JOHN R. CURTIS
3RD DISTRICT, UTAH

2236 RAYBURN HOUSE OFFICE BUILDING
(202) 225-7751

Congress of the United States
House of Representatives
Washington, DC 20515–4403

April 27, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

As a former Mayor, I understand that the most local level of government has the best understanding of the issues facing their community. In this case, I wanted to bring your attention to a pressing issue facing Santaquin City in my district.

I have had the opportunity to work with Mayor Kirk Hunsaker and the outstanding individuals he represents. This community has been on the forefront of environmental stewardship as demonstrated by their Water Reclamation Facility project, which has been a model of "Best Practices" with regard to water conservation and reuse. Recently, the City has been in contact with the EPA over a land disposition request that they believe would benefit the infrastructure, health, and safety of their community.

I have attached a copy of Santaquin City's petition to this letter. I request that you please give your full and fair consideration to their request. I look forward to our continued work together on this issue.

If you have any additional questions please contact Jake Bornstein in my office at Jake.Bornstein@mail.house.gov and Ben Reeves, the Santaquin City Manager, at breeves@santaquin.org.

Sincerely,

John Curtis
Member of Congress

Santaquin
A Breath of Fresh Air

February 16, 2018

Rebecca A. Russo, Unit Manager
US EPA Region 8 Office of Water Protection
Technical and Financial Services Unit
1595 Wynkoop St (8WP-TFS)
Denver, CO 80202

Re: Land Disposition Request
Assistance ID No. C490306-94-0

Ms. Russo,

I am writing on behalf of the City of Santaquin, Utah to formally request your assistance with the disposition of land acquired, in part, with assistance from the Environmental Protection Agency (EPA). This land was secured for the 1991 design and construction of an aerated lagoon and land application sewer treatment system in Santaquin City. However, a significant portion of this land is no longer used for this purpose and is needed for a critical infrastructure project within our community.

Due to an immediate public health and safety issue, and the need to acquire the aforementioned property in a timely manner to construct the critical infrastructure needed to address said issue, my hope is that both of the following requests could be processed concurrently and independent of each other so that the time needed for consideration does not unduly delay the disposition of this land.

First, I would like to formally request instructions for the disposition of land pursuant to the rules, regulations and guidelines outlined in 40 CFR Ch. (*7-1-91 Edition*) by which this assistance was authorized. Second, I would like to seek the consideration of the EPA to lift the disposition restrictions without cost to the City of Santaquin under one of three proposed methods.

Background:

In 1991, Santaquin City built its first sewer treatment processing and collection system. This project was funded through available city resources, bonds acquired by the city, as well as grant proceeds provided by the EPA. The sewer lagoon system processed the city sewage to a low quality Type-II water which was historically discharged on city owned alfalfa fields. The system served the city well for many years with periodic expansion projects constructed as needed. However, due to exponential increases in population growth over the last decade and an inability to expand the lagoon system further due to limitations of available land, a new solution for processing the city's sewer was needed.

After an extensive multi-year master planning effort, creation of a citizen's advisory committee, and vote of the people, Santaquin City began construction on the most technologically advanced and environmentally sensitive sewer processing system in the State of Utah. The Santaquin City Water Reclamation Facility (WRF) utilizes Membrane Bio-Reactor (MBR) technology to process the city's sewer effluent to such a high quality, that 100% of the water reclaimed therein is fully utilized in the city's pressurized and entirely metered secondary irrigation system. In addition, the former sewer lagoon ponds have been cleaned and converted into storage ponds for the high quality (Type-I) sewer effluent. Irrigation water reclaimed through the winter months is now available for use through the dry summer months of the year. In addition, the alfalfa fields once used to discharge the sewer effluent are now available for disposition.

Critical Infrastructure Need: Public Health and Safety Risk

Santaquin City's largest planned community is the Summit Ridge Development. This project was proposed in December of 2000 with an anticipated buildout of approximately 3500 homes. Over subsequent years, construction commenced and several hundred homes were built. However, with the downturn in the economy in 2007, the project went through a bankruptcy, a separation of partners and parcels, and eventual transferal of ownership through a series of parties.

Today, the project has regained its momentum and new home construction has resumed. Unfortunately, with the breakup of the project, the development was left with a single point of access for more than 500 homes. Further complicating this single access is the fact that it requires commuters to cross a bridge over an active railroad track. Should this single access experience a catastrophic event such as a train derailment, fire, hazmat chemical spill, or bridge damage from an earthquake, the residents from Summit Ridge would be trapped.

In response to this risk, Santaquin City has been working to create a secondary access by extending the Summit Ridge Parkway north to US-6 Main Street. This new road will extend

partially through the unused portions of the sewer lagoon property purchased in 1991. Thus far, the city has engineered the project's design, acquired the remainder of the necessary Rights of Way (ROW) from private property owners, and obtained connectivity approval from the Utah Department of Transportation (UDOT). The final step necessary to commence construction is to lift the EPA disposition restrictions.

Santaquin City Request No. 1: Instructions for Land Disposition

Though the city is very hopeful for EPA's consideration of one of three possible waivers to the land disposition restrictions (*outlined in EPA Request 2 below*), due to the critical nature and timing of the aforementioned project, we respectfully request land disposition instructions so that Santaquin City might concurrently order appraisals and fulfill all necessary steps to purchase or buy-out the EPA rights to property in the event that a waiver [or modification] cannot be granted. Will you please send applicable land disposition instruction as soon as possible pursuant to 40 CFR Ch. (*7-1-91 Edition*)? (*e.g. appraisal requirements, processing applications, procedures and an anticipated schedule, etc.*)

Santaquin City Request No. 2: Special Exception of the EPA Land Disposition Restrictions

Santaquin City respectfully requests special consideration for a waiver of the aforementioned land disposition restrictions. As outlined previously, Santaquin City is working to resolve a public health and safety issue with this critical road project. Project funds are extremely limited. Unfortunately, it was an unanticipated disappointment when the city learned that it may have to expend funds and delay the project schedule in order to acquire full property rights to city property that we thought we could use for the proposed alternative municipal purpose. While we fully understand that there are rules and regulations guiding the administration of the 1991 grant proceeds, we are hopeful that the EPA might consider one of three options for lifting and/or reallocating the land disposition restrictions. It is our hope that Santaquin City will not need to expend our limited municipal tax payer resources for the use and disposition of this city owned property.

Request 2.1 – Option 1 – Reallocation of disposition restriction to lands internal to the 1991 Sewer Lagoon project

It is Santaquin City's understanding that the 1991 land disposition restrictions stipulate that 55% of the proceeds from the disposal of the property be returned to EPA.

The total acreage of the property purchased for the 1991 sewer lagoon project using EPA funding was 146.87 acres. The city intends to continue to use 55% of the property for

sewer processing purposes (*e.g. storage of sewer effluent for future irrigation use*). The city's proposed road project would utilize 45% of the overall acreage.

Under Option 1 – Santaquin City formally requests a reconfiguring of the property lines to create two parcels of 80.59 acres (55%) and 66.09 acres (45%) for the purpose of continued sewer processing and road construction, respectively. The city proposes that the EPA consider a reallocation of the land disposition restrictions so that the parcel which contains 55% of the overall land would have a 100% EPA land disposition restriction imposed thereupon. Furthermore, we respectfully request that that the EPA consider lifting all land disposition restrictions on the parcel which contains the remaining 45% of the land needed by the city for the critical infrastructure.

