.pdf>

<ECOS Letter to M Ebell _ 12_2_16.pdf>

To: Matluk, Lisa[Matluk.Lisa@epa.gov]
Cc: Mccabe, Catherine[McCabe.Catherine@epa.gov]
From: Hickey, Maureen
Sent: Mon 1/23/2017 6:29:38 PM
Subject: 2016 PARs for Carmen Guerrero, Region 2 Director for CEPD
CGuerrero2016PARs (Final).pdf

Hi Lisa,

At Catherine's request, forwarding the /s/ 2016 Performance Standards for Carmen Guerrero.

Thank you.

Maureen

SES Performance Management System
Executive Performance Agreement

Part 1. Consultation. *I have reviewed this plan and have been consulted on its development.*

Executive's Name *(Last, First, MI)*: Guerrero, Carmen R.	Appraisal Pd. 7/11/16-~~9/30/17~~ 1/6/17
Executive's Signature: Ex. 6 - Personal Privacy	Date: October 5, 2016
Title: Division Director, Caribbean Environmental Protection Division (CEPD)	Organization: EPA Region 2
Rating Official's Name *(Last, First, MI)*: Enck, Judith	CA ☐ NC ☐ LT/LE ☐
Rating Official's Signature: Ex. 6 - Personal Privacy	Date: Oct. 5, 2016

Part 2. Progress Review

Executive's Signature:	Date:
Rating Official's Signature:	Date:
Reviewing Official's Signature *(Optional)*:	Date:

Part 3. Summary Rating

Initial Summary Rating	☑ Level 5 Outstanding	☐ Level 4 Commendable	☐ Level 3 Effective	☐ Level 2 Needs Improvement	☐ Level 1 Unsatisfactory

Rating Official's Name *(Last, First, MI)*: Enck, Judith A.	
Rating Official's Signature: Ex. 6 - Personal Privacy	Date: 1/6/17
Executive's Signature: Ex. 6 - Personal Privacy	Date: 1/6/17
Reviewing Official's Signature *(Optional)*:	Date:

Higher Level Review *(if applicable)*

☐ I request a higher level review. Executive's Initials:	Date:
Higher Level Review Completed ☐	Date:
Higher Level Reviewer Signature:	

Performance Review Board Recommendation	☐ Level 5	☐ Level 4	☐ Level 3	☐ Level 2	☐ Level 1
PRB Chair Signature:				Date:	
Annual Summary Rating	☐ Level 5	☐ Level 4	☐ Level 3	☐ Level 2	☐ Level 1
Appointing Authority Signature:				Date:	

Part 4. Derivation Formula and Calculation of Annual Summary Rating

Critical Element	Element Rating: Initial	Element Rating: Final (if changed)	Weight	Score: Initial	Score: Final (if changed)
1. Leading Change	Ex. 6 - Personal Privacy		10	Ex. 6 - Personal Privacy	
2. Leading People			20		
3. Business Acumen			10		
4. Building Coalitions			10		
5. Results Driven			50		
Total			100%		

Summary Level Ranges

475-500 = Level 5
400-474 = Level 4
300-399 = Level 3
200-299 = Level 2
Any CE rated Level 1 = Level 1

Part 5. Critical Elements

Performance Standards for Critical Elements (The performance standard for each critical element is specified below; examples for the top three performance levels can be found in the system description)

- **Level 5:** The executive demonstrates exceptional performance, fostering a climate that sustains excellence and optimizes results in the executive's organization, agency, department or government-wide. This represents the highest level of executive performance, as evidenced by the extraordinary impact on the achievement of the organization's mission. The executive is an inspirational leader and is considered a role model by agency leadership, peers, and employees. The executive continually contributes materially to or spearheads agency efforts that address or accomplish important agency goals, consistently achieves expectations at the highest level of quality possible, and consistently handles challenges, exceeds targets, and completes assignments ahead of schedule at every step along the way.

- **Level 4:** The executive demonstrates a very high level of performance beyond that required for successful performance in the executive's position and scope of responsibilities. The executive is a proven, highly effective leader who builds trust and instills confidence in agency leadership, peers, and employees. The executive consistently exceeds established performance expectations, timelines, or targets, as applicable.

- **Level 3:** The executive demonstrates the high level of performance expected and the executive's actions and leadership contribute positively toward the achievement of strategic goals and meaningful results. The executive is an effective, solid, and dependable leader who delivers high-quality results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed upon timelines. The executive meets and often exceeds challenging performance expectations established for the position.

- **Level 2:** The executive's contributions to the organization are acceptable in the short term but do not appreciably advance the organization towards achievement of its goals and objectives. While the executive generally meets established performance expectations, timelines and targets, there are occasional lapses that impair operations and/or cause concern from management. While showing basic ability to accomplish work through others, the executive may demonstrate limited ability to inspire subordinates to give their best efforts or to marshal those efforts effectively to address problems characteristic of the organization and its work.

- **Level 1:** In repeated instances, the executive demonstrates performance deficiencies that detract from mission goals and objectives. The executive generally is viewed as ineffectual by agency leadership, peers, or employees. The executive does not meet established performance expectations/timelines/targets and fails to produce – or produces unacceptable – work products, services, or outcomes.

Element Rating Level Points	
	Level 5 = 5 points **Level 4 = 4 points** **Level 3 = 3 points** **Level 2 = 2 points** **Level 1 = 0 points**

Executive Name and ID: Carmen R. Guerrero Pérez (#02334314) Appraisal Period: July 11, 2016 – ~~Sept. 30~~ Jan. 6, 2017

Critical Element 1. Leading Change **(Minimum weight 5%)** Weight 10%

Develops and implements an organizational vision that integrates key organizational and program goals, priorities, values, and other factors. Assesses and adjusts to changing situations, implementing innovative solutions to make organizational improvements, ranging from incremental improvements to major shifts in direction or approach, as appropriate. Balances change and continuity; continually strives to improve service and program performance; creates a work environment that encourages creative thinking, collaboration, and transparency; and maintains program focus, even under adversity.

Agency-Specific Performance Requirements

Advances EPA's cross-agency strategies to improve service and program performance, to include streamlining decision making to increase efficiency and reduce costs, and to achieve sustainable environmental, economic, and social outcomes.

Rating Official Narrative: *(Supervisor must provide comment for critical element ratings of Outstanding, Needs Improvement, and Unsatisfactory.)*

Ex. 6 - Personal Privacy

Critical Element Rating – Leading Change

Ex. 6 - Personal Privacy

Critical Element 2. Leading People **(Minimum weight 5%)** Weight 20%

Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.

Agency-Specific Performance Requirements

Employee is personally engaged in the development and success of Agency Civil Rights, EEO, and Diversity and Inclusion programs and/or initiatives, including action items identified in the Agency's *Management Directive 715 Report*. Promotes respectful, cooperative, and productive relationships between all employees including diverse individuals and teams in support of EPA's mission. Ensures compliance with applicable equal employment opportunity laws, regulations, policies, and Executive Orders. Engages in proactive efforts to minimize workplace conflict and enhance management-employee communication, and promotes employee career development. When conflict arises, participates actively in EEO processes and resolution efforts, including alternative dispute resolution, EEO Counseling activities, and EEO investigations and hearings. Applies Merit Systems Principles as appropriate, promptly responds to allegations of discrimination and/or harassment, and initiates appropriate action to address such situations.

As applicable, supports efforts within organization to cultivate a highly-skilled workforce, providing employees with opportunities to learn and work collaboratively in a modern, inclusive, and flexible work environment, and supporting their use of advanced information technologies and tools that enhance communication, transparency, and cooperative problem solving across the Agency and with our partners. Employee uses employee feedback and other data to develop action plans or initiatives to improve employee engagement and inclusion.

Rating Official Narrative: *(Supervisor must provide comment for critical element ratings of Outstanding, Needs Improvement, and Unsatisfactory.)*

Ex. 6 - Personal Privacy

Critical Element Rating – Leading People

Ex. 6 - Personal Privacy

Executive Name and ID: Carmen R. Guerrero Pérez (#02334314) Appraisal Period: July 11, 2016 – Sept. 30, 2017

Critical Element 3. Business Acumen	**(Minimum weight 5%)**	Weight 10%
Assesses, analyzes, acquires, and administers human, financial, material, and information resources in a manner that instills public trust and accomplishes the organization's mission. Uses technology to enhance processes and decision making. Executes the operating budget; prepares budget requests with justifications; and manages resources.		
Agency-Specific Performance Requirements As applicable, effectively promotes and supports meeting the Agency's Small Business Program goals and commitments, including implementing strategies for increasing potential contracting opportunities for Small Businesses, Small Disadvantaged Businesses, 8(a) Businesses, Service-Disabled Veteran-Owned Small Business, Women Owned Small Businesses and HUBZone Businesses. As appropriate, effectively promotes and supports meeting the Agency's Minority Academic Institutions Program goals through increased opportunities to Historically Black Colleges and Universities, Tribal Colleges and Universities, Asian American Pacific Islander Serving Institutions, Alaska Native Serving Institutions, Native Hawaiian Serving Institutions, and Hispanic Serving Institutions identified by the Department of Education's Award Categories. As applicable, modernizes business practices, including through E-Enterprise, and takes advantage of new tools and technologies. Improves the way we work as a high-performing Agency by ensuring we add value in every transaction with our workforce, our co-regulators, our partners, industry, and the people we serve. As applicable, promotes the use of strategic sourcing and business process improvements as a component of the Agency's High Performing Organization Cross-Agency Strategy. As applicable, ensures compliance with all personnel security and National Security Information requirements. Safeguards and protects classified information in the manner prescribed by regulation, directive and agency guidelines. Report incidents, in compliance with the National Security Information manual, involving the improper handling, unauthorized or inadvertent disclosure of classified information and violations of the security regulations.		
Rating Official Narrative: *(Supervisor must provide comment for critical element ratings of Outstanding, Needs Improvement, and Unsatisfactory)*		
Critical Element Rating – Business Acumen	Ex. 6 - Personal Privacy	

Critical Element 4. Building Coalitions	**(Minimum weight 5%)**	Weight 10%
Solicits and considers feedback from internal and external stakeholders or customers. Coordinates with appropriate parties to maximize input from the widest range of appropriate stakeholders to facilitate an open exchange of opinion from diverse groups and strengthen internal and external support. Explains, advocates, and expresses facts and ideas in a convincing manner and negotiates with individuals and groups internally and externally, as appropriate. Develops a professional network with other organizations and identifies the internal and external politics that affect the work of the organization.		
Agency-Specific Performance Requirements As applicable, engages communities to improve health, livability, and economic vitality of neighborhoods, while advancing Agency goals for environmental justice and children's health. As applicable, strengthens relationships with states, tribes, local governments, and the global community to build new tools and strategies, establish joint priorities, manage resources effectively, and share information.		
Rating Official Narrative: *(Supervisor must provide comment for critical element ratings of Outstanding, Needs Imp*		
Critical Element Rating – Building Coalitions	Ex. 6 - Personal Privacy	

Ex. 6 - Personal Privacy

Executive Name and ID: Carmen R. Guerrero Pérez (#02334314) Appraisal Period: July 11, 2016 – ~~Sept. 30~~ Jan. 6, 2017

Critical Element 5. Results Driven	**(Minimum Weight 20%)**	Weight 50%

Agency Goals/Objectives for current FY: The executive must list at least 2 performance requirements. The executive may list up to 10 in total; overflow space provided on following page. Calibri 10 font required.

This critical element includes specific performance requirements expected of the executive during the appraisal period, focusing on measurable outcomes from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. At a minimum, the performance plan will include performance requirements (including measures, targets, timelines, or quality descriptors, as appropriate) describing the range of performance at Level 3 for each result specified. It is recommended to also establish the threshold measures/targets for Levels 5 and 2.

Alignment--cite relevant goals/objectives, page numbers, from the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document in the designated section for each performance requirement specified.