Please note: It is our belief that Option-1 would comply fully with the original intent of the 1991 EPA Grant Administration Program as well as the regulations [40 CFR Ch. (7-1-91 Edition)] for which it is governed. This option would also fully protect the financial interests of the EPA. Finally, the land disposition restrictions would remain in force on the portion of the property that remains a component of Santaquin City's Sewer Processing System (i.e. storage of sewer effluent), which again complies fully with the original EPA Assistance Agreement of September 25, 1991.

Request 2.2 – Option 2 – Relocate the Land Disposition Restriction to Santaquin City's WRF Parcel (*New Sewer Treatment Plant*)

In 2011, Santaquin City, with the assistance of a $350K EPA STAG Grant, designed and constructed the aforementioned WRF at a total project cost of $18M. With the higher overall value of the new WRF compared to the Sewer Lagoons, and with the fact that both projects were partially funded by EPA grant proceeds, the City request EPA lift the land disposition restriction on the Sewer Lagoon parcels and impose them on the new WRF parcel.

Under Option 2 – Santaquin City respectfully requests the EPA transfer the land disposition restrictions from the Sewer Lagoon project site to the WRF project site.

Please note that the overall value of the WRF is nine times the value of the Sewer Lagoons. Transferring the land disposition restriction would be considered a betterment for the protection of the EPA investment made in 1991.

Request 2.3 – Option 3 – Complete Waiver of Land Disposition Restriction

It is Santaquin City's understanding that the EPA grants administration program for which the 1991 funds were expended no longer exists. It is further the city's understanding that this program has been replaced by a grants administration program which no longer imposes land disposition restrictions, which would suggest a change in public policy regarding applicable disposition restrictions. If accurate, and had the 1991 project been funded in 2018, it would not have been subject to the land disposition restrictions outlined in 40 CFR Ch. (*7-1-91 Edition*).

Under Option 3 – Santaquin City respectfully requests a waiver of the land disposition restriction on this property based upon equitability between past and current EPA grant administration program requirements.

Please note that Santaquin City considers the 1991 Sewer Lagoon Project as having met its useful life; having successfully taken care of the sewer treatment needs of the city for over twenty years. As such, the city considers its own investment into the project (e.g. municipal resources on hand and debt service payments expended) as fully deprecated and the project successfully completed.

40 CFR Ch. (7-1-91 Edition):

The governing regulations for which these grant funds were expended is 40 CFR Ch. (*7-1-91 Edition*). Subpart A – Subsection 31.6 Additions and Exceptions, Paragraph C. states, "Exceptions on a case-by-case basis and for subgrantees may be authorized by the affected Federal agencies." Subparagraph C.1 states, "In the Environmental Protection Agency, the Director, Grants Administration Division, is authorized to grant the exceptions." It goes on to say in Paragraph D "The EPA Director is also authorized to approve exceptions on a class or an individual case basis, to the EPA program..."

While these regulations are outdated and no longer used for the administration of current EPA grant funding, it is Santaquin City's positon that 40 CFR Ch. (*7-1-91 Edition*) provides sufficient authority for the EPA to grant one of three exceptions proposed in this letter.

Summary:

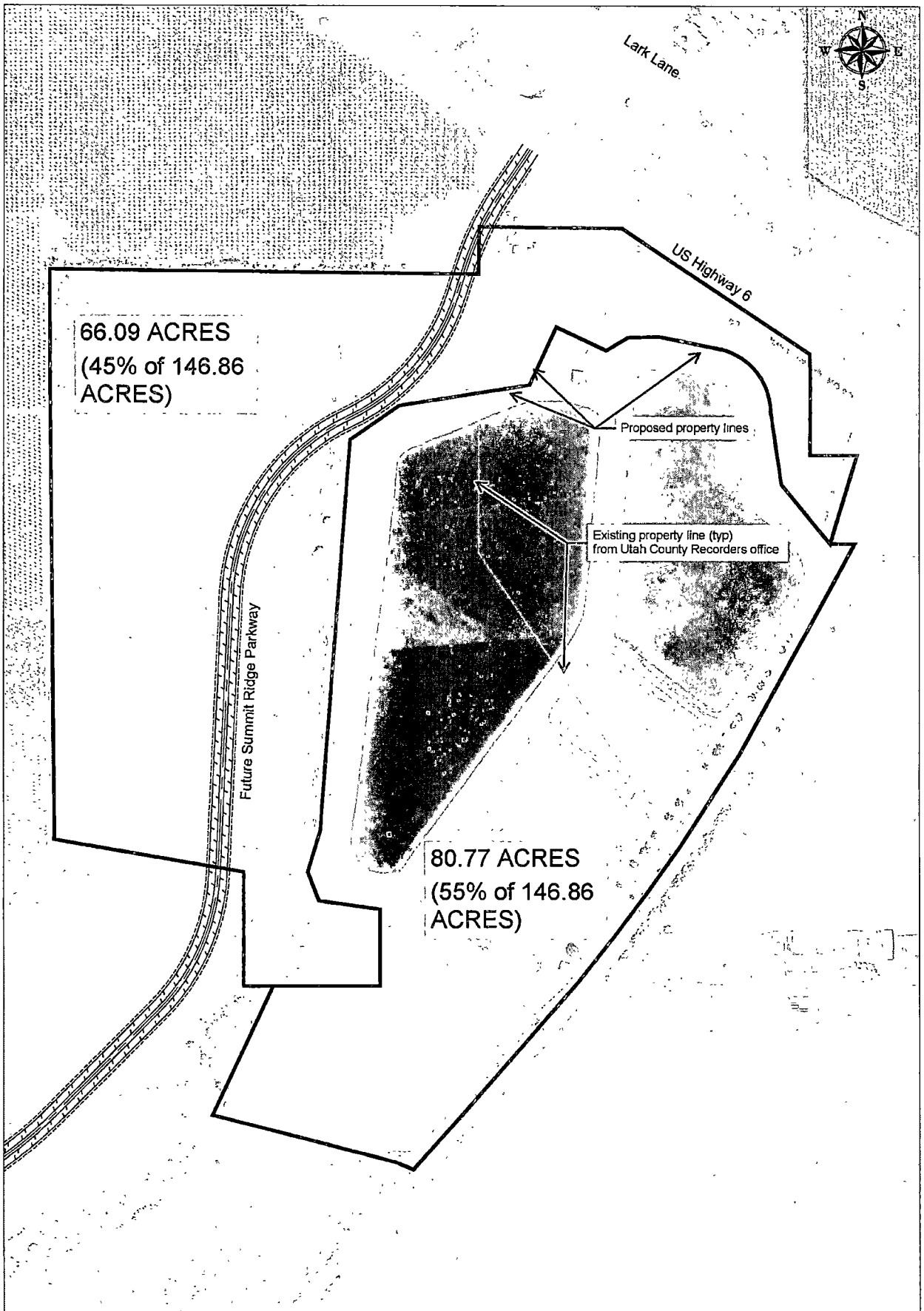
Santaquin City is very grateful for the assistance provided by the EPA for both the 1991 Sewer Lagoon Project and the 2011 Water Reclamation Facility Project. Our community is on the forefront of environmental stewardship and is an example and model organization in the State of Utah with regard to its sewer processing, water reuse and conservation efforts, and environmental consciousness.

The proposals contained within this letter are designed to both protect the interests of the EPA while also providing our community the ability to address a significant public health and safety issue. We are not seeking financial assistance from the EPA, rather we are merely seeking the permission of the EPA to remove an obsolete provision which will cause an undue hardship on the taxpayers of our city.

Thank you for your consideration. Thank you also for your prompt response to this letter so we can proceed as soon as possible in resolving the public health and safety risk posed to our residents.

Respectfully submitted,

Benjamin A. Reeves
Santaquin City Manager



NOTICE OF DRAWING THIS DOCUMENT AND DESIGN AND ALL OTHER INFORMATION SHOWN ARE AS AN INSTRUMENT OF SERVICE AND ARE THE PROPERTY OF SANTAQUIN CITY AND IT IS NOT TO BE USED FOR ANY PURPOSE OR DETAILS FOR ANY OTHER PROJECT EXCEPT THE EXPRESS WRITTEN AGREEMENT BETWEEN AND SANTAQUIN CITY.	DRAWN BY: JJL CHECKED BY: * DATE: February 16, 2018 SCALE: 1" = 100' CAD FILE: *	Santaquin A Breath of Fresh Air	SANTAQUIN CITY 275 WEST MAIN SANTAQUIN, UT 84655 (801) 754-3211 santaquin.org	**Santaquin Storage Pond Boundary line Adjusment** Proposed

REVISION

NO	DATE	DESCRIPTION	BY

Eades, Cassaundra

From: Office of Senator Ernst (imailagent) <Ernst_casework@ernst.senate.gov>
Sent: Tuesday, May 29, 2018 3:08 PM
To: OCIRmail
Subject: Congressional Inquiry -(b) (6) (Intranet Quorum IMA00135660)
Attachments: Hawk, James 5.29 inquiry.pdf; IQFormatFile.txt

JONI ERNST
IOWA

111 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1905
(202) 224-3254

United States Senate

Dear Sir or Madam,

Enclosed please find a copy of the correspondence I recently received from my constituent(b) (6)s (b) .

Mr.(b) (6) read online that Agent Orange was used to treat the soil at Fork Polk, Louisiana, in 1985. He is asking the Environmental Protection Agency to provide documentation of this to be used in conjunction with his claim for benefits through the Department of Veterans Affairs.

I would appreciate your thorough and expeditious consideration for Mr.(b) (6) in accordance with all rules and regulations. Please forward your response to Amy Ryan in my Des Moines office at 733 Federal Building, 210 Walnut Street, Des Moines, IA or by phone at (515) 284-4574. Amy may also be reached by email at Amy_Ryan@ernst.senate.gov.

Sincerely,

Joni

Joni K. Ernst
United States Senator

JONI ERNST
UNITED STATES SENATOR
for
IOWA

U.S. Senator Joni Ernst
Privacy Act Release Form

Name: (b) (6) [redacted]

[redacted]

[redacted] (b) (6) [redacted]

Email: [redacted]

Please include the following information only if it pertains to your inquiry:

[redacted] Claim #: (b) (6) [redacted] Civil Service #: _____

Social Security #: [redacted] Medicare Claim #: _____

Immigration A# or Receipt #: _____ Date of Birth: (b) (6) [redacted]

Please state your request for assistance*: documentation of Agent Orange in Fort Polk, LA in 1985

*Please attach an explanation of your situation, copies of pertinent documents, letters, etc.

Disclosure Authorization

In accordance with the provisions of the Privacy Act, I hereby authorize U.S. Senator Joni Ernst and her staff to receive information pertinent to my request for assistance from any and all government agencies indicated above.

****Please note that an original signature is required, not a digital one. ****

Signature: [signature] **Date:** 5-29-2018

Third Party Disclosure (optional)

I hereby authorize U.S. Senator Joni Ernst and her staff to discuss the results of this inquiry on my behalf with the following individual: _____

Signature: _____ **Date:** _____

When completed, please mail this form and any additional documents to the Des Moines office.

Print

Office of Senator Joni Ernst
733 Federal Building
210 Walnut Street
Des Moines, IA 50309
Phone: (515) 284-4774
Fax: (515) 284-4537

JOHNNY ISAKSON
GEORGIA

http://isakson.senate.gov

131 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-3643

ONE OVERTON PARK
3625 CUMBERLAND BOULEVARD, SUITE 970
ATLANTA, GA 30339
(770) 661-0999

United States Senate

WASHINGTON, DC 20510

VETERANS' AFFAIRS
CHAIRMAN

SELECT COMMITTEE ON ETHICS
CHAIRMAN

FINANCE

HEALTH, EDUCATION, LABOR, AND PENSIONS
SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY, CHAIRMAN

FOREIGN RELATIONS
SUBCOMMITTEE ON STATE DEPARTMENT AND USAID MANAGEMENT, INTERNATIONAL OPERATIONS, AND BILATERAL INTERNATIONAL DEVELOPMENT, CHAIRMAN

May 30, 2018

Ms. Meredith B. Byars
Congressional & State Legislative Liaison
U.S. Environmental Protection Agency
Region 4
61 Forsyth St SW
Atlanta, Georgia 30303

RE: (b) (6) [redacted]

Dear Ms. Byars:

Please find enclosed correspondence I received from the above-referenced constituent. I would appreciate your review of this information in accordance with established policies and procedures. Upon completion of your review, please forward clarification of your findings to the address below.

In the event my office may be of further assistance, please do not hesitate to contact Brooke M. Doss at (770) 661-0999. Thank you for your efforts in this matter, and I look forward to hearing from you soon.

Sincerely,

Johnny Isakson
United States Senate

Enclosure (s)
One Overton Park, Suite 970
3625 Cumberland Blvd
Atlanta, GA 30339
ATTN: Brooke M. Doss

MAY 14 2018

JOHNNY ISAKSON

UNITED STATES SENATOR · GEORGIA

Privacy Release Form

The Privacy Act of 1974 prohibits the government from revealing any information from personal files of individuals without the express written permission of the person involved. Disclosure of personal records to a Senator who is acting on behalf of a constituent is prohibited, unless the individual to whom the record pertains has consented.

I, the undersigned, hereby authorize the release of all pertinent information to Senator Johnny Isakson to make an inquiry on my behalf to the following Federal agency: _____

(Name of Federal Agency)

Name: (b) (6) [redacted]

Address: (b) (6) [redacted]

City, State, ZIP Code:

Social Security # : (b) (6) [redacted] Other ID#:

Telephone #: (b) (6) [redacted]

Signatu (b) (6) [redacted] Date: May 14, 2018

PLEASE GIVE A BRIEF DESCRIPTION OF YOUR PROBLEM BELOW:

As a public trust employee for the United States federal government for more than 15 years and wrongfully and wrongfully terminated from federal services after transferring from the (b) (6) [redacted]

[redacted] compromised greatly.

MICHAEL D. BISHOP
8TH DISTRICT, MICHIGAN

428 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4872
(202) 225-5820 FAX

www.mikebishop.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515–2208

COMMITTEE ON
WAYS AND MEANS

SUBCOMMITTEE ON
HUMAN RESOURCES

SUBCOMMITTEE ON OVERSIGHT

April 19, 2018

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 WJC
Washington, DC 20460

RE: Michigan AgrAbility Project

Dear Administrator Pruitt:

I am writing to express my support for the Michigan AgrAbility Project. The Michigan State Extension Easterseals work with farmers who are disabled, ill, or facing the challenges of aging by providing services to help them continue with the occupation they love. They have reached farmers across seventy-five counties. AgrAbility understands the needs of the farmers, and since it is estimated there are an estimated 21,000 people with disabilities in the industry, the work of Easterseals is invaluable.