Performance Requirement 1: **ACS Commitments** Provide leadership, direction and oversight to assure accomplishment of the Region 2 commitments to National Program Managers ("ACS Commitments") for which CEPD is responsible.	Strategic Alignment: EPA Strategic Plan, Goals 1-5
Performance Requirement 2: **Supporting Communities** **Making a Visible Difference in Communities:** In FY 17, we will provide coordinated and targeted technical expertise and resources to certain environmentally overburdened, underserved, and economically distressed communities to help address environmental and public health challenges, in ways that support local economic development, community empowerment, and leverage other federal agency resources. Commitments include to continue our work with the Caño Martín Peña and Vieques communities and also initiate collaborations for potential health risk assessment analyses as well as sustainable development initiatives with communities in Arecibo and Guayama/Salinas. **Recycling in Puerto Rico and USVI:** Work with the Puerto Rico and USVI Recycling Partnerships to bring sustainable solutions to waste reduction, including clean composting and increasing recycling rates in the islands and to make Trash Free Waters a priority. Coordinate the Caribbean Recycling Summit in December 2016. Convene 4 meetings with state and local agencies, NGOs, businesses, and the public to share solutions, challenges, and opportunities for improved waste reduction and management of solid wastes. Promote recycling improvements among municipalities throughout the island and help create continued/expanded markets for recycling in the US Caribbean. Promote Trash Free Water initiatives throughout the Wider Caribbean in collaboration with OITA. **Promoting Citizen Science and Environmental Education:** Expand CEPD's Citizen Science Program and Workgroup in direct collaboration with DESA. Identify new technologies and existing instrumentation to further evaluate the development of an equipment loan program, continue developing tools for citizen science toolbox, support external workshops and conferences and explore training opportunities to highlight the toolbox and the equipment loan program. Use the macroinvertebrate citizen science trainings and DESA's proposed research work for 2017 to expand these types of initiatives throughout Puerto Rico and USVI. Assure that more NGO's and community groups in PR and USVI are aware and apply to environmental education grants and other EPA grant opportunities.	Strategic Goal 3 - Cleaning Up Communities and Advancing Sustainable Development Strategic Goal 5 – Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance Cross Agency Strategy – Working Toward a Sustainable Future Cross Agency Strategy – Working to Make a Visible Difference in Communities Cross Agency Strategy - Launching a New Era of State, Tribal, Local, and International Partnerships

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Environmental Justice: Work with the University of Puerto Rico's Graduate School of Planning to design a methodology to implement environmental justice initiatives through CEPD's permitting programs and special initiatives. **Environmental Stewardship**: Sponsor partnership and alliances with key stakeholders across PR and USVI to promote sustainable materials management and the protection of public health and the environment. Coordinate events to recognize partners commitments through EPA's Champions Awards and others.	
Performance Requirement 3: **Protecting Caribbean Waters** Strengthen monitoring, enforcement, and compliance efforts related to water quality and drinking water standards. Ensure that drinking water quality and wastewater discharges in Puerto Rico and USVI meet Federal and Commonwealth requirements. Oversee implementation and compliance of the 2015 PRASA Consent Decree and closely monitor PRASA's compliance with the PR Department of Health-PRASA Mega Consent Decree on SWDA issues. Expand CEPD's work with Non-PRASA systems through outreach and education. Promote widespread education of septic tanks appropriate construction, management, and maintenance in Puerto Rico and USVI. Design a strategy to work collaboratively with municipalities across Puerto Rico to comply with MS4 requirements. Continue to expand WaterSense Program in PR and USVI. Promote the experiences of the San Juan Bay Estuary Program with other localities across PR, USVI, and the Wider Caribbean. Vigorously implement a wetlands protection program and promote the completion of a GIS inventory of all wetland mitigation actions in Puerto Rico in collaboration with R2's Office of Water. Assure the Implementation of the strategic plan of the Caribbean Coral Reef Partnership.	Strategic Alignment: Strategic Goal 2: Protecting America's Waters Strategic Goal 3 - Cleaning Up Communities and Advancing Sustainable Development Cross Agency Strategy – Working Toward a Sustainable Future
Rating Official Narrative: *(Supervisor must provide comment for critical element ratings of Outstanding, Needs*	

Ex. 6 - Personal Privacy

Critical Element Rating – Results Driven

Ex. 6 - Personal Privacy

Critical Element 5. Results Driven – Overflow page for up to 8 more performance requirements; Calibri 10 font required.	
Performance Requirement 4: **Integrated Pest Management in PR and USVI** Continue to vigorously investigate and pursue enforcement actions against companies that illegally used pesticides in the USVI and Puerto Rico. Provide capacity building and technology expansion opportunities to the VIDPNR and PR Department of Agriculture's Pesticides Program. Work with universities, non-government organizations, and NGOs in expanding Integrated Pest Management initiatives across PR and USVI.	Strategic Alignment: Strategic Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution Strategic Goal 5 – Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance
Performance Requirement 5: **Climate Change** CEPD shall partner with Puerto Rico and USVI Climate Change initiatives, particularly providing support and training to local agencies on Climate Adaptation Plans and guidance documents. Once the Clean Power Plan implementation and enforcement stay is lifted, pursue outreach to PREPA, PR Energy Commission, and the PR Energy Policy Office to voluntarily implement the Regional Greenhouse Gas Strategy.	Strategic Alignment: Strategic Goal 1: Addressing Climate Change and Improving Air Quality Cross Agency Strategy – Working Toward a Sustainable Future
Performance Requirement 6: **Protection of Public Health** Assure EQB completes AHERA grant proposal, particularly updating an inventory of local public schools with asbestos problems and training EQB staff for asbestos' enforcement cases. Integrate the Puerto Rico Department of Education in efforts to improve children's health in local schools, based on preliminary findings and recommendations of CEPD study.	Strategic Alignment: Strategic Goal 5 – Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance Cross Agency Strategy – Working Toward a Sustainable Future
Performance Requirement 7: **Superfund Clean-Up and Community Integration** Advance Superfund remedial and RCRA cleanups and manage sites to completion in PR, with a particular focus on Vieques Superfund site. Assure that a comprehensive and integrated public participation and outreach plan is effectively implemented in Vieques. Even though Culebra is not considered a Superfund site, work in collaboration with EQB and USACE in assuring a comprehensive and integrated public participation and outreach plan with the residents and business community of Culebra. Within RCRA Corrective Action, achieve RCRA Environmental Indicators assigned to CEPD for (1) Human Exposures Under Control; (2) Migration of Contaminated Groundwater Under Control; and (3) Site-Wide Construction Completions. Expand opportunities for Brownfield Program implementation across PR and USVI.	Strategic Alignment: Goal 3: Cleaning Up Communities and Advancing Sustainable Development Cross Agency Strategy – Working Toward a Sustainable Future Cross Agency Strategy – Working to Make a Visible Difference in Communities
Performance Requirement 8: **International Initiatives** In direct collaboration with OITA, promote that CEPD technical personnel are engaged in EPA's international efforts across the Wider Caribbean (trainings, capacity building, train the trainer, exchanges, etc.) in a variety of topics, such as: climate change, recycling, trash free waters, sustainability, environmental laws and regulations, integrated pest management, etc.	Strategic Alignment: Cross Agency Strategy – Launching a New Era of State, Tribal, Local, and International Partnerships Cross Agency Strategy – Working Toward a Sustainable Future
Performance Requirement 9: **Promote Sustainability within CEPD Office** Drive sustainability within CEPD facilities, including reducing our solid waste generation, increasing recycling efforts, and greater use of non-toxic cleaning products and reusables. In addition, complete the EMS Program for CEPD.	Strategic Alignment: Cross Agency Strategy – Embracing EPA as a High-Performing Organization

Work with other federal agencies in PR and the USVI to promote sustainability practices in federal facilities.	Cross Agency Strategy – Working Toward a Sustainable Future
Performance Requirement 10: **CEPD Housekeeping** Establish a number of standard operating procedures at CEPD for a number of areas: o Filing System o Complaints Management System o Correspondence Management System Assure compliance with Field Operating Guidelines (FOG), once approved by Region 2. Augment employee training and development opportunities. Cultivate relationship with EPA Union representatives, particularly by celebrating quarterly meetings to attend important issues at CEPD. Strengthen health and security working group participation and implementation of action items identified by working group.	Strategic Alignment: Cross Agency Strategy – Embracing EPA as a High-Performing Organization
Performance Requirement 11: **Public Relations** Maintain open and positive lines of communication with current and new elected officials, Congressional delegations, PROMESA Fiscal Board, and heads of local and federal agencies. Represent the agency with the media, including expanded us of social media, outreach events, and public speeches. Highlight in the media the extraordinary work CEPD employees conduct and stress the importance of EPA's role in the protection of human health and the environment for more than 40 years in Puerto Rico and the USVI.	Strategic Alignment: Cross Agency Strategy – Embracing EPA as a High-Performing Organization

Part 6: Summary Rating Narrative *(Mandatory)* **Supervisor must provide comment for all ratings.**

Ex. 6 - Personal Privacy

Part 7: Executive's Accomplishment Narrative – Executive must provide narrative for all Critical Elements and EEO and Diversity within the 2 pages provided. Calibri 10 font required.

Results Driven:

- **ACS:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **Making a Visible Difference in Communities:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **PR Landfills:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **Recycling in Puerto Rico and the USVI:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **Promoting Citizen Science and Environmental Education:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **Environmental Justice:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **Environmental Stewardship:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **PR State Revolving Fund** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **MS4:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **Protecting Caribbean Waters:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **Integrated Pest Management in PR and USVI:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy
- **Public Relations:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy

Leading Change:

- **Complaint Management System:** Ex. 6 - Personal Privacy
  Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

- **Worker Protection Standards:** Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

- **Federal Grant Opportunities:** Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Leading People:

Ex. 6 - Personal Privacy

Business Acumen:

Ex. 6 - Personal Privacy

Building Coalitions:

Ex. 6 - Personal Privacy

Part 8: Agency Use

Executive Development Plan

Employee Name (Last, First, MI)	Performance Period	
Guerrero, Carmen R.	From: July 11, 2016	To: September 30, 2017

Long Term Goal:	Ex. 6 - Personal Privacy	Short Term Goal:	Ex. 6 - Personal Privacy

Career Goals & Development Objectives	Specific Development Activities	
Goals/Objectives	Activity	Time Frame
Ex. 6 - Personal Privacy		

Discussion and/or approval of the Executive Development Plan.	Employee	Supervisor	Approving Official
	Signature Ex. 6 - Personal Privacy	Signature Ex. 6 - Personal Privacy	Signature
	Date October 5, 2016	Date Oct. 5, 2016	Date

To: Mccabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
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From: Shapiro, Mike
Sent: Fri 1/20/2017 9:20:30 PM
Subject: OW Weekly Report

Acting Administrator and company – Here's the OW weekly update. Beginning Monday, 1/23, Benita Best-Wong will join me in the Immediate Office of Water as Acting Principal Deputy Assistant Administrator. Benita currently serves as the Director of the Office of Wetlands, Oceans, and Watersheds. Prior to becoming Director of OWOW, Benita served as Deputy Director of OWOW. She has also held a number of positions, both here and in Region 2.

Upcoming week:

•□□□□□□□ We have no anticipated significant announcements or actions. On Tuesday, 1/24, we anticipate that the final Effluent Limitations Guidelines and Standards for the Dental Category will publish in the Federal Register. The final rule, signed by the Administrator on 12/15/16, will reduce discharges of mercury and other metals from dental offices into municipal wastewater treatment plants. Since the rule received significant attention when it was signed, we do not anticipate that the formal publication will be newsworthy.

Past Week:

•□□□□□□□ EPA/FDA Fish Consumption Advice: On Tuesday, we joined with FDA to announce updated fish consumption advice for pregnant women or those that may become pregnant. To help these consumers more easily understand the types of fish to select, we jointly created an easy-to-use reference chart that sorts 62 types of fish into three categories: "Best choices"; "Good choices"; and "Fish to avoid." Fish in the "best choices" category make up nearly 90 percent of fish eaten in the United States. The announcement was covered by Time.com, CBS Radio, Politico, and other outlets. Learn more here: www.epa.gov/fishadvice.

•□□□□□□□ Human Health Benchmarks for Pesticides in Drinking Water: On Tuesday, we updated our Human Health Benchmarks for Pesticides in Drinking Water to reflect the latest scientific information. The benchmarks are levels of certain pesticides in drinking water or source waters for drinking water at or below which adverse health effects are not anticipated from one-day or lifetime exposures. These revised benchmarks incorporate updated toxicity assessments from the pesticide registration process and exposure assumptions derived from the EPA's Exposure Factors Handbook.

•□□□□□□□ National Groundwater Awareness Week Video Challenge: On Tuesday, we also

announced our first National Groundwater Awareness Week Video Challenge, where we have invited the public to create and submit a video that increases awareness and understanding about the importance of protecting and conserving groundwater. The winning videos will be posted on EPA's website and recognized during National Groundwater Awareness Week from March 5-11, 2017. Learn more here: https://www.epa.gov/sourcewaterprotection/national-groundwater-awareness-week-video-challenge.

•□□□□□□□ Guidance for Building Field Capabilities to Respond to Drinking Water Contamination: To aid drinking water utilities in preparing for sampling and field testing that could occur during water contamination incidents, on Tuesday, we released the guidance document entitled, "Guidance for Building Field Capabilities to Respond to Drinking Water Contamination." The guidance outlines basic and advanced field response activities and also provides information pertaining to staffing, quality assurance, and other procedures. Additionally, the document contains useful resources, downloadable and customizable report forms and templates, and supplemental information on the application, and relative costs of field testing instrumentation and test kits. For more information, visit https://www.epa.gov/waterqualitysurveillance/sampling-and-analysis-resources.

•□□□□□□□ Compendium of State Approaches for Manure Management: On Tuesday, we also released a *Compendium of State Approaches for Manure Management*, which highlights state programs and approaches that have proven to be successful at promoting good manure management at animal feeding operations, implemented on the ground, and focused on achieving environmental benefits and announced the update of our State Water Agency Practices for Climate Change Adaptation Database, which is an online tool for sharing innovative practices that state water agencies are currently implementing to reduce their vulnerability to climate-related impacts. This database is a collaboration between EPA, ACWA, ASWM, and ASWM.

•□□□□□□□ Aquifer Exemption Map: On Wednesday, we published an interactive map that allows users to view electronically for the first time aquifers that EPA has approved for exemption under the Safe Drinking Water Act. EPA exempts aquifers if the aquifer does not currently serve as a source of drinking water and will not serve as a source of drinking water in the future, based on certain criteria. Aquifer exemptions allow these underground sources of water to be used by energy and mining companies for oil or mineral extraction or disposal purposes in compliance with EPA's Underground Injection Control (UIC) requirements. EPA's Aquifer Exemption Map brings together data previously available only in paper form or at the state level. The map and accompanying data can be used by states, businesses, communities, and others to view exempted aquifers in the United States, see accompanying aquifer exemption data like depth of injection, local geology, and injected fluid characteristics, and can assist with UIC permit applications and approvals. Learn more here: https://www.epa.gov/uic/aquifer-exemptions-map.

•□□□□□□□ Water Transfer Rule Upheld**:** In a long-awaited decision, on Wednesday, the Second Circuit Court of Appeals reversed the lower court's decision and upheld EPA's water transfers rule, which does not require an NPDES permit for transfers of water from one waterbody to another when there is no intervening use. The Court found that " the Water Transfers Rule is

based on a reasonable interpretation of the Clean Water Act."

Mike

Michael Shapiro

Deputy Assistant Administrator, Office of Water

US EPA, 4101M

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To: Roger Baneman[rbaneman@shearman.com]; Chris Collins[chris@solar1.org]; cecil@weact.org[cecil@weact.org]; DesRoches, Susanne[sdesroches@cityhall.nyc.gov]; Amy Freitag[AFreitag@jmkfund.org]; Daniel Fuchs[dfuchs@planning.nyc.gov]; Garcia-Costas Arturo[agc@nyct-cfi.org]; Eric Goldstein[egoldstein@nrdc.org]; Bram Gunther[Bram.Gunther@parks.nyc.gov]; Craig Holland[cholland@tnc.org]; laura.humphrey@icf.com[laura.humphrey@icf.com]; Marianna Koval[mkoval@stern.nyu.edu]; David Kramer[dkramer@hudsoninc.com]; Krudner, Maureen[Krudner.Maureen@epa.gov]; Venetia Lannon[Venetia.Lannon@exec.ny.gov]; Larry Levine[llevine@nrdc.org]; Lochner, John[JLochner@dep.nyc.gov]; Laura Mandeles[laura@keensmandelesandyou.com]; Brian.Marengo@CH2M.com[Brian.Marengo@CH2M.com]; Matthews, Joan[jmatthews@nrdc.org]; Mccabe, Catherine[McCabe.Catherine@epa.gov]; ignacia@imorenogroup.com[ignacia@imorenogroup.com]; Howard Neukrug[Ex. 6 - Personal Privacy] Sophie Rifkin[srifkin@stern.nyu.edu]; Vincent Sapienza[vsapienza@dep.nyc.gov]; Schoeman Laurie[lschoeman@enterprisecommunity.org]; Seth Camilla[camilla.seth@jpmchase.com]; Toby Sheppard Bloch[tsheppardbloch@thehopeprogram.org]; Pamela Soto[pamela@nyc-eja.org]; Jaime Stein[Ex. 6 - Personal Privacy]; Strickland Carter[Carter.Strickland@hdrinc.com]; james.tierney@dec.ny.gov[james.tierney@dec.ny.gov]; Valderrama Alisa[avalderrama@nrdc.org]; Tensie Whelan[twhelan@stern.nyu.edu]; erin.williams@phila.go[erin.williams@phila.go]
From: Marianna Koval
Sent: Fri 1/20/2017 5:10:11 PM
Subject: Pocantico notes
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Pocantico - Retreat Notes 1-13 -16 .docx

Dear Pocantico participants,

Following Pocantico, we don't want to lose the interest and enthusiasm in DEP's creation of an effective private green infrastructure incentive program.

Enclosed are draft notes from the retreat for your comments and edits. (This version is for internal purposes and not intended for publication or public distribution.) We will be distributing the conference facilitator's memorandum shortly.

We also plan to organize some working groups in the next 4 to 8 weeks, with the goal to gather Pocantico participants with other key stakeholders and dig deeper into some of the key topic areas.

We look forward to your comments to the notes and benefiting from your advice again in the future.

All my best,

Marianna

Marianna Koval | Center for Sustainable Business
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New York, NY 10012
917-721-3973

NYU STERN

Center for
Sustainable Business

These are draft notes for
our own internal use and
not intended for distribution or publication

Draft of January 13, 2017

Catalyzing Community-Supported Green Infrastructure on Private Property

NYU/Stern Center for Sustainable Business,
Natural Resources Defense Council, and
the New York City Department of Environmental Protection

The Pocantico Center of the Rockefeller Brothers Fund
November 28-29, 2016

Retreat Notes

Laying the "groundwork"

- The why's and how's of GI
- Why private GI matters in NYC
- The federal and state policy environment for GI
- Incentivizing a Market – Public vs. private GI

DRAFT

Speaker – Natural Resources Defense Council

- GI on private property requires major mindset shifts
- Historically stormwater management has been about invisible management – moving water away – but GI is above ground, meant to be seen, meant to be experienced, a built asset, trying to keep stormwater on or near the site where it falls.
- What models are out there- solar model?
- As much as NYC must strategically set price, structure, and deployment of an GI incentive program – the culture and the mindset is something we have to keep driving home. We have to have people be on board with it
- NRDC has mapped subsidies to interventions– identifying in a chart at what subsidy price various interventions are seen as cost effective
- What about financing operations and maintenance? Public sector can subsidize but ultimately private property owners need to realize benefits that GI can bring in terms of property values.

Speaker – Environmental Protection Agency

- While EPA believes in a hybrid approach and doesn't have a "GI first" perspective, it recognizes that GI has a really important role in solving water quality issues.

- The co-benefits that GI brings to urban environments are major. It is those co-benefits that people see, pay attention to, and really like. A fundamental problem is to getting society to own and want GI. That's why we have to "tag" GI and educate people. If it's where they can see it and appreciate it, people will understand how GI helps to improve their quality of life.
- It's unclear yet whether GI is cost effective enough to displace grey.
- EPA will always be there as a regulator, but wants to work with DEP on this. And there may be opportunity in the new administration to leverage a focus on infrastructure to garner funding

Speaker – NYS Department of Environmental Conservation

- DEC is very amenable to private GI, but believes that the private sector will only build GI if there is funding. It has to make economic sense for the private sector. The State of NY has no qualms about using the program's money on private property. DEC is amenable to a "gap" in the consent order, and going back to look at it again.
- There are a number of ways that it can work, including regulations and leveraging money. Construction general permits (clean water). CSO orders – most medium cities are under a lot of mandate here. Billions can be spent on grey or green or a mixture.
- Onondaga county near Syracuse had the most polluted lake in North America. Syracuse's "Save the Rain" program resulted in dozens of GI projects. It is a well-advertised and well managed program. Importantly, the Syracuse program open sourced all the GI specs and made them available to everyone.
- Criteria -- establishing a standard and consistency is critically important.
- Messenger – who is the right messenger for these communities. How do we speak to different communities in a way that matters – jobs, flooding, education? Who or what is it? DEC is ranked absolutely last. Best messenger in Onondaga was a local fishing boat captain. But a professor from a major university or a public health nurse in a uniform can be very effective messenger.

Speaker – NYC Department of Environmental Protection

- Most of DEP's GI work under its consent order has been in right of way (ROW) -- public streets and sidewalks. That's largely because DEP was able to "control" the ROW and ROW represents 30% of impervious surfaces. DEP has built approximately 4,000 rain gardens/bioswales.
- DEP is working to quantify co-benefits
- To achieve DEP's goals to manage 1 inch of rainwater during storm events on 10% of impervious surfaces– we need to rely on the public agency partners and private property (about half and half) – schools, NYCHA, parklands have been part of this solution – working really hard with them. GI implementation in other areas like NYCHA housing developments has been transformative. Helping to enable a pot of money from Parks Department as part of the community park initiative (CPI) – 29/35 parks where they installed GI on DEP dime, included not only the management of the stormwater on that park, but also to take stormwater off side streets and channel it to the park. But these efforts alone won't get DEP there.
- DEP must tackle the other 50% of land that is privately owned. It presents daunting mathematics. 2000-2010 – real estate boom with large turnover, but now things have slowed, and we have a ~1% turnover in real estate. So, DEP recognizes that a stormwater detention rule won't move the ball with the private sector. DEP needs to find new ways to stimulate the private sector.

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- Looking for ways in which we can incentive the private sector and the price points. Is it going to be cost effective to manage the stormwater on private property either through the payment of GI or the credit on the bill – NYC price point in ROW has been $1-$3 per gallon. DEP's existing grant program has funding $13 M in GI, but the cost per gallon is much higher than the ROW cost. So, DEP is seeking answers:
    - How do we incentive the private sector?
    - What's the price point?
    - How does DEP transfer $?
    - What are the performance metrics?

Discussion:

- How do we define a "hybrid" approach that includes both grey and green together? And what does that really look like?
- Challenge is that funding for grey and green come from different sources. Aligning incentives can be hard. Drinking water vs. wastewater utilities –
- We don't view this as grey vs. green. Green bolsters grey. But we are now faced with a challenge – how do we not end up with "belts and suspenders" situation. Ideal would be a green infrastructure as a first line of defense and when it gets saturated, to then move to grey. We must plan for a watershed-based approach.
- Look to DOJ consent decrees with 25-30 year commitments, where many include grey and green. You can look to both policy and enforcement to see how these things fit together. A key concept in these consent decrees is adaptive management – collecting data, testing it, setting milestones to ensure you reach the commitments over ~25 years.

DRAFT

The Philadelphia Story – Past, Present, and Future

- Philly's evolving model for private GI
- Challenges and solutions – structuring incentives
- How data collection informs the future

Speaker, Former Commissioner/CEO, Philadelphia Water Dep't

- Good water management will make cities thrive, and EPA has a sense of urgency with its Consent Order, but this is going to take a long time and a lot of $$.
- There is a not a city in the US that is not spending money on grey infrastructure.
- Philly program is 50/50 grey/green
- Began with a vacant lot in 2002 in Philadelphia – $1.2M an acre project. It was a porous asphalt basketball court – lots of problems – didn't know how to spec it, bid it, inspect it, and engage the community. Fourteen years later, Philly is still in a learning phase, as is DC and Syracuse, and many other cities. It's a big process.
- It was part of Philly's original plan to do GI on private land, but EPA wouldn't allow it because Philly didn't have control over it. So, Philly focused on ROWs, knowing that we would go into private lands later.
- Philly started on private GI in 2006 with:

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    - Strong redevelopment ordinance requiring capture of 1 inch initially and now 1.5 inches – privatizing stormwater management, privatizing CSO – at no cost to rate payers. This was an important stick. But only 0.4-0.5% redevelopment rate.
    - Stormwater fee – but Philly fees are not high enough to give property owners a ROI to manage stormwater on their property. Why? Not charging full cost of service to manage stormwater.
    - Price of water treatment is only going up, while prices of best management practices are only going down. More and more private property changes will happen – you can have rebates, fees, grants, low interest loans, and leverage private capital
    - Leverage private capital – doesn't make a lot of sense for public utilities… but it does make sense that cities have trouble spending $$$ on retrofits on private land because they have trouble spending money when they don't have land ownership
- Why is Philly's current private GI program working?
    - Marketer/salesman role - helps with communication. You need a business person to go in, talk to a business owner, and give them a business deal. There are a few salesmen now, but not enough yet.
    - Cheap retrofits – 3-5 acre, family owned, 1 story commercial buildings with parking around the edges that used to be a small light factory, and now a warehouse – they don't' have money to do a retrofit they are perfect because they fit into a community base and environmental and social justice equity issues – and give you a really nice spot – because you can work with the community who are really impacted with impervious stormwater fee. Initial cost was $150k/acre, while retrofitting a street was costing $400k/acre.
- Private green infrastructure works best when you integrate into construction; retrofits only work when you have a sweet spot on private land because retrofits are so much more expensive than new building.