The vocational rehabilitation work that Easterseals does with our farmers is vital. Vocational rehab is usually available through worker's compensation insurance, but since the majority of farmers are self-employed, they do not have access to this resource. AgrAbility fills this void for them by providing services tailored to their needs including farm equipment modified to account for their limitations.

The efforts of Easterseals Michigan AgrAbility have made a significant impact throughout Michigan. The program has helped farmers in need and increased the quality of life for people in our whole community. I urge you to award their request for funding. Thank you for your consideration.

Sincerely,

Michael D. Bishop

Michael D. Bishop
Member of Congress

الفهرس

JOE MANCHIN III
WEST VIRGINIA

SUITE 306
HART BUILDING
WASHINGTON, DC 20510
(202) 224-3954

United States Senate

WASHINGTON, DC 20510-4804

ENERGY AND NATURAL RESOURCES COMMITTEE

ARMED SERVICES COMMITTEE

COMMERCE, SCIENCE, AND TRANSPORTATION COMMITTEE

VETERANS' AFFAIRS COMMITTEE

May 29, 2018

Ms. Laura Vaught
Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., Room 3426 ARN
Washington, D.C. 20460-0001

Dear Ms. Vaught,

Please see the attached correspondence from my constituent, [redacted], [redacted] who is requesting assistance with his efforts to obtain financial relief from the fines imposed for violation of the Disclosure for Lead-Based Paint.

I would appreciate your looking into the matter, and providing me with comments in writing that may serve as the basis for a reply to my constituent. Thank you for your attention, and I look forward to receiving your response in my Martinsburg office at 261 Aikens Center, Suite 305, Martinsburg, West Virginia 25404.

With warmest regards,

Joe Manchin III
United States Senator

JM/aw

Enclosure

JOE MANCHIN

900 Pennsylvania Ave
Suite 629
Charleston, WV 25302
Phone: 304-342-5855

Help With A Federal Agency

Your Information

Name: (b) (6) [redacted]

Other Name: [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

RECEIVED
[redacted] 9 [redacted]
BY: .....

Your Request

Have you contacted another congressional office regarding this issue?
No

Other names you authorize my office to share information with:
andrew smith only

Please provide a detailed explanation of your concerns:
In January 2018 my residential rental real estate company in Morgantown, WV (b) (6) [redacted]) received a shocking letter from the US EPA, related to Notification and disclosure rules for lead-based paint. Long story short, based on allegations of non-compliance with 22 residential leases (missing paperwork with leases) the US EPA wants me to pay them (b) (6) [redacted] in fines. This amount will bankrupt my business and myself personally which I have owned and operated for 20 years out of Morgantown, WV. I have no ability to pay such a ridiculous fine. My business provides reasonable rental housing for families and students since 1998. I am in shock that this kind of regulation and government over reach is allowed and proper and the extend of fines levied against me . There was not children or pregnant females in any of these units, there was also no lead based paint in any unit as they have been painted over with no lead paint at least 20-30 times since 1978, when tenants move out over the years. None of my tenants in 20 years have ever made a lead based paint accusations against me or my company, no injury or damages exists for any tenant at all in these 22 units or any units I own, ever related to lead paint. The lease I provided to tenants told them about lead based paint and I handed out the pamphlet to them with the lease signing , the tenant was fully aware of lead paint concepts before leasing, I was just missing the sign off forms to document same on these 22 leases. This is absolutely unacceptable and I am worried about this as you would (b) (6) [redacted] so I can provide you more documentation, if you feel you can help me. I am reasonable guy and willing to work with US EPA to find closure to this issue, but to destroy my business, my family, and life, over 22 sheets of paper is not fair and not right. I also employ many maintenance and other persons in my business and spend a large share of the money that comes in back in to Monongalia County, WV community. I also donate much of my money to youth sports and other local youth programs in my community and church related. (b) (6) [redacted]

discuss the issue and receive any pertinent information. Your signature also gives Senator Manchin and/or his representatives permission to send a copy of this form and any attached letters or supporting documentation to the appropriate agency.

Signature: _____ **Date:** 5/23/2018

Please sign, and mail to my office:

900 Pennsylvania Ave
Suite 629
Charleston, WV 25302
Phone: 304-342-5855

United States Senate

WASHINGTON, DC 20510

May 21, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Administrator Pruitt:

We write to follow up on your testimony before the Senate Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies on May 16, 2018. At the hearing, you confirmed that you have set up a legal defense fund. While you did commit to not accept any donations to your legal defense fund from lobbyists or corporations that have business before the EPA, we are seeking further clarification about your testimony on several points, including publicly disclosing all donations and the matter of anonymous donations.

You committed that donations to your legal defense fund will be made public, and then indicated that the public disclosure will be done "pursuant to the requirements of disclosures." The Office of Government Ethics (OGE) recommends public disclosure of legal defense fund donors consistent with federal rules concerning the disclosures of gifts.[1] Those rules require disclosure of contributions as part of your annual financial disclosures, but that could delay disclosure for well over a year. Furthermore, OGE also advises that "the instruments establishing legal defense funds include a clause stating that 'contributions shall not be accepted from anonymous sources.'"[2] However, even if you do comply with that recommendation, there is significant ambiguity as to what constitutes an anonymous source. A donation from a 501(c)(4) or a shell corporation may conceal the identity of the actual donor to your fund.

Without further clarification of these issues, your legal defense fund may lead to more complaints that you may be violating the public trust. We believe a person in your position should regularly and publicly disclose all donors to a legal defense fund, taking care to determine the true source of donations and avoiding any appearance of a conflict of interest. To help us ascertain whether you will keep the public sufficiently informed of your defense fund's donations, we request that you provide us with answers to the following questions:

1. Have you consulted with OGE about the legal defense fund? Did OGE review all relevant documents governing the fund? Have you followed all advice provided to you by OGE?
2. Has EPA's Designated Agency Ethics Official (DAEO) approved the structure of your legal defense fund?

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[1] See https://www.oge.gov/Web/278eGuide.nsf/Content/FAQs~FAQs:+Gifts+and+Travel+Reimbursements

[2] Office of Government Ethics, LA 17-10, Sept. 28, 2017 available at https://www.oge.gov/web/oge.nsf/0/DACCD72B29936DB8852581A900497C51/$FILE/LA-17-10.pdf

3. Will the legal defense fund include a screening process for the names of potential donors to be submitted in advance to the DAEO to seek a determination as to whether the contribution is from a prohibited source or has business before the agency? If so, please describe the screening process that will be put in place.
4. Will the legal defense fund provide the names of all donors to EPA's DAEO? Will you commit to providing that information no less frequently than on a monthly basis?
5. Will you publicly disclose the identities of all contributors to your legal defense fund no less frequently than on a monthly basis?
6. What steps are being taken to ascertain whether any contributors, their employers, clients, or any entity in which they have a beneficial interest, have business before EPA? Do you commit to providing that information to the DAEO? How frequently will that information be provided?
7. Do you agree to submit to the DAEO all relevant information about your past or present contacts with contributors to your legal defense fund so he can determine whether any steps must be taken by you to comply with the Ethics in Government Act?
8. Will you allow contributions to your legal defense fund to be made by lobbyists (or their spouses) whose firms represent clients with business in front of EPA?
9. Will you allow contributions to your legal defense fund to be made by individuals (or their spouses) who work for companies with business in front of EPA?
10. Will you accept contributions from EPA employees (or their spouses)?
11. Will you accept anonymous contributions to be made to your legal defense fund?
12. Will you accept contributions from 501(c)(4) organizations or contributions from corporate entities, the beneficial owner(s) of which are not publicly known? If you will, how will you ensure that no one with business before EPA has contributed to your defense fund through one of these entities?
13. Will you be transferring political campaign funds, political party funds, or PAC funds to your legal defense fund, or will you be using monies from one or more of those sources to supplement your legal defense fund?
14. The Office of Government Ethics advises that legal defense funds must be operated consistent with "rules regarding the acceptance of gifts from outside sources"[3]. That includes compliance with the Office of Government Ethics' exception to the gifts rules that allow an employee to accept "a gift valued at $20 or less, provided that the total value of gifts from the same person is not more than $50 in a calendar year."[4] Accordingly, please confirm that you do not intend to accept more than $50 from the same person in one calendar year.