DRAFT

Discussion:

- GI costs will go down if integrated through construction ordinance. But DEP is seeing costs going up – limited supply of contractors, and a lot of risk.
- Clear NYC needs a strong redevelopment ordinance. Has NYC collected data on its existing stormwater rule?
- Philly is monitoring GI indirectly by looking at capture and reduction of CSOs. But because it is so expensive, it cannot monitor system-wide and is waiting for data from other cities. They have good models, and are aiming for a few representative sites with real-time monitoring sensors
- DC – to get COI must file a stormwater management plan; they aren't tracking real time, but they know how many buildings came into the system and the gallons associated with it

Speaker, Philadelphia Water Dep't

- Philly has set the table with regulations, stormwater fee, and credits. It wasn't easy, but they survived and have a good framework
- Greened acres are a surrogate for volume. Goal was 744 green acres by 2016 in 5 years and a volume capture of 1B or 1.5B gallons. Philly did 836 green acres, and when they input into the

model, it well exceeded (150%) the requirement. They are getting better with the model – designs are very conservative. Infiltration rates and greater volume than expected.

- Fees – they have the most aggressive stormwater fee and credit program. Up to 80% reduction in a non-residential customer stormwater charge (highest in the U.S.) - e.g. 70 green acre project, reduced a stormwater bill from $50K to $5K,
- Grant program – passed money through a local authority and handed out grants to property owners – but not that successful initially because they were trying to work directly with property owners who were only mildly engaged. But they weren't engaging providers – the "doers" the suppliers, contractors etc. This led them to try to incubate companies that bring property owners to them
- Not giving individual grants to property ABC, they began an aggregation program offering $90K an acre to the aggregator company to bring them a portfolio of projects
- Problem – don't have any new aggregators after 2 ½ years. Contractors say that they aren't used to doing marketing – they usually just respond to RFPs and ads.
- RISK – engineering companies make money on hourly rate – if they aren't compensated for up front work – getting people on board, signing up homeowners etc. -- companies are not willing to take that risk. The company that is most successful in Philly is set-up as a design/build/maintain company – they get paid for the design-build part, and they make homeowners sign a maintenance contract with them. the company sets the maintenance costs at the right amount based on what credits they are getting. The original longstanding general contracting companies are not set-up for the business model that would be most successful for this type of project.
- Philly's next steps:
    - We have realized that we have to prime the market and pay more (Starting to say 'yes' to paying for testing and design)
    - We can't just set the table, but have to yank property owners to the table and be match makers
    - Need a team of marketers to put together a package of projects – energy efficiency companies have done this, we need to partner
    - Considering a "match.com" for stormwater - modeled on a mortgage website – put in a few parameters that describe your site and review credentials

DRAFT

Discussion:

- There might be value to do process mapping of NYC agencies – find the opportunity when agencies are doing some infrastructure changes (ConED, DOT etc., opening up concrete, sidewalk maintenance) to incorporate GI. What are the roles of community organizations to play as aggregators or communicators?
- So many parallels between this and energy efficiency programs. "Business as usual" guides property owners and businesses. But that's where the opportunities are to understand what will motivate them. Focus intervention at those points.
- NYC has a $1 billion neighborhood redevelopment fund for city agencies. It could add $ to a project or fund a new GI project – incentivizing works. On the aggregation side, DCP can play a "match.com" and help in showing where development is headed. DCP helped to share/map building permits that are coming through DOB – they want to be able to provide this service to

other capital agencies and say "here are all the new permit applications at every stage of the process" and you could, as DOB, (redesign for intake) say we're interested in prioritizing sites that emphasize the following jobs etc. Or your new permit for XYZ triggers a match to a contractor or a grant program to help incentivize. There is a big role for data in mapping private development with data integration between permits, buildings, private owners and contractors.

- CBOs know how to do the marketing, and leverage the relationships. DEP should leverage the skills of CBOs to do outreach and facilitation. They can help bridge the divide between contractors and community based organizations. Simple, small interventions can be aggregated too and make an impact.
- DEP has a portfolio of some recent projects, that hasn't been marketed too much, but they have a good number of projects that they are incorporating – eventually will be expanding into MS4 areas of the city because discharge permits requires DEP to look at GI. A strong stormwater ordinance is a requirement. Working on a study that will be finalized next year. Both scale and opportunistic projects are being pursued at the same time.
- We need to be responsive to the market, understand the business model to make money, and set up the DEP incentive program accordingly. If it is asset management program, like Philly, the profit is on the back end, and that's one model. If it's construction (capex), that's another. Since NYC has no stormwater fee, it's a capex business, and you have to set the rates higher for contractors/construction companies.
- Smaller projects speak directly to communities and how they receive these projects, but may not respond to the need for scale. A lot of small property owners don't' see ways to access these monies. We don't give ordinary citizens enough credit for understanding these problems or the benefits that can be garnered.
- The notion that if DEP or any agency says that we can only look at a portfolio with x amount of stormwater managed and then you leave it up to the aggregator to achieve that goal... a CBO will work with whoever is willing – aggregator absorbing that transaction costs. As long as that portfolio meets that goal. How that financing occurs, and whether it's asset management based – that's an interesting question.
- Management structure for small vs. large -- fewer projects of greater size allows for less of a management headache. Small projects have many details and the administrative costs are high.

DRAFT

Toward a Private GI Program in NYC - Models for Success

- The Clean Heat Program
- Solar analogues
- Community roles in promoting clean heat and solar

Speaker, Solar One

- Everything is different in NYC.
- Solarize campaign in Brooklyn focused on 1-4 family homes. 375 people signed up for a solar assessment, and only 23 went forward.
- Solar One got a grant from NYSERDA to look at how to reduce costs -- 60% of the costs were

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administrative, marketing, and permitting process. They shaved about 20% off the soft costs by: setting up an online platform; having technical assistance providers on their staff; and targeting marketing, focusing on geographically clustered homes in a 2-3 block radius, doing a small group of 6-8 homeowners. They unified the buildings --- one person has a driveway for parking, or one person has the key to everyone else's home and allowed installers to visit once … then invited a preselected group of installers to bid on it. Solar One got bids and lower costs.

- Solar One focused on the affordable housing market next.
    - Started working with a CBO in a solar thermal aggregation project, aggregated them, and did six solar thermal systems, driving costs down and bringing in third party finance
    - Aggregation projects for Bluestone organization
    - All involved aggregating and coming up with a third party financing mechanism in a model that made sense to them – no upfront costs. They're buying energy from a third party financer and saving 20% on their rates.
- Difference between solar and GI is that solar enjoys
    - 30% federal tax credit
    - 25% state credit
    - 20% city property tax abatement
    - Third party financier takes tax credits over a period, and the model flips after 5-6 years.
    - Price of solar coming down
    - Affordability looks different when compared to water – you can't take advantage of all the tax equity, or do it through a third party financier.
    - Third party financing - very attractive model, can it work for water?
- Public Service commission passed virtual net metering in July 2015 for buildings with 10+ units (now petitioning to expand to smaller buildings), which results in a credit on the Con Ed bill and allows pass through savings to tenants, and others who may not even live in the building. Giving CBOs and low income/affordable housing developers opportunities to pass on savings to their tenants is a big deal.
- Lessons learned
    - smaller owner occupied buildings are most interested and big buildings are not, but there are a lot of buildings in NYC with 10 units or less.
    - it's a lot easier to put solar in new construction and that should be mandated
    - Non-profits and CBOs can be community aggregators and generate employment and revenue for their communities.

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<u>Speaker, ICFI</u>

- Clean Heat Program – DEP/Mayor's Office of Sustainability in NYC
- Program was designed to help buildings phase out of heavy heating oils and move to cleanest energy possible
- They got all 16,000 buildings to convert ahead of the deadline and majority leapfrogged to the cleanest energy possible, rather than moving first to interim goal.
- Biggest neighborhoods- UES and South Bronx
- Success came from an account management approach, positioning sales force as the "trusted third party." Large property owners are being sold to constantly. What's their normal day – and how do you cut through the clutter? What's valuable of their service to them? Someone who is

trustworthy and could help them cut through the clutter

- Differences/Similarities
    - All private – 80-% multi-family and 40% were affordable (similar)
    - Regulatory deadline – Clean Heat program offered no incentives, only sticks.
    - Project paybacks were insane (6 months) because of low cost of natural gas. But the payback period almost NEVER sold it to people because it was a PAIN to do
    - Affordable housing owners were super motivated because they care a lot about their operating margins. Cost savings were a resonating message to them, but not to affluent buildings.
    - With GI, there's no payback, which is a big obstacle to participation.
    - But money is not enough, ease of use is critical.
    - Commitment of resources – website, map
    - Need to create effective outreach strategy that aligns building owners with the right person that they are going to listen to.
    - Where does it need to be easier – the service providers or building owners – how do you reach them

Speaker, NYC Environmental Justice Alliance (NYC-EJA)

- Community based energy planning can be a model
    - Community co-ownership of infrastructure
- Heat vulnerability index to consider in co-benefits and EJ
- Brooklyn Alliance for Sustainable Energy (BASE)
    - Coalition of community groups in central Brooklyn advocating for sustainable energy
    - Advocate for greater transparency in ConEd decision
    - Create more diverse and equitable energy market
    - Working with BlocPower – installing solar panels on NYCHA buildings in Brownville
    - Generate $9M to go into a community repair fund for buildings
- Meaningful community involvement includes talk about intersectional problems of climate change, health, etc.

Re-group Comments:

- Contractors, CBOs, maintenance
- What is a successful business model, what are some successful options without a fee – how do we find a price point? How large a pilot would we need to prove the price point?
- What are pros/cons of each approach?
- Has the RFI addressed the different markets you have to approach?
- CBOs – could be commercial or residential? Larger ones - - gift of rezoning?
- Monetizing co-benefits across various city agency siloes is needed, particularly addressing co-benefits for low/medium income (LMI) housing. LMI is ripe for GI, but they need staffing capacity to partner

CBO Questions

- What does a CBO need to effectively help with this? $$? Process? What are the incentives and barriers for CBO? What are the incentives and barriers for two targets – commercial property owner and the smaller property owner? How could we help you overcome them? Geographic

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limits? What's your dream program? How would you design it? Small vs. large (small could mean … large could mean…)

- What would be the ideal program structure?

NYC DEP – Taking Green Infrastructure to Scale

- Challenges to the current DEP private program
- DEP's goals and priorities in structuring a new private sector GI program
- Third-party administration: what DEP has learned from responses to the RFI

Speakers, DEP Staff

CURRENT PROGRAM

- Current DEP grant program has been evolving. Minimum design criteria; flexibility to fund multi-system projects; program tends to be a better fit for larger institutions (Hospitals, universities, private schools, churches etc.) To date, have given out $14M to 35 projects
- Current challenges
    - High transaction costs – complexity of funding agreement & restrictive covenant; schedule uncertainty
    - High administrative burden – lengthy contracting process; number of parties involve in review; under marketed
    - DEP has not done marketing / outreach, but understands its importance to a successful program
- Lengthy contracting process for reimbursement
    - Registered contract must be in place before grantee can invoice DEP
    - Several steps before contract is registered
        - Design review – final designs, budget
        - Health and safety documents
        - Insurance
        - Executed funding agreement
        - Recorded restrictive covenant
- Many people involved in the process – lots of agencies engaged.
- How do you scale – how do you provide the technical assistance in an efficient way?
- Maybe look at the playground school model as an example of community engagement

A NEW PROGRAM: PRIORITIES

- Want to have it administered externally
- Initial target: 1,000 impervious acres managed over 15-20 years
- Scalable
    - Customer, private property centric
    - Low transaction costs for private property owners
    - Low transaction costs for installers
- DEP Is seeking program management solutions that will:
    - Drive scalable adoption of GI on private property
    - Effectively market the new incentive program

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- Efficiently engage contractors
- Drive down the costs of GI over time

Discussion:

Restrictive covenants – NYC employs covenant for the length of the underlying bond financing (20 years). Shorter bonds be used to fund program to eliminate this impediment to participation or expense dollars / operating funds Most cities use operating funds for their grant programs as they have fewer administrative burdens that complicate their use for distributed infrastructure, but most grant programs involve relatively small amounts of money.

Is the 1,000 acre target ambitious enough? Is it large enough to send a signal to the market? DEP views it as a "floor," not a ceiling. Can we integrate additional milestones to evaluate the targets and reassess as needed? DEP can revaluate, but it can't just be greening for greening sakes. GI has to be aligned to meeting stormwater objectives.

The NYSERDA grants funded 1-2 year Solar One pilots, so they could test 4-5 different approaches. It has been effective. Until you're on the ground doing it, it's hard to know what exact method will scale best. Solar One's experience with smaller pilots allowed for new program management techniques to be assessed for their effectiveness

As an RFI respondent, TNC estimates that 1,000 acres would require about $400M in spending – with no labor base etc. It will be complicated, and challenging.

DEP thinks the details will be in the risk allocation. DEP is not wedded to using capital funds. You have to request capital $ every year, and need to spend it, since OMB expects funds allocated for a given year to be spent that year and a new program type with thousands of small projects may be more difficult to manage to a specific annual budget . But 10 times harder to obtain $400m or similar large amounts of expense funds.

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GI PROGRAM Request For Information

- 14 responses received; representing 100 organizations; Lead respondents were engineering and program management firms as well as non-profits and advocacy groups
- Respondents see DEP providing standards and requirements as very important to provide certainty to property owners and other stakeholders. But they want minimum requirements only. And want to standardize process, documents and timelines, and provide all online.
- 100% of the respondents supported CBO role --CBOs could be turnkey providers; provide financial incentives for positive outcomes; choose right groups; provide groups with flexibility
- Providing value to property owners is paramount
- Further policy adjustments are needed to ensure ease of implementation and cost reduction, including
    - Allowing stormwater to be managed across property lines
    - Rate structure adjustments

- Majority of respondents suggested that DEP had to partially pay for maintenance or there had

to be a change in policy that would be a carrot/stick for property owners to incentivize property owners to pay for maintenance.

- What about a watershed fund model?
- Can it link to the resiliency portfolio?
- If DEP only reimburses construction costs for GI, contractors are not necessarily incentivized to ensure the project lasts over time. DEP needs to incentivize O&M more. And DEP needs to bake in a continuing payment stream or provide a similar value proposition.

DEP's next steps:

- A half-day workshop with RFI respondents to go through wish list items, including policy changes. DEP needs to develop a list of what can happen in near term vs. what can be accomplished in the longer term with the right approach, and map a decision tree.

Roles for Community Based Organizations (CBOs) in a Successful Private Green Infrastructure Program

- Leveraging CBO networks and resources
- Positioning GI as a valuable community development strategy
- Supporting CBO capacity to participate in the private GI incentive program

Speaker, Sustainable South Bronx/The Hope Program

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- GI jobs are really good fit for workforce development focus of SSBx. Inherent career ladder – installer, maintainer, sales, outreach -- possibility for people to develop a long term career arc
- DEP's public investments in GI can yield triple bottom line results
- As fee for service providers, they can advocate to improve the quality of jobs provided by GI. In horticulture and landscape, which are industries rife with very questionable employment practices.
- Community partners are very receptive– commercial property, healthcare etc., all motivated to pursue GI as a partnership building opportunities with them.
- Mission-aligned installers and maintainers will deliver superior outcomes vs. a typical infrastructure contractor.
- Challenges with existing program: we've talked a lot about execution risk and project development and consequences of those failures – and also talked about need to get it done and scale it up. The higher the stakes the bigger the risk for those doing PD – doing smaller scale projects – means that the risk is less
- Green Roofs:
    - DEP's existing grant program doesn't encompass all of the costs of a GI project. E.g. a waterproof membrane is an essential part of a green roof and membrane installation/replacement cost needs to be wholly or substantially covered by DEP. This is a major sales pitch to private property owners – roofing is a major capital liability – if they can combine the GI with waterproofing needs, the interest in participating in the program would be significantly enhanced.

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- GR are not complicated and throw off other benefits – doubles life of the roof; mitigates heat island effect; cleans air; benefits psychology
- Many myths about GR costs. Green roofs are too expensive in NYC because most GR construction companies are "amenity" providers – NOT commodity providers. They are engaged in bringing these in because they're pretty, not because they're building infrastructure.

Speaker, NYC-Environmental Justice Alliance

- NYEJA happy to see DEP come to CBOs for help now in shaping private GI program, not just for aggregation and outreach later
- Climate change will most impact low income and communities of color
- GI is a good opportunity to combat climate change, provide coastal protection, mitigate urban heat island effect, enhance public health, and build community resiliency and social cohesion
- NYEJA's Waterfront Justice Project is working to mitigate toxic exposure faced in "Significant Maritime and Industrial Areas (SMIAs), which are in storm surge areas and communities of color
- NYEJA would like to see SMIA areas included in DEP's incentive program, and working with small industrial businesses in particular
- Suggestions for effective CBO involvement:
  - DEP and 3PA should build CBO capacity for their participation
  - Participating organizations should be adequately compensated for their work
  - DEP should prioritize CDCs and seek CBOs that have existing networks they can leverage
  - Program should include high labor standards, including local hiring provisions, creating job training programs, and using union construction labor

Speaker, Stormwater Infrastructure Matters (SWIM) Coalition

- SWIM Coalition "storm water infrastructure matters" – supports using stormwater as a resource and not a waste, advocating for swimmable and fishable water bodies in NY, represent 72 membership orgs, voters, kayakers etc. and academics, work in 5 boroughs with water-body specificity to make the invisible, visible.
- Stormwater infrastructure and GI – while its purpose is often invisible, SWIM works to make the infrastructure investments visible, by focusing on outreach and community engagement to build a city wide knowledge base for even "Neanderthals"
  - Messaging – develop fact sheets to try to help connect people to their waterways and ability to impact it
  - Making connection between land use and waterbodies
  - Allowing for a community process with decision making power and authorization to help people envision what could be.

Speaker, WE ACT

- WE ACT – membership based organization, individual members, building healthy communities through organizing people of color and low income into policy and advocacy campaigns for

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social change, including environmental justice. Also use community based participatory research to leverage change.

- WE ACT has worked on GI for a while as a pathway solution, although communities need more engagement to develop greater knowledge
- Benefits of GI
    - Helps reduce heat island effect (by 5-7 degrees) – no a/c in NYCHA housing
    - Flood zones – northeast side of Manhattan – east river houses on FDR drive
- WE ACT developed Northern Manhattan Climate Action Plan, knowing it is important to invest in such efforts so that people can understand infrastructure issues
- WE ACT works to consider other unplanned potential impacts of change and sort through those challenges. E.g. The High Line is amazing, but it overlooked some of the lowest income people in Chelsea. Creating more GI will create some of these challenges
- Working with WE ACT and CBOs
    - Leverages resources from foundations and is an opportunity to figure out how to get other resources into these projects
    - brings the knowledge of how to work with particular constituencies inside their communities

Suggestions:

- Work with affordable housing operators. What's the network with HDFCs (Housing Development Finance Corp)? Does DEP have HDFCs and other affordable housing mapped?
    - Keep in mind that bringing in low income landlords is a lot of work. Clean Heat program taught that it's much more challenging than just "putting money on the table" – but as mission driven organizations, CBOs are willing to work through it
- Integrate job opportunities into GI development
    - WE ACT's green training program where they train young men and women in the Northern Manhattan area – provide OSHA certificates but can't always bring them work.
- Help take communities that have been traditionally burdened and make sure they can be healthy communities. The more that we do not pay attention to environmental gentrification the more we put these neighborhoods in peril

Discussion:

- Mission oriented groups need financial support. To develop programs in the public sector, it's good to get funding to groups on the ground already. CBOs may be fearful of supporting GI, even with the co-benefits, out of a fear of gentrification.
- Role of CBOs in DC – working with Anacostia Watershed Society – originally they wanted to be the GC on the projects, but they had no capacity to really deliver product. The place where they were most beneficial was in their relationship to the community and ability to engage effectively and *authentically*.

Real Estate & Finance – Keys to Scaling GI on Private Land

- Who is potentially "in the market" for this incentive program and what are they looking for?

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- Optimal program design to facilitate owner participation and ease of financing?

Speaker, Enterprise Community Partners (CDFI)

- Emergent national program to help LMI developers reduce risk from climate change; preserving affordable housing through enterprise green communities certificate; 22 cities require green housing – encourage developers to integrate GI into funds. Robust policy team in DC exists to increase funding for development of housing and greening of housing, creating healthy communities. CDFIs find a variety of funding, etc.
- LMI housing operators face major challenges as they look to redevelop and redesign their facilities, including lean finances; low cash flow; very high debt to service ratio; low staffing capacity; high turnover
- Enterprise/LISC did a weatherization joint venture with 200 units of housing during ARA period that was both challenging and instructive. They took on more risk than anticipated, saw budget overruns, and O&M was a challenge. Pre-development funding was needed, as well as deploying technical assistance
- What are the drivers for building owners to make progress and change?
    - Need to get the co-benefits equation right, need to figure out how to speak to developers and housing owners in a way that makes sense.
    - Need to figure out how to put $$ in the hands of owners and operators to front load community development costs.
    - Need to prove that the improvement will add value to operations; increase capacity to do more stuff, improve their brand, reduce utility load and cost (if you can prove that... that's huge);
    - for the mission-aligned groups (aging in place etc..) there's a lot to be said for promoting active design and programming through the implementation of infrastructure that will support quality of life- helps to improve quality of resident's life
    - Can implementing GI (water catchment or a green roof) produce reduced flood insurance premiums?
- What do you make a program that is realistic?
    - Owners of LMI have a different set of challenges than market-rate housing operators, suggesting different outreach and structure. DEP could consider 2 tracks for its incentive program.
    - Work closely with state housing agencies in promoting GI and sustainability. The State finance agency, NY Housing & Community Renewal, is already focused on GI, with systems in place to support LMI owners. DEP might run LMI funding through them to get the money deployed
    - Partner with CDFI that knows affordable housing.
    - Decide whether you to focus on new construction or retrofits?
    - Leverage other programs, e.g. the brownfield grant program or weatherization program and expand the pool of funds
    - Scaling will require portfolio holdings (NYCHA etc.), so mobilizing large owners is critical and will be cheaper, with scaled back transaction costs

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- Create an operations maintenance fund – owners don't have money to operate and maintain these systems
- Create lines of credit that can be subordinate to other forms of debt, and figure out financing that can blend with the stack in place
- Coordinate GI with moderate or substantial asset management lifecycle retrofit process, and bring blended funding.

Speaker, Hudson Properties

- To have an incentive program that works, developers have to make money. Good examples include the 80/20 program where developers make $2.50 for every $1 lost; J51 window replacement programs
- 6-point plan for DEP private GI program
    - Assume everyone is a Neanderthal and focused on other priorities.
    - Unit prices – has to be easy to explain and understand by contractor to property owner -- a tree is going to cost x price
    - Contractor has to make money, and if they do cottage industries will sprout. Need high margins to make this work - contractor may need 15-20% margin
    - Pay the owner – something has to be in it for the owner. Rebate on water bill, etc.
    - No cash outlays – if they have to write a check to participate, they won't... the best thing is to say – you put in the tree pit, we see you put it in, contractor gets the check, owner gets paid – share on social media
    - KISS – keep it simple stupid; focus on the lowest hanging fruit – roofs are complicated, what is the best way to reduce stormwater that involves the least amount of intrusion into the building.
- Don't plan a program for the progressive do-gooders, but plaques and certification (LEED) are motivators, although not "game-changers."
- Property management firms are very competitive. Publicizing participation will be a motivation factor also.

Speaker, The Nature Conservancy

- Foundation of a private GI program is always going to rest on:
    1) mandate for GI in development, and
    2) stormwater fee, with a credit if you reduce impervious area
- DC provides many lessons
    - stringent stormwater retention standard for redevelopment or new construction – 5000 sq. feet+.
    - But developers didn't want to take out parking or give up roof amenities, so they lobbied successfully for an off-site mitigation and in-lieu program
    - DC government implemented a voluntary offset programs where developers can purchase offsets for up to 50% of their compliance.
    - DC hoped private developers would build GI projects cheaper areas of the city to sell to

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developers in high cost areas for the offset, but the of market stormwater developers just doesn't magically materialize overnight.
    - TNC thought financing was missing, but financing alone wasn't the problem. You need a full scale developer to acquire property, develop projects, finance projects, bring the projects to market and then develop an aggregated supply of credits to bring to market. Developers didn't want to deal with the headache of going to the DC government, the program was misunderstood, and developers just paid the in lieu fees.
- Economics
    - TNC created a DC Development Co LLC
    - No cost to the developer; develop project on their behalf, do all the permitting
    - Work with Archdiocese of DC
    - Pay the capital cost of the projects and sell the credits to the developers
    - $3-$7/gallon is what developers are paying
    - TNC can build $4-$6/gallon projects
    - Value creation for the LLC for the city and regulated development is enough to sell credits profitably -- economics work out well
    - Property owner – benefits from reduced stormwater fees; E.g. cemetery with a $100k/year stormwater fee, TNC created a $25K rebate with GI; which subsidized the GI maintenance staff work; royalty structure – for every SRC they sell, a certain amount of the revenue goes back to the property owner
    - DC Is setting up a purchase guarantee program now.

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Break Out Groups

REPORT OUTS

Group 1 – (What are the success factors for a GI program, how should they be measured, how should they be established, and how do we incorporate other benefits?)

- Big goal – gallons of stormwater retained
- Stakeholders should include engaged CBOs, trade ally networks, unions, property owners (residential and commercial), occupants (might not be owners), community residents, academics (help with measurement), BIDS
- Measurement of co-benefits
    - Model assumptions, reduced temp, reduced indoor-cooling, property values
    - More localized - habitat improvement, flooding – zip code driven
    - Community, cost effectiveness
- Maintain flexibility over 3PA to monetize and track co-benefits, knowing that when you think about program design, the key central performance indicator is gallons managed. It gets complex quickly when we start to think about incentivizing co-benefits as well. Maybe consider an 80/20 split. Be practical about the core DEP goal to capture stormwater with the majority of the program and then a smaller component that would be more explicitly designed to target the co-benefits. In some cases, the focus on co-benefits might get you closer to your objectives.
- Can you create a matrix where projects/portfolios can be judged as they fit across it?
- Retention – detention - $ value should reflect stormwater value – green has a beautification

element – important to think about. Set the bounty at the price you feel is going to give you the project you want.