In addition to these questions, we are also requesting that you provide copies of all documents establishing your legal defense fund as well as copies of all documents related to the fund that were provided to you by EPA's ethics officials within ten business days.

---

[3] Id.

[4] https://www2.oge.gov/Web/oge.nsf/Resources/Gifts+from+Outside+Sources

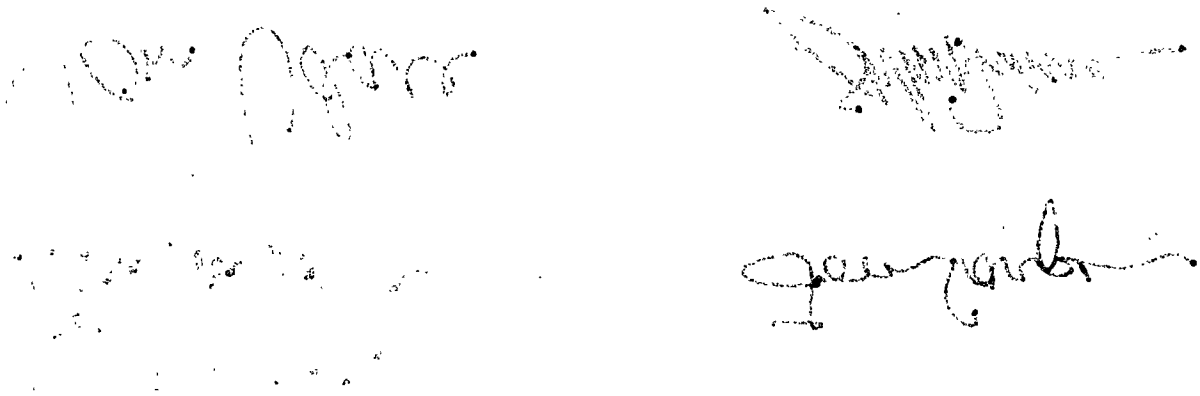
Sincerely,

Chris Van Hollen
United States Senate

Thomas R. Carper
United States Senate

Tom Udall
United States Senate

Sheldon Whitehouse
United States Senate



Congress of the United States
Washington, DC 20515

June 6th, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

We understand that, as part of the development of your National PFAS Management Plan, your agency will be deploying teams of researchers to areas across the nation that have been impacted by these Per- and Polyfluoroalkyl Substances (PFAS). We write today to respectfully request that our communities in Bucks and Montgomery Counties be included in the list of those which your researchers will be visiting.

Our communities surrounding the former Naval Air Station-Joint Reserve Base Willow Grove, the active Horsham Air Guard Station, and the former Naval Air Warfare Center in Warminster have had their drinking water contaminated for decades by Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS); PFAS chemicals contained in the Aqueous Film Forming Foam (AFFF) used to fight certain classes of fires at military bases and airports. The drinking water of thousands of our constituents in these communities has been found to contain PFOA and PFOS, exposing them to levels often far in excess of the Lifetime Health Advisory (LHA) established by your agency for these chemicals.

If the purpose of these proposed site visits is to gather information about the areas most affected by PFAS contamination, our communities in Bucks and Montgomery Counties unfortunately belong at the top of that list. Over the past several years, our offices have developed strong relationships throughout the state, local, and federal ecosystem of authorities and experts addressing this issue, and we believe your National PFAS Management Plan would be incomplete without a visit to our area.

Thank you for your consideration. We look forward to your timely response

Sincerely,

Brian K. Fitzpatrick

Brian Fitzpatrick
Member of Congress

Brendan F. Boyle

Brendan Boyle
Member of Congress

Congress of the United States

Washington, DC 20510

June 6, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Ave, N.W.
Washington, DC, 20460

We write to you to ensure that EPA abides by all legal and regulatory requirements when considering allowing the year-round sale of gasoline with 15 percent ethanol by volume (E15). Currently, E15 must meet the volatility specification for conventional gasoline control areas of 9.0 pound per square inch (psi) during the summer (June 1 to September 15). The current summertime restrictions limiting gasoline volatility are intended to lower evaporative emissions to control the formation of ground-level ozone and to protect human health.

We are concerned with recent press reports that President Trump has directed the EPA to allow year-round E15 sales during closed door negotiations over the Renewable Fuels Standard (RFS) held at the White House with industry stakeholders and Members of Congress. Previously, EPA has publicly concluded that it does not have the statutory authority to issue such a waiver, and the reported decision to reverse this conclusion appears to be driven by political considerations, rather than scientific or legal analysis. Legal and policy uncertainty around the RFS coming from these private White House negotiations can disrupt fuel markets, provide opportunities for financial speculators, and undermine the investment in second generation biofuels that reduce carbon pollution, a key goal of the RFS.

The Clean Air Act limits the volatility (measured by the Reid Vapor Pressure or RVP) of summertime gasoline, meaning the rate at which it evaporates into the air. Volatility is a significant contributor to ground-level ozone pollution, or smog, which has serious impacts to public health, including heart and respiratory effects. The Act further grants a one pound "RVP" waiver for the use of 10 percent gasoline ethanol blends (E10).[1] In 1991, EPA explicitly clarified that the one pound waiver was limited to ethanol blends between nine and ten percent.[2] Given the basis for the current statutory limit, we are very concerned that an arbitrary waiver of the volatility for E15 above the standard will lead to higher evaporative emissions, leading to even more negative human health effects.

In the context of the 2010 E15 partial waiver decision and the 2011 Misfueling Mitigation Rule, EPA again reviewed the policies related to the one pound RVP waiver and determined that it

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[1] "For fuel blends containing gasoline and 10 percent denatured anhydrous ethanol, the Reid vapor pressure limitation under this subsection shall be one psi greater than the applicable Reid vapor pressure limitations established under paragraph (1)." 42 U.S.C. § 7545(h)(4).

[2] 56 FR 64704, 64708

should not be extended to E15. In 2010, EPA's partial waiver for E15 explicitly based its evaporative emissions analysis on the fact that E15 would not receive the one pound waiver during the summer. In the 2011 Final Misfueling Rule, EPA explained that the CAA section 211(h)(4) should be interpreted "as limiting the 1.0 psi waiver [that the section provides] to gasoline-ethanol blends that contain 10 vol% ethanol, including limiting the provision concerning 'deemed to be in full compliance' to the same 10 vol% gasoline-ethanol blends." EPA also explained that the EPA "implements CAA section 211(h)(4) through 40 CFR 80.27(d), which provides that gasoline ethanol blends that contain at least 9 vol% ethanol and not more than 10 vol% ethanol qualify for the 1.0 psi waiver of the applicable RVP standard."[3]

The plain reading of the Clean Air Act and EPA's long-standing interpretation strongly suggest that EPA lacks authority to unilaterally allow year-round sales of E15 with the extension of a 1.0 psi waiver. The reported basis for this change in position, directed by the White House, lack any scientific or legal explanation to the public. We are very concerned that career EPA officials may be being directed to reverse over 25 years of the agency's position to manufacture legal and scientific justifications for a politically-directed decision on E15.

In order to address these concerns, we seek responses to the following questions about both the statutory authority and the technical and public health analysis to extend the one pound waiver to E15 gasoline-ethanol blends.

1. Given the Clean Air Act's language and EPA's long-standing interpretation under both Democratic and Republican administrations about having legal authority for an RVP waiver only for E10, what legal analysis has the agency done to support application of the one pound waiver to E15 blends?

2. Were EPA staff directed to reverse the previous legal conclusion on this question, and if so, by whom?

3. The current restrictions limiting gasoline volatility are intended to protect human health and the environment by lowering evaporative emissions to control the formation of ground-level ozone. What scientific entities or experts is the EPA consulting within and outside the agency? Will stakeholders and interested parties have the opportunity to submit technical information or studies for EPA's consideration?

4. A change in the RVP waiver would potentially have major impacts on fuel markets and emissions of EPA regulated pollutants, and require a change to existing regulations, meaning the Administrative Procedures Act (APA) process requiring public notice and opportunity for comment must apply. What is the public and regulatory process EPA plans to follow regarding granting an RVP waiver to E15 blends?

5. Given the significant legal and public health questions and the regulatory requirements covered by the APA, there would appear to be a long road ahead. What is the EPA's

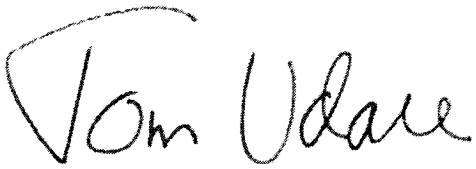
[3] 75 FR 68061, 68081

proposed timeline for conducting this legal, technical and scientific, and regulatory process?

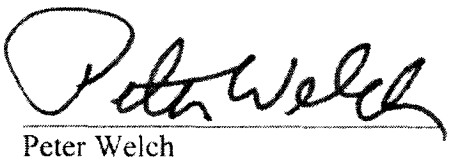
In light of the public reports and statements that the President has directed EPA to grant an E15 waiver following private meetings in the White House, we request that EPA answer these questions for Congress and the public as soon as possible, and no later than July 9, 2018.

In addition, we urge you in the strongest possible terms to resist directives from the White House to make major policy changes that lack legal or scientific basis or would increase harmful air pollution that contributes to health and environmental concerns to the public. And, we urge you to engage in a robust and transparent regulatory process for any E15 RVP waiver.

Sincerely,



Tom Udall
United States Senator



Peter Welch
Member of Congress

ROBERT P. CASEY, JR.
PENNSYLVANIA

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
FINANCE
HEALTH, EDUCATION, LABOR, AND PENSIONS
SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510

May 18, 2018

The Honorable Scott Pruitt
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Dear Secretary Pruitt,

I write today to express support for the application submitted by the Redevelopment Authority of the County of Montgomery (BF-96323001) for funding from the Brownfields Revolving Loan Fund through the Environmental Protection Agency. The purpose of this letter is to urge you to give full and fair consideration to this proposal.

To date, the Redevelopment Authority of the County of Montgomery (MCRDA) has received a total of $1,250,000 in Brownfields Revolving Loan Funds and has had great success in remediating contaminated former industrial sites. Five remediation projects are currently underway or have been completed and have improved the environmental quality in communities such as Norristown, Ambler, Upper Dublin and Pottstown. One of MCRDA's major successes was the remediation and redevelopment of the Ambler Boiler House, which has generated 320 full-time jobs and $120,000 in taxes annually for the City of Ambler.

In order to continue the important work of remediation, MCRDA is requesting supplemental Brownfields Revolving Loan Funds of $500,000. Of this total cost, $400,000 would be used for hazardous substances and $100,000 for petroleum substances. MCRDA has proven their ability to vastly improve the environmental safety of hazardous sites in Pennsylvania communities. This funding would enable MCRDA to expand their environmental impact and continue to enrich the Montgomery County region.

Thank you in advance for the consideration of my views. Please include this letter in the official record of the application. Consistent with all applicable laws, rules and regulations, I also respectfully request that you keep me informed of the status of this grant application. Finally, if you have any questions, comments or concerns, please feel free to contact me or my staff at (202) 224-6851.

Sincerely,

Bob Casey, Jr.

Robert P. Casey, Jr.
United States Senator

JOHN J. FASO
19TH DISTRICT, NEW YORK

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JUN 0 1 2018

Congress of the United States
House of Representatives

COMMITTEE ON AGRICULTURE
SUBCOMMITTEE ON COMMODITY EXCHANGES, ENERGY, AND CREDIT

SUBCOMMITTEE ON NUTRITION

COMMITTEE ON THE BUDGET

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
VICE CHAIR, SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

May 22, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

Over the last three years, thousands of residents in New York have been suffering from contaminated water supplies due to Perfluorooctanoic Acid (PFOA) and another Per- and Polyfluoroalkyl Substances (PFAS). As you know, the physical structure of PFOA allows it to easily be transported in groundwater, creating a long-term public health risk.

Recently, I have heard reports that the Environmental Protection Agency has slowed the release of a Department of Health and Human Services (HHS) study which details the human health impacts of PFOA and PFOS. If this is true, the EPA should immediately reverse course and support the release of this study upon its completion.

Previous examinations of PFOA and PFOS have shown possible health complications from exposure including cancer, fertility issues, and slowed learning in children. Communities in my district like Hoosick Falls and Petersburgh have seen these early reports and continue to suffer the long-term impacts of this water contamination. Residents in Upstate New York are looking for as much information as possible so they can make well informed decisions for their families.

The constituents in my district deserve to know any and all information contained within this HHS study and I encourage you to support its publication.

Sincerely,

John J. Faso
Member of Congress

cc: Secretary Alex M. Azar II, US Department of Health and Human Services

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CHAIRMAN
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RAILROAD, PIPELINES AND HAZARDOUS MATERIALS

AGRICULTURE COMMITTEE
SUBCOMMITTEES
CONSERVATION, ENERGY AND FORESTRY
GENERAL FARM COMMODITIES AND RISK MANAGEMENT
DEPARTMENT OPERATIONS, OVERSIGHT, AND NUTRITION

June 7, 2018

Environmental Protection Agency
Attn: Secretary Scott Pruitt
William Jefferson Clinton Building
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

RE: Support for the Ohio Zero-Emission Shuttle Transportation (ZEST) Project

Dear Secretary Pruitt,

As the Representative for Ohio's 7th Congressional District, I am pleased to support the Ohio Department of Transportation (ODOT) in its application to the U.S. Environmental Protection Agency Diesel Emission Reduction Act (DERA) Clean Diesel Funding Assistance Program for funding in support of the Ohio Zero Emission Shuttle Transportation (ZEST) Project.