- Structure
    - Set targets for program administrator – as opposed to 'scaring' applications
    - Match value to stormwater benefit (detention vs. retention)
    - Create strong community involvement/consultation – 3PA must develop plan for engagement – either directly or through CBO partner

Group 3 – (What are the success factors for a GI program, how should they be measured, how should they be established, and how do we incorporate other benefits?)

- Important success criteria we agreed on
    - Including a diversity of building types -- both market rate and LMI
    - Creating jobs
    - Installing a diversity of BMPs
    - Co-benefits that are measured, tracked and valued, including benefits to owners, broader society and benefits across city agencies
    - adaptive iterative process in the course of program roll-out
    - DEP enabling a 3PA as a matchmaker and facilitator
    - Convene academics who have put a lot of time into this in studying co-benefits and help DEP understand how to parse out which benefits go to which agency – right now it's just academic
    - Understanding how these potential investments can benefit across city agencies – strategize and focus on how to get other agencies better aligned – take advantage of low hanging fruit
    - Strategize to collectively raise profile of this project to get mayor's attention

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DEP – does the group feel that these are more important than the importance of focusing on scaling? Is there a prioritization? The more you pile on, the harder it is to scale. Example – if department of permits would trigger a new GI project any time anyone applies for a permit etc.

Group 4 – (how to garner wide spread uptick)

- Bifurcate capital vs. expense funds
    - use expense $$ for planning and design, and smaller "cookie-cutter" GI
    - use capital funds for other costs, but work with OMB to reduce restrictive covenant – it has allowed 5 years – and allow a buyout
- Create a separate track and focus on affordable housing. HDFCs have no problems with restrictive declaration (no one is flipping properties in these neighborhoods) and are ripe to use capital funds. The same is true with Catholic Archdiocese.
    - Low hanging fruit are 4-5 story HDFCs in concentrated areas
    - Offer water bill credits (HPD can help in finding actual owners, rather than property managers)
- Pay a unit price in the incentive program
- Provide bridge capital and pay for pre-development costs
    - Follow Solar One model -- DEP pay 3PA for first feasibility investigation (existing

conditions, potential), the 3PA does MOU with owner and seeks bids
    - Leverage solar work and pay percentage of Solar One's roof assessment team
- Tap into various existing organizations and networks (identify parameters and skill sets) that can help us reach people with the right message, bring those people into the program, and pay them to do this
    - DEP private incentivize program should be borne by Chris Collins and solar One – Chris has worked out the whole thing -- now sell them on green roofs
    - Leverage inspection and assessment groups like weatherization inspection people who have a pipeline
- Target separate properties with different teams (look to Con Ed model for how one approaches various property owners)
    - HDFCs
        - UHave
        - Cooper Square
        - HDFC council
    - Faith communities – not monolithic
    - Mitchell Lama
    - Affordable housing operators CDCs
    - Residential – Multi and 1-4
    - commercial
- Explore re-zoning opportunities, particularly in this election year with City Council speaker very focused on advancing affordable housing
- KISS – simple, easy, one-stop shopping is what will make a successful program
    - Express permitting
    - Expedite program
- Marketing and promotion -- People seeing the GI, like solar, will be the single biggest driver, and "cultivation of champions," marketing program from community to community, celebrating and having other commercial property owners see. Solar marketing lesson is to use social media and promote program participation.

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<u>Group 2 - (how to garner widespread uptick)</u>

- Create a comprehensive incentive program
- Use innovative procurement as a pathway to scale
    - E.g. Parks Department was able to skirt the procurement process to be get long lasting high quality diverse trees
- Implement a stormwater fee on impervious surface
- Align private GI investment with existing ROW improvements
- Aggregate private GI geographically to reduce transactional costs for things like cranes, geotechnical analysis, etc.
- Support construction of green roofs.
- Use the Con Ed natural gas model – "we're here now if you want to participate – now's your chance"
- Don't be overly prescriptive
- Look to Solar community – social marketing and market condition SMART POWER – just starting

to work in New York

- Integrate planning as a utility of the future – value both conservation as well as storm water management

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To: Reeder, John[Reeder.John@epa.gov]
From: Mccabe, Catherine
Sent: Wed 1/25/2017 11:14:52 PM
Subject: Fwd: Sierra Club letter re FOIA request and document preservation
Sierra Club letter re document preservation.pdf
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Andrea Issod <andrea.issod@sierraclub.org>
Date: January 25, 2017 at 4:55:07 PM EST
To: mccabe.catherine@epa.gov, minoli.kevin@epa.gov, "Purifoy, Tiffany" <Purifoy.Tiffany@epa.gov>
Cc: "joanne.spalding" <joanne.spalding@sierraclub.org>
Subject: Sierra Club letter re FOIA request and document preservation

Please see attached.

--

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January 25, 2017

The Honorable Catherine McCabe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator McCabe,

We are writing to request a written commitment from EPA that records that Sierra Club recently requested under the Freedom of Information Act (FOIA) will not be destroyed or otherwise removed from publicly accessible websites.

On January 12, 2017, Sierra Club submitted a FOIA request for vital records, including climate and air pollution data, agency guidance and prior permitting decisions, air dispersion modeling data, and air monitoring and enforcement data (designated as EPA-HQ-2017-002792). On January 20, 2017, Sierra Club requested the same information, plus additional records, in a format that can be easily downloadable in bulk (EPA-HQ-2017-003038). As explained in our requests, Sierra Club has asked EPA to provide records and data that are currently available through various EPA websites because we are concerned that this information is at risk of being destroyed or made unavailable to the public under the new Presidential Administration.

Sierra Club's mission is to explore, enjoy, and protect the planet; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment, and to use all lawful means to carry out those objectives. To these ends, Sierra Club seeks to ensure strict enforcement of the nation's environmental statutes, to hold polluters accountable for damage to the environment and public health, and to support public education and scientific study of environmental issues. Sierra Club's FOIA request is an effort to obtain and preserve records that are essential to these objectives.

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Our concerns are credibly based on actions undertaken by the new Administration during the transition and since the inauguration. President Trump, members of his transition team, and some of his Cabinet nominees, including his nominee for EPA Administrator, have questioned the scientific basis of climate change and vowed to rescind Obama Administration actions to reduce greenhouse gas emissions.[1] The transition team also issued a questionnaire to the Department of Energy that requested the names of agency staff who participated in international climate talks, of employees and contractors who attended meetings on the social cost of carbon, and of top staff at national laboratories and the titles of their peer-reviewed publications.[2]

On the day President Trump took office, the official White House's website deleted nearly all references to climate change, with exception of one, which outlines the new Administration's plan to eliminate former President Obama's Climate Action Plan.[3] Last night, the media reported that the Trump Administration instructed EPA's communications team to remove the agency's climate change website,[4] which contains links to climate research and detailed information on emissions from pollution sources including, but not limited to, EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks,[5] which is one of the records sought under our FOIA request. According to sources, this set of webpages would be removed as early as today. In addition, on January 23, the Administration instructed EPA staff to halt all communications to the public via social media as well as the publication of new content on any of the agency's webpages.[6] Today, InsideEPA reported that EPA is "temporarily suspending its plans to remove the main climate change page from the agency's website," and that the Office of

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[1] *See* https://twitter.com/realdonaldtrump/status/265895292191248385?lang=en (tweet from President Trump stating that "[t]he concept of global warming was created by and for the Chinese in order to make U.S. manufacturing non-competitive"); Agency Landing Teams, available at https://greatagain.gov/agency-landing-teams-54916f71f462#.gxm0syy8u; Myron Ebell, Myron Ebell: Promoting sound policy for real environmental improvement, Competitive Enterprise Institute, November 22, 2016, https://cei.org/blog/myron-ebell-promoting-sound-policy-real-environmental-improvement; John Walke, Scott Pruitt's Extremism Makes Him Unfit to Lead EPA, January 17, 2017, https://www.nrdc.org/experts/john-walke/scott-pruitts-extremism-makes-him-unfit-lead-epa .

[2] Steven Mufson and Juliet Eilperin, Trump transition team for Energy Department seeks names of employees involved in climate meetings, The Washington Post, December 9, 2016, https://www.washingtonpost.com/news/energy-environment/wp/2016/12/09/trump-transition-team-for-energy-department-seeks-names-of-employees-involved-in-climate-meetings/?utm_term=.2dc4aa380ef6

[3] Coral Davenport, With Trump in Charge, Climate Change References Purged From Website, The New York Times, January 20, 2017, https://www.nytimes.com/2017/01/20/us/politics/trump-white-house-website.html?_r=1&mtrref=undefined&gwh=247C9C1B59CFB6F6C37EAD05BE869293&gwt=pay ; An America First Energy Plan, https://www.whitehouse.gov/america-first-energy ; The Obama Administration's climate change page was migrated to a National Archives website. Climate Change and President Obama's Action Plan, available at https://obamawhitehouse.archives.gov/president-obama-climate-action-plan .

[4] Valerie Volcovici, Trump administration tells EPA to cut climate page from website: sources, January 25, 2016, http://mobile.reuters.com/article/idUSKBN15906G.

[5] EPA, U.S. Greenhouse Gas Inventory Report: 1990-2014, *available at* https://www.epa.gov/ghgemissions/us-greenhouse-gas-inventory-report-1990-2014

[6] Robin Bravender and Kevin Bogardus, Social media horse-collared as Trump team grabs reins, Greenwire, January 24, 2017, http://www.eenews.net/greenwire/2017/01/24/stories/1060048886

General Counsel has been asked to analyze the implications of removing some information.[7] Nevertheless, the continued availability of these records appears to be uncertain, and we have legitimate concerns that at least some of these records will be made unavailable to the public and possibly destroyed.

EPA must preserve all potentially responsive records while our FOIA request is pending or under appeal. 40 C.F.R. § 2.106 ("[r]ecords shall not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the FOIA"); *see Chambers v. U.S. Dep't of Interior*, 568 F.3d 998, 1004 (D.C. Cir. 2009) ("an agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under FOIA or the Privacy Act"). Additionally, EPA must make available for public inspection in an electronic format copies of records that, due to their subject matter, "the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records." 5 U.S.C. § 552(a)(2). The broad media attention to this issue demonstrates the likelihood of subsequent requests, and Sierra Club is aware that the Environmental Defense Fund submitted to the agency a FOIA request asking for a copy of all climate and air quality records "that appeared on EPA's websites on January 19, 2017 but no longer appear, or were modified, as of January 20, 2017 or any date thereafter."[8]

In addition, the Federal Records Act requires the EPA Administrator to preserve records designed to protect the legal rights "of persons directly affected by the agency's activities," and to establish safeguards against their loss and removal. 44 U.S.C. §§ 3101, 3105. Federal records cannot be destroyed except as provided under the Act. Specifically, the Act requires the Administrator to submit to the Archivist a list of the records that the agency proposes to discard and disposal schedules, and the Archivist to examine those lists and schedules. If -and only if- the Archivist agrees that those records lack "sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government," the Archivist may authorize their disposal "after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon." *Id.* §§ 3303, 3303a, 3314.

The Clean Air Act, the Clean Water Act, and other environmental statutes administered by the EPA contain numerous provisions requiring the agency to provide agency records and other information available to the public. *See, e.g.*, 42 U.S.C. § 7414 (requiring public availability of air pollution sources' records needed to develop or implement standards of performance, emission standards or any regulation of solid waste combustion, except upon a satisfactory showing that access to such information -other than emissions data- would divulge trade secrets); *id.* § 7412(l)(3) (requiring the Administrator to establish and maintain an air toxics clearinghouse to provide technical information and assistance to state, local agencies and

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[7] Doug Obey, Trump EPA To 'Stand Down' For Now On Website Climate Data Removal Plans, InsideEPA, January 25, 2017, https://insideepaclimate.com/daily-news/trump-epa-stand-down-now-website-climate-data-removal-plans.

[8] *Id.*

others on control technology, health and ecological risk assessment, risk analysis, ambient monitoring and modeling, and emissions measurement and monitoring); *id.* § 7408(d) (requiring EPA to make air quality criteria and information on air pollution control techniques available to the general public); 33 U.S.C. § 1318(b) (requiring effluent data to be made available to the public); *id.* § 1314(c) (requiring the Administrator to make information on pollution discharge elimination procedures available to state water pollution control agencies and other interested persons); 42 U.S.C. § 300j-4 (requiring drinking water contaminant databases to be made available to the public in readily accessible form); 42 U.S.C.A. § 6921(ll) (requiring the EPA to make hazardous waste information obtained pursuant to inspections available to the public).