In this project, ODOT, in partnership with the Stark Area Regional Transit Authority (SARTA) and DriveOhio, will purchase four commercially available, autonomous zero-emission transit shuttles. These vehicles will be permanently deployed at the Pro Football Hall of Fame, which is currently undergoing a multi-million dollar expansion in Canton, Ohio. This project will replace four similar existing diesel vehicles and fund the installation of supporting electric vehicle charging infrastructure.

Prior to deployment at the Hall of Fame, where they will serve more than 4,000 visitors per day when construction is complete, the shuttles will travel throughout the state to showcase the commercially available zero-emissions technologies at various events, including the Ohio State Fair. Additionally, ODOT, SARTA, and DriveOhio will invite representatives from other Ohio transit agencies to view the shuttles and evaluate them as solutions to their own transportation challenges.

We are excited about the proposed project and its potential to deploy zero-emission transit vehicles, create replicable emissions reductions, and advance the state of autonomous vehicle technology to the public. Thank you for your consideration of this request. Should you have any questions, please contact Victoria VanBuskirk in my Canton office at (330)737-1631.

Sincerely,

Bob Gibbs

Bob Gibbs
Member of Congress

Congress of the United States

Washington, DC 20515

June 7, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20004

Dear Administrator Pruitt:

We write to express grave concerns about the Environmental Protection Agency's (EPA) proposed rule, published on April 30, 2018, titled Strengthening Transparency in Regulatory Science (Docket No. EPA-HQ-OA-2018-0259). Contrary to its name, the proposed rule would implement an opaque process allowing EPA to selectively suppress scientific evidence without accountability and in the process undermine bedrock environmental laws. We join nearly a thousand scientists[1] and many leading scientific organizations[2] in opposing this policy and urge you to withdraw the proposed rule.

The proposed rule suffers from significant procedural flaws including lack of supporting evidence, insufficient detail in the proposal itself, and conflicts with EPA's statutory obligations. The substance of the rule is also concerning. It appears to be targeted at excluding important public health studies while privileging industry-sponsored research. It also fails to adequately consider the costs of implementation and the potential privacy implications. Finally, the discretion it grants the Administrator to grant case-by-case exemptions completely undermines the stated goal of transparency.

Without any significant evidence supporting it, the proposed rule is a solution in search of a problem. The proposed rule fails to identify specific weaknesses in EPA's current scientific approach, which is grounded in peer review. Wendy Wagner, author of two of the studies EPA cites to rationalize the rule, said in response to the proposed rule: "They don't adopt any of our recommendations, and they go in a direction that's completely opposite, completely different."[3] The proposed rule also invokes policies from *Nature*, *Science*, and the *Proceedings of the National Academies of Science*, but each of these organizations has argued against the rule.[4] Additionally, EPA fails to cite any specific language providing authority for the rule and asks commenters where the authority may be found. Key issues including how data would be made available to the public and how private information would be protected are not addressed. This is a serious deficiency in a rule meant to increase access to data for the public.

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[1] https://s3.amazonaws.com/ucs-documents/science-and-democracy/secret-science-letter-4-23-2018.pdf
[2] https://blog.ucsusa.org/michael-halpern/a-list-of-scientific-organizations-that-have-supported-and-opposed-limiting-what-research-epa-can-use-to-make-decisions
[3] https://www.theatlantic.com/science/archive/2018/04/how-the-epas-new-secret-science-rule/558878/
[4] https://www.aaas.org/news/scientific-leaders-speak-out-epa-s-proposed-transparency-rule

The proposed rule is inconsistent with EPA's statutory obligations to ground its actions on scientific evidence. The Toxic Substances Control Act (TSCA) and the Safe Drinking Water Act (SDWA) require that EPA use the "best available science." Courts have found this language to require that agencies "seek out and consider all existing scientific evidence" and not ignore existing data.[5] This standard would be impossible to meet under the proposed rule.

The proposed rule requires that data underlying EPA's regulatory actions be made publicly available to allow for independent validation. Such a standard could exclude studies that utilize confidential industry and health data that are vital to understanding the nature of chemical pollutants, the impacts of pollution, and the most effective ways to protect the environment and public health. One such piece of health research is the "Six Cities" study,[6] which followed more than 8,000 participants for nearly twenty years and was key in establishing a link between chronic air pollution exposure and increased mortality. The results of this study have stood up to extensive subsequent analysis, highlighting the strength of such research.[7] This is just one example of an entire class of studies that the rule would remove from consideration. Excluding such health studies would hobble EPA's ability to implement laws like the Clean Air Act, SDWA, and TSCA and to fulfill its mission to protect public health and the environment.

Attempting to comply with the publication requirement and health privacy laws would place enormous burdens on EPA and researchers. According to an internal EPA analysis of the HONEST Act, which had a similar data-publishing requirement, the EPA would have to spend more than $250 million annually to redact private health information before releasing study data to the public.[8] EPA failed to provide a cost-benefit analysis of the proposed rule, only stating that EPA shall implement the provisions "in a manner that minimizes cost." Even with careful redaction, there is still a possibility of study participants being identified due to the amount of information that would have to be revealed under the proposed rule for the purposes of reproducibility. The rule is costly and a threat to the privacy of Americans.

Concerns with the proposed rule are not limited to the public health community. Dr. Nancy Beck, Deputy Assistant Administrator of the Office of Chemical Safety and Pollution Prevention, has expressed reservations about the publishing requirements of the proposed rule for industry as well.[9] Industry representatives have expressed concerns about requiring public disclosure of data, such as Confidential Business Information, citing the potential for improper use of such data by competitors.[10]

In addition, the proposal to allow the EPA Administrator to grant exemptions on a case-by-case basis would enable the Administrator to interfere in the rulemaking process in an arbitrary and capricious manner. The Administrator is not required to present the reasoning behind such

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[5] *Ecology Ctr., Inc. v U.S. Forest Serv.*, 451 F.3d 1183, 1194 n.4 (10th Cir. 2006)

[6] *Dockery et al. 1993. An association between and mortality in six U.S. cities. New England J. Med. 329:1753-1759. doi: 10.1056/NEJM199312093292401.*

[7] https://www.healtheffects.org/system/files/Reanalysis-ExecSumm.pdf

[8] https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/administrator-pruitt-ignores-epa-staff-analysis#.WujH-KQvxaR

[9] http://www.sciencemag.org/news/2018/04/trump-s-epa-wants-stamp-out-secret-science-internal-emails-show-it-harder-expected

[10] https://www.bna.com/pesticide-makers-back-n57982091585/

decisions. This waiver provision establishes an opaque process, completely at odds with the stated purpose of the rule, that would bring additional uncertainty to the regulatory process.

We support transparency and scientific integrity. However, the proposed rule will limit transparency and undermine the scientific integrity of EPA's rulemaking process. Given its numerous flaws and the lack of an underlying rationale, we urge you to withdraw the proposed rule.