Specifically with respect to climate change, federal law requires the Energy Information Administration, through appropriate consultation with EPA, to develop and update an annual inventory of national aggregate emissions of each greenhouse gas. 42 U.S.C. § 13385. Furthermore, pursuant to a Congressional directive included in the FY2008 Consolidated Appropriations Act, EPA established a mandatory greenhouse gas reporting program in 2009 under its existing Clean Air Act authority, specifically under sections 114 and 208. *See* Consolidated Appropriations Act, 2008, Public Law 110–161, 121 Stat. 1844, 2128 (2008); 40 C.F.R. Pt. 98; 74 Fed. Reg. 56,260, 56,264 (Oct. 30, 2009). This program requires annual emissions reporting from major downstream sources of greenhouse gases, as well as from most upstream suppliers of fossil fuels and industrial greenhouse gases and manufacturers of vehicles and engines. 74 Fed. Reg. at 56,264. And, pursuant to sections 114 and 208 of the Clean Air Act, data collected under this program must be made available to the public. *Id.* at 5,6268, 42 U.S.C. §§ 7414(c), 7542(c).

The EPA records requested by Sierra Club contain scientific data, research, pollution records, and other key information sets that are essential to ongoing scientific research into threats to the natural and human environment and to public health. It is also necessary for citizen enforcement of environmental requirements. Moreover, our members and the public rely on this information to understand the threats resulting from pollution in their communities.

Given the large volume of the requested data, Sierra Club's limited resources, and because much of the data is available only through queries and is not easily downloadable in bulk, it will take the Sierra Club approximately 90 days to download the requested data. For this reason, in our FOIA request we have asked that EPA provide us the information on external hard drives.

Please provide a written commitment that these records will not be destroyed or otherwise removed from publicly accessible websites. Given the the uncertainty of the status of these records and the urgent public interest in preserving them, we respectfully request that you provide such assurance by this Friday, January 27. Should you wish to discuss this matter, please call me at 415-977-5725.

Sincerely,

Joanne Spalding
Chief Climate Counsel

cc: Kevin S. Minoli
Tiffany Purifoy

To: Flynn, Mike[Flynn.Mike@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Mccabe, Catherine
Sent: Wed 1/25/2017 4:01:41 PM
Subject: Fwd: EPA Climate Change Website

Sent from my iPhone

Begin forwarded message:

From: Caroline Christopher < Ex. 6 - Personal Privacy
Date: January 25, 2017 at 10:58:39 AM EST
To: McCabe.catherine@Epa.gov
Subject: EPA Climate Change Website

Do you have to do what Trump says and take the climate change page down? I thought the EPA works for The People, not the president. The People value the work the EPA does and we have paid for it with our taxes. Please explain to me. (And I hope you can save all the work that has gone into the website first, if you must take it down. I am crying about this.)
Caroline Christopher
Chapel Hill, NC

To: Mugdan, Walter[Mugdan.Walter@epa.gov]
From: Mccabe, Catherine
Sent: Tue 1/24/2017 1:20:14 PM
Subject: Fwd: Will you lend a hand to your ethics elves, please?
deos revised January 2017.html.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Fugh, Justina" <Fugh.Justina@epa.gov>
Date: January 23, 2017 at 7:06:20 PM EST
To: OGC National Ethics Officials <OGC_National_Ethics_Officials@epa.gov>
Subject: Will you lend a hand to your ethics elves, please?

Hi there,

As you know, winter is traditionally a busy season for ethics officials as we have to address various programmatic chores. For example, Deputy Ethics Officials should have already submitted their annual ethics questionnaires and ensured that all people required to take the 2016 ethics training have done so. And it's time to be collecting the confidential financial disclosure reports that are due on February 15th.

But whenever we enter a new administration, there are people moving from one position to another, what some people call "musical chairs." Well, I'm writing to stop the music for just a second so I can figure out who is sitting in which chair. Why is it important? Well, there are three reasons: (1) we want to be sure people acting in new positions don't present conflicts issues; (2) people may now be acting in positions that have been designated by OGC to be Deputy Ethics Official positions so they have ethics responsibilities to understand; and (3) there may be people who are or will be acting in SES-designated positions and, because they will occupy the position for more than 60 days, are required by law to file the public financial disclosure report (the OGE 278).

I'm writing today to ask you to take a look at the attached list of DEOs to tell me whether it's accurate for your office. Do we have the right person identified as the

DEO or not? If not, then who is the person acting in the position that is designated as the DEO?

That's the first step in this cascading project. PLEASE take a quick look and tell me if there are any changes. After I get the correct "fannies in the seats," so to speak, I will adjust our Outlook distribution lists, etc.

Thanks!
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

OFFICE OF ADMINISTRATOR / DEPUTY ADMINISTRATOR

Immediate Office

Jeanne Duross, Ethics Attorney, Office of General Counsel/Ethics, 202-564-6595

Office of Children's Health Protection

Ruth Etzel, Director

Office of Civil Rights

Tanya Lawrence, Acting Director
Assistant DEO:

Office of Congressional and Intergovernmental Relations

Robin H. Richardson, Principal Deputy Associate Administrator

Office of the Executive Secretariat

Brian Hope, Deputy Director

Office of Administration and Executive Services

Jeanne Duross, Ethics Attorney, Office of General Counsel/Ethics, 202-564-6595

Office of Public Affairs

George Hull, Acting Principal Deputy Associate Administrator

Office of Public Engagement and Environmental Education

Jeanne Duross, Ethics Attorney, Office of General Counsel/Ethics, 202 564-6595

Office of Homeland Security

Mario Caraballo, Deputy Associate Administrator

Office of Policy

Immediate Office
Al McGartland, Acting DEO for Immediate Office
Assistant DEO: Sharquita Goldring

National Center for Environmental Economics
Al McGartland, Director
Assistant DEO: Shelley Levitt

Office of Regulatory Policy and Management
Sarah Rees, Director

Office of Sustainable Communities
Matt Dalbey, Acting Director
Assistant DEO: Laura Gentile, Acting Associate Director

Office of Strategic Environmental Management
Nena Shaw, Acting Director
Assistant DEO: Sharquita Goldring

Office of Small Business Programs

Joan B. Rogers, Acting Director
Assistant DEO: Tammy Thomas

Science Advisory Board

Chris Zarba, Director
Assistant DEO: Wanda Bright

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT

Immediate Office

John Showman, Acting Deputy Assistant Administrator

Office of Acquisition Management

Kimberly Patrick, Director
Assistant DEO: Celia Vaughn
Assistant DEO: Keith Stewart (HPOD)
Assistant DEO: Rodney-Daryl Jones (RTPPOD)
Assistant DEO: Pamela Legare (CPOD)
Assistant DEO: John Oliver (PTOD)

Office of Administration

Vaughn Noga, Director
Assistant DEO: Steven Blankenship

Office of Grants and Debarment

Denise Polk, Director

Office of Human Resources

Linda Gray, Director

Office of Administration and Resources Management/RTP

Arron Helm, Director
Assistant DEO: BJ Collins
Office of Administration and Resources Management/Cincinnati
Rick Carter, Director
Assistant DEO: Cindy Kirchmer
Office of Resources, Operations and Management
Lynnann Hitchens, Acting Director
Assistant DEO: Sandy Womack

Environmental Appeals Board

Mary Kay Lynch, Lead Judge

Office of Administrative Law Judges

Susan Biro, Chief Judge
Assistant DEO: M Lisa Buschmann, ALJ

OFFICE OF AIR AND RADIATION

Immediate Office
Betsy Shaw, Deputy Assistant Administrator
Assistant DEO: Scott Monroe
Office of Air Quality Planning and Standards (RTP)

Steve Page, Director
Assistant DEO: Tiffany Purifoy
Office of Atmospheric Programs
Reid Harvey, Acting Director
Assistant DEO (OAP): Pamela Bullard, Director, Program Management Operations
Assistant DEO: Jean Lupinacci, Acting Director, Climate Protection Partnership Division
Assistant DEO: Vacant, Director, Stratospheric Protection Division
Assistant DEO: Vacant, Director, Clean Air Markets Division,
Assistant DEO: Paul Gunning, Director, Climate Change Division
Office of Radiation and Indoor Air

Jonathan Edwards, Acting Director
Assistant DEO: Kia Logan

Office of Transportation and Air Quality

Chris Grundler, Director
Assistant DEO: Tracey Bradish (Ann Arbor)
Assistant DEO: Leila Cook, Associate Director

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

Immediate Office
Louise Wise, Deputy Assistant Administrator
Assistant DEO: Angela Hofmann
Office of Pesticide Programs
Jack Housenger, Director
Assistant DEO: Debby Sisco, 703-308-8121

Office of Pollution Prevention & Toxics
Jeff Morris, Director
Assistant DEO: Scott Sherlock
Office of Science Coordination and Policy
Stan Barone, Acting Director
Assistant DEO: Dorris (Dee) Riddick

OFFICE OF THE CHIEF FINANCIAL OFFICER

Immediate Office
Howard Osbourne, Acting Deputy Chief Financial Officer
Assistant DEO: vacant

Office of Budget

Carol Terris, Director
Assistant DEO: Tracy Hunt
Office of Technology Solutions
Quentin X. Jones, Director
Assistant DEO: Heidi Gross

Office of the Controller

Jeanne Conklin, Acting Controller
Assistant DEO: Earleen Johnson
Assistant DEO: Robin Drury
Assistant DEO: Janice Kern

Office of Planning, Analysis, and Accountability

Kathy O'Brien, Director

Office of Resource and Information Management

Ruth Alene Soward, Director
Assistant DEO: Kimberly Dubbs

Office of E-Enterprise for the Environment

Andrew Battin, Director

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

Immediate Office
David Cozad, Acting Principal Deputy Assistant Administrator
Assistant DEO: Erin Miles
Assistant DEO: Lakeisha Grant

Federal Facilities Enforcement Office

Karin Leff, Acting Director
Assistant DEO: Stuart E. Hunt

Office of Environmental Justice
Matthew Tejada, Director

Office of Administration and Policy

Mark Badalamente, Director

Office of Civil Enforcement

Susan Shinkman, Director
Assistant DEO: Shannon Griffo
Office of Compliance

David Hindin, Director
Assistant DEO: Rochelle Kadish

Office of Criminal Enforcement, Forensics, & Training

Henry Barnet, Director
Assistant DEO: Chuck Cavanaugh

Office of Federal Activities

Rob Tomiak, Director
Assistant DEO: Candi Schaedle

Office of Site Remediation Enforcement
Rafael DeLeon, Deputy Director
Assistant DEO: Caroline Previ

OFFICE OF ENVIRONMENTAL INFORMATION

Immediate Office
Harvey Simon, Acting Principal Deputy Assistant Administrator
Assistant DEO: Karen Maher

Office of Business Operations and Services

Karen Maher, Director
Assistant DEO: vacant
Office of Customer Advocacy, Policy & Portfolio Management
Jeff Wells, Director
Assistant DEO: Dawn Banks
Office of Information Technology Operations
Harrell Watkins, Director
Assistant DEO: vacant

Office of Enterprise Information Programs

Rebecca Moser, Director
Assistant DEO: Pam Shenefiel

Office of Information Management

Matt Leopard, Director
Assistant DEO: vacant

Office of Information Security & Privacy

Rob McKinney, Director
Assistant DEO: Jeff Anouilh

Office of Digital Services & Technical Architecture

Robin Gonzalez, Director
Assistant DEO: vacant

OFFICE OF GENERAL COUNSEL

Jeanne Duross, Ethics Attorney, 202 564 6595

Assistant DEO for OGC
Rich Lumley, Ethics Official, 202-564-1453

Assistant DEOs in field locations:
Jeff Herrema, Attorney (Cincinnati), 513-487-2134
Maria Kavouras, Attorney (Cincinnati), 513-487-2008

OFFICE OF INSPECTOR GENERAL

Al Larsen, Counsel to the Inspector General

Assistant DEO: Eric Hanger
Assistant DEO: Susan Barvenik

OFFICE OF INTERNATIONAL AND TRIBAL AFFAIRS

Randy Hill, Deputy Assistant Administrator
Assistant DEO: Ryan Humrighouse
Acting Assistant DEO: Yuolanda Tibbs

OFFICE OF LAND AND EMERGENCY MANAGEMENT

Immediate Office
Nigel Simon, Acting Deputy Assistant Administrator
Assistant DEO: Kecia Thornton

Office of Brownfields and Land Revitalization
David R. Lloyd, Director
Assistant DEO: Rachel Lentz
Office of Emergency Management
Reggie Cheatham, Acting Director
Assistant DEO: Vacant
Office of Resource Conservation and Recovery
Kathleen Salyer, Deputy Director
Assistant DEO: LaShan Haynes
Office of Superfund Remediation and Technology Innovation
Jim Woolford, Director
Assistant DEO: David Alvaranga
Office of Underground Storage Tanks
Carolyn Hoskinson, Director
Assistant DEO: Tamiko Brown

OFFICE OF RESEARCH AND DEVELOPMENT

ORD National Ethics Program Coordinator: William Ocampo, 202-564-0987

Immediate Office

Chris Robbins, Acting Deputy Assistant Administrator
Assistant DEO: Nathan Gentry
Office of the Science Advisor
Mary Greene, Deputy Office Director
Assistant DEO: vacant

Office of Science Information Management (RTP)

Jerry Blancato, Office Director
Assistant DEO: Glenda Noel

Office of Administrative and Research Support (RTP)

John Steenbock, Office Director
Assistant DEO: Steve VanHorn

Office of Program Accountability and Resource Management
Stefan Silzer, Office Director
Assistant DEO: William Ocampo

Office of Science Policy

Fred Hauchman, Office Director
Assistant DEO: vacant

National Center for Environmental Assessment

Immediate Office
Mary Ross, Deputy Director
Assistant DEO: Gina Perovich

Washington Division
David Bussard, Division Director
Assistant DEO: Antoinette Johnson

Cincinnati Division
Annette Gatchett, Acting Division Director
Assistant DEO: Bev McKenna

Research Triangle Park Division
John Vandenberg, Division Director
Assistant DEO: Reeder Sams

Integrated Risk Information Systems Division
Kris Thayer, Director
Assistant DEO: Vacant

National Center for Environmental Research

Jim Johnson, Center Director
Assistant DEO: vacant

National Center for Computational Toxicology

Kevin Crofton, Deputy Director
Assistant DEO (ethics travel): Sandra Roberts

National Exposure Research Laboratory

Immediate Office (Research Triangle Park)
Tim Watkins, Deputy Director
Assistant DEO: Edward Struble

Exposure Methods and Measurements Division
Timothy Buckley, Division Director
Assistant DEO: Jim Owens

Systems Exposure Division
Jay Garland, Division Director
Assistant DEO: Ardra Morgan

Computational Exposure Division
Lindsay Stanek, Acting Division Director
Assistant DEO: Gerald Brunson

National Health & Environmental Effects Research Laboratory

Immediate Office (Research Triangle Park)
Bill Benson, Acting Laboratory Director
Assistant DEO: Frances Richards

Atlantic Ecology Division (Narragansett, RI)
Wayne Munns, Acting Division Director

Environmental Public Health Division (Research Triangle Park)
Dr. Wayne Cascio, Division Director
Assistant DEO: Michael Schmitt

Gulf Ecology Division (Gulf Breeze, FL)
Sandy Raimondo, Acting Division Director
Assistant DEO: John Macauley

Integrated Systems Toxicology Division (Research Triangle Park)

Tim Shafer, Acting Division Director
Assistant DEO: Stephen Thompson

Mid-Continent Ecology Division (Duluth, MN)
Dale Hoff, Division Director
Assistant DEO: Frances Richards

Toxicity Assessment Division (Research Triangle Park)
John Rogers, Division Director
Assistant DEO: Brian Grey

Western Ecology Division (Corvallis, OR)
Alan Thornhill, Division Director
Assistant DEO: Thomas Connolly

National Homeland Security Research Center

Greg Sayles, Acting Center Director
Assistant DEO: Mary Sullivan

National Risk Management Research Laboratory

Immediate Office (Cincinnati)
Angela Hadley, Acting Deputy Director for Management
Michelle Angel, Assistant Deputy Ethics Official

Air Pollution Prevention & Control Division (Research Triangle Park)
Gary Foley, Acting Division Director
Assistant DEO: Linda Green

Ground Water and Ecosystems Restoration Division (Ada, OK)
Richard Lowrance, Division Director
Assistant DEO: Steve Hawthorn

Land Remediation and Pollution Control Division (Cincinnati)
Alice Gilliand, Associate Division Director
Assistant DEO: Maxanne Baldwin

Sustainable Technology Division (Cincinnati)
Thomas J. Holdsworth, Associate Division Director
Assistant DEO: Diana Redmond

Water Supply and Water Resources Division (Cincinnati)
Tom Speth, Division Director
Assistant DEO: Diana Ruffini

OFFICE OF WATER

Immediate Office

Michael Shapiro, Principal Deputy Assistant Administrator
Assistant DEO: Louise Kitamura

Office of Ground Water & Drinking Water

Jennifer McLain, Acting Deputy Office Director
Assistant DEO: vacant

Office of Science & Technology

Jeff Lape, Deputy Director

Assistant DEO: Arielle Gerstein
Office of Wastewater Management
Sheila Frace, Deputy Director
Assistant DEO: Eric Governo

Office of Wetlands, Oceans & Watersheds

Vacant, Deputy Director
Assistant DEO: Connie Cahanap

REGIONS

Region I (Boston, MA)

Ken Moraff, Acting Deputy Regional Administrator
Carl Dierker, Regional Counsel

Regional Ethics Counsel and Assistant DEO: LeAnn Jensen

Region II (New York, NY)

Walter Mugdan, Acting Deputy Regional Administrator
Eric Schaaf, Regional Counsel

Regional Ethics Counsel and Assistant DEO: Mitchell Cohen
Regional Ethics Counsel and Assistant DEO: Eduardo J. Gonzalez

Region III (Philadelphia, PA)

??, Acting Deputy Regional Administrator
Regional Counsel: Mary Coe

Regional Ethics Counsel and Assistant DEO: Denise Harris (Team Leader)
Regional Ethics Counsel and Assistant DEO: Deane Bartlett
Regional Ethics Counsel and Assistant DEO: William C. Smith
Regional Ethics Counsel and Assistant DEO: Philip Yeany
Acting Deputy Regional Counsel and Assistant DEO: Neil Bigioni

Region IV (Atlanta, GA)

??, Acting Deputy Regional Administrator
Nancy Tommelleo (Office of Environmental Accountability), Deputy Regional Counsel
For the Gulf of Mexico Program Office, Ben Scaggs, Director

Regional Ethics Team Leader and Assistant DEO: Deborah Benjamin
Regional Ethics Counsel and Assistant DEO: Alicia Daniels-Lewis
Regional Ethics Counsel and Assistant DEO: Bonnie Sawyer
Regional Ethics Counsel and Assistant DEO: John Sheesley
Regional Ethics Counsel and Assistant DEO: Michele Wetherington

Region V (Chicago, IL)

Cheryl Newton, Acting Deputy Regional Administrator
Rett Nelson, Regional Counsel

Regional Ethics Counsel and Assistant DEO: Ann Coyle

Region VI (Dallas, TX)

Sam Coleman, Deputy Regional Administrator and Acting Regional Administrator
James Payne, Regional Counsel

Regional Ethics Counsel and Assistant DEO: Terry Sykes
Regional Ethics Counsel and Assistant DEO: Jan Gerro

Region VII (Kansas City, KS)

Karen Flournoy, Acting Deputy Regional Administrator
Leslie Humphries, Acting Regional Counsel

Regional Ethics Counsel and Assistant DEO: Karina Borromeo
Regional Ethics Counsel and Assistant DEO: Kate Clever

Region VIII (Denver, CO)

??, Acting Deputy Regional Administrator
KC Schefski, Regional Counsel

Regional Ethics Counsel and Assistant DEO: Michael Gleason

Region IX (San Francisco, CA)

??, Acting Deputy Regional Administrator
Sylvia Quast, Regional Counsel

Regional Ethics Counsel and Assistant DEO: Steve Jawgiel
Regional Ethics Counsel and Assistant DEO: Beatrice Wong

Region X (Seattle, WA)

Dan Opalski, Acting Deputy Regional Administrator
Allyn Stern, Regional Counsel

Regional Ethics Counsel and Assistant DEO: Socorro Rodriguez
Regional Ethics Counsel and Assistant DEO: Garth Wright
Assistant DEO: Lisa Castanon

To: Shapiro, Mike[Shapiro.Mike@epa.gov]
From: Mccabe, Catherine
Sent: Fri 1/20/2017 10:12:07 PM
Subject: Re: OW Weekly Report

Ex. 5 - Deliberative Process

Sent from my iPhone

On Jan 20, 2017, at 4:20 PM, Shapiro, Mike <Shapiro.Mike@epa.gov> wrote:

Acting Administrator and company – Here's the OW weekly update. Beginning Monday, 1/23, Benita Best-Wong will join me in the Immediate Office of Water as Acting Principal Deputy Assistant Administrator. Benita currently serves as the Director of the Office of Wetlands, Oceans, and Watersheds. Prior to becoming Director of OWOW, Benita served as Deputy Director of OWOW. She has also held a number of positions, both here and in Region 2.

Upcoming week:

•□□□□□□□ We have no anticipated significant announcements or actions. On Tuesday, 1/24, we anticipate that the final Effluent Limitations Guidelines and Standards for the Dental Category will publish in the Federal Register. The final rule, signed by the Administrator on 12/15/16, will reduce discharges of mercury and other metals from dental offices into municipal wastewater treatment plants. Since the rule received significant attention when it was signed, we do not anticipate that the formal publication will be newsworthy.

Past Week:

•□□□□□□□ EPA/FDA Fish Consumption Advice: On Tuesday, we joined with FDA to announce updated fish consumption advice for pregnant women or those that may become pregnant. To help these consumers more easily understand the types of fish to select, we jointly created an easy-to-use reference chart that sorts 62 types of fish into three categories: "Best choices"; "Good choices"; and "Fish to avoid." Fish in the "best choices" category make up nearly 90 percent of fish eaten in the United States. The announcement was covered by Time.com, CBS Radio, Politico, and other outlets. Learn more here: www.epa.gov/fishadvice.

•□□□□□□□ Human Health Benchmarks for Pesticides in Drinking Water: On Tuesday, we updated our Human Health Benchmarks for Pesticides in Drinking Water to reflect the latest scientific information. The benchmarks are levels of certain pesticides in drinking water or source waters for drinking water at or below which adverse health effects are not

anticipated from one-day or lifetime exposures. These revised benchmarks incorporate updated toxicity assessments from the pesticide registration process and exposure assumptions derived from the EPA's Exposure Factors Handbook.

•□□□□□□□ National Groundwater Awareness Week Video Challenge: On Tuesday, we also announced our first National Groundwater Awareness Week Video Challenge, where we have invited the public to create and submit a video that increases awareness and understanding about the importance of protecting and conserving groundwater. The winning videos will be posted on EPA's website and recognized during National Groundwater Awareness Week from March 5-11, 2017. Learn more here: https://www.epa.gov/sourcewaterprotection/national-groundwater-awareness-week-video-challenge.

•□□□□□□□ Guidance for Building Field Capabilities to Respond to Drinking Water Contamination: To aid drinking water utilities in preparing for sampling and field testing that could occur during water contamination incidents, on Tuesday, we released the guidance document entitled, "Guidance for Building Field Capabilities to Respond to Drinking Water Contamination." The guidance outlines basic and advanced field response activities and also provides information pertaining to staffing, quality assurance, and other procedures. Additionally, the document contains useful resources, downloadable and customizable report forms and templates, and supplemental information on the application, and relative costs of field testing instrumentation and test kits. For more information, visit https://www.epa.gov/waterqualitysurveillance/sampling-and-analysis-resources.

•□□□□□□□ Compendium of State Approaches for Manure Management: On Tuesday, we also released a *Compendium of State Approaches for Manure Management*, which highlights state programs and approaches that have proven to be successful at promoting good manure management at animal feeding operations, implemented on the ground, and focused on achieving environmental benefits and announced the update of our State Water Agency Practices for Climate Change Adaptation Database, which is an online tool for sharing innovative practices that state water agencies are currently implementing to reduce their vulnerability to climate-related impacts. This database is a collaboration between EPA, ACWA, ASWM, and ASWM.

•□□□□□□□ Aquifer Exemption Map: On Wednesday, we published an interactive map that allows users to view electronically for the first time aquifers that EPA has approved for exemption under the Safe Drinking Water Act. EPA exempts aquifers if the aquifer does not currently serve as a source of drinking water and will not serve as a source of drinking water in the future, based on certain criteria. Aquifer exemptions allow these underground sources of water to be used by energy and mining companies for oil or mineral extraction or disposal purposes in compliance with EPA's Underground Injection Control (UIC) requirements. EPA's Aquifer Exemption Map brings together data previously available only in paper form or at the state level. The map and accompanying data can be used by states, businesses, communities, and others to view exempted aquifers in the United States, see accompanying aquifer exemption data like depth of injection, local geology, and injected fluid characteristics, and can assist with UIC permit applications and approvals. Learn more here: https://www.epa.gov/uic/aquifer-exemptions-map.

•□□□□□□□ Water Transfer Rule Upheld**:** In a long-awaited decision, on Wednesday, the Second Circuit Court of Appeals reversed the lower court's decision and upheld EPA's water transfers rule, which does not require an NPDES permit for transfers of water from one waterbody to another when there is no intervening use. The Court found that " the Water Transfers Rule is based on a reasonable interpretation of the Clean Water Act."

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