Sincerely,

Diana DeGette
Member of Congress

Donald S. Beyer Jr.
Member of Congress

Paul Tonko
Member of Congress

Daniel W. Lipinski
Member of Congress

Mark DeSaulnier
Member of Congress

Debbie Dingell
Member of Congress

Alan Lowenthal
Member of Congress

Donald M. Payne, Jr.
Member of Congress

Salud O. Carbajal
Member of Congress

Elizabeth H. Esty
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Kathleen M. Rice
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Colleen Hanabusa
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Mike Doyle
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Anna G. Eshoo
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A. Donald McEachin
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Pramila Jayapal
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Ryan Costello
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Jacky Rosen
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Charlie Crist
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Jamie Raskin
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Joseph P. Kennedy, III
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James P. McGovern
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Suzanne Bonamici
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Ro Khanna
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Brian Fitzpatrick
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Raja Krishnamoorthi
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Matt Cartwright
Member of Congress

Earl Blumenauer
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Debbie Wasserman Schultz
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Scott H. Peters
Member of Congress

Tim Ryan
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Brendan F. Boyle
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Susan A. Davis
Member of Congress

Ruben Gallego
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Bill Foster
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Raul Ruiz
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Nanette Diaz Barragán
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Tulsi Gabbard
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Carol Shea-Porter
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Adriano Espaillat
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John K. Delaney
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Jared Polis
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Robert A. Brady
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Kathy Castor
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Yvette D. Clarke
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G.K. Butterfield
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Lucille Roybal-Allard
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David E. Price
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Jerrold Nadler
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Rick Larsen
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Peter A. DeFazio
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Eleanor Holmes Norton
Member of Congress

Chellie Pingree
Member of Congress

Marcy Kaptur
Member of Congress

Sheila Jackson Lee
Member of Congress

Bobby L. Rush
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Ileana Ros-Lehtinen
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Gerald E. Connolly
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Henry C. "Hank" Johnson, Jr.
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Karen Bass
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Keith Ellison
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Betty McCollum
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Jerry McNerney
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Barbara Lee
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Nydia M. Velázquez
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Peter Welch
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Doris Matsui
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Emanuel Cleaver
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William R. Keating
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Rosa DeLauro
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Wm. Lacy Clay
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John Garamendi
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Frederica S. Wilson
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Ben Ray Luján
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Mike Quigley
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Brian Higgins
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Eliot L. Engel
Member of Congress

Dina Titus
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Jackie Speier
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Gene Green
Member of Congress

Conor Lamb
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Ami Bera, M.D.
Member of Congress

SCOTT PERRY
4TH DISTRICT, PENNSYLVANIA

1207 LONGWORTH HOUSE OFFICE BUILDING
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TRANSPORTATION AND INFRASTRUCTURE
HOMELAND SECURITY
FOREIGN AFFAIRS

Congress of the United States
House of Representatives

May 15, 2018

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington DC 20500

Dear President Trump,

We write to express grave concern over the impact that the government's Renewable Fuel Standard (RFS) mandate is having on independent U.S. refineries. As highlighted by the recent bankruptcy of Philadelphia Energy Solutions (PES)—the largest refinery on the East coast—the compliance costs imposed on refiners as a result of this government mandate are creating an unsustainable burden on a critical sector of the American economy that must be addressed immediately. While a fix to the flawed RFS that would allow for the renewed viability of U.S. refineries and the continued market expansion for biodiesel is possible, those who adamantly oppose *any* change to this dysfunctional government program have so far prevented one from coming to pass.

We support the Environmental Protection Agency's proposal to base the RFS mandate on the domestic production of biofuels—specifically biomass-based diesel—as a necessary action to reduce RFS compliance costs while preventing a *de facto* foreign biodiesel mandate. This proposed action would help protect manufacturing jobs at our nation's refineries, advance our energy security, and shield consumers from higher costs—all without harming domestic biofuel producers.

Congress enacted the latest Renewable Fuel Standard in the *Energy Independence and Security Act of 2007*. As is evident from the bill's title, the key

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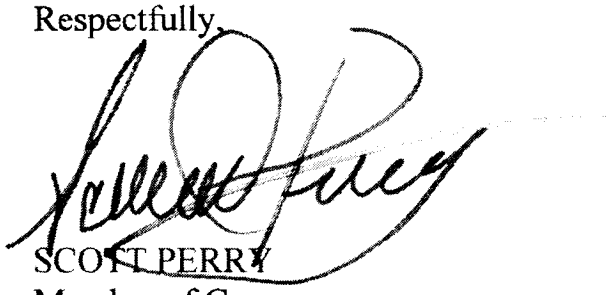
motivating factor was to bolster U.S. energy independence. Unfortunately, the RFS is having the opposite effect. This year, the RFS requires at least 2.1 billion gallons of biomass-based diesel consumption to comply with the complex series of mandates. However, the U.S. produced slightly less than 1.6 billion gallons from November 2016-2017, thus requiring foreign biodiesel imports to displace gasoline diesel made by U.S. workers right here at home. The bio-based diesel requirement resulted in a similar situation in 2016, when the U.S. imported a record 916 million gallons of foreign bio-based diesel to displace U.S.-made gasoline and diesel due to an aggressive biodiesel mandate coupled with an inadequate domestic supply of biodiesel. For a bill that was intended to promote U.S.-made energy, the RFS has had the unintended consequence of generating hundreds of millions of dollars in corporate welfare for foreign-owned biofuel companies. This is an absurd outcome.

By proposing to set the biodiesel portion of the mandate based on domestic production, EPA would end this *de facto* foreign fuel mandate—protecting U.S. jobs, promoting energy security, and protecting American consumers in the process. As borne out by the bankruptcy of PES, credits for RFS compliance are adding billions of dollars in cost to the U.S. refining system, threatening the viability of these national security assets. By reducing the pressure on independent refineries created by these mandates, your administration would help protect those manufacturing jobs without undermining U.S. agriculture interests. Notably, due to a recent decision from the U.S. Department of Commerce to levy countervailing duties on certain biofuel imports, any reduction in the mandate will likely back out more expensive imported fuel without harming the domestic biofuel industry. Additionally, as EPA has rightly noted, biodiesel is considerably more expensive than petroleum diesel, costing an average of $0.90 or more per gallon than the petroleum fuel it displaces. By reducing the foreign biodiesel mandate, EPA would reduce the consumer burden associated with higher fuel prices related to these mandates.

Although we believe the best policy is to provide consumers with choice in a free and competitive market for fuels, we also recognize EPA must work within the statutory framework enacted by Congress. Within this statutory framework, EPA should prioritize minimizing the anti-competitive impacts of its mandates. There is a way forward to reduce the cost impact of the RFS mandate on America's independent refining sector while allowing for continued appropriate biofuel

production in the U.S. We urge you to continue to ask all parties to work in good faith toward a solution like the one outlined above.

Respectfully,



SCOTT PERRY
Member of Congress

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Congress of the United States
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CHAIRMAN
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HIGHWAYS AND TRANSIT
RAILROADS, PIPELINES AND HAZARDOUS MATERIALS

AGRICULTURE COMMITTEE
SUBCOMMITTEES
CONSERVATION, ENERGY AND FORESTRY
GENERAL FARM COMMODITIES AND RISK MANAGEMENT
DEPARTMENT OPERATIONS, OVERSIGHT, AND NUTRITION

June 7, 2018

Environmental Protection Agency
Attn: Secretary Scott Pruitt
William Jefferson Clinton Building
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

RE: Support for the Ohio Zero-Emission Shuttle Transportation (ZEST) Project

Dear Secretary Pruitt,

As the Representative for Ohio's 7th Congressional District, I am pleased to support the Ohio Department of Transportation (ODOT) in its application to the U.S. Environmental Protection Agency Diesel Emission Reduction Act (DERA) Clean Diesel Funding Assistance Program for funding in support of the Ohio Zero Emission Shuttle Transportation (ZEST) Project.

In this project, ODOT, in partnership with the Stark Area Regional Transit Authority (SARTA) and DriveOhio, will purchase four commercially available, autonomous zero-emission transit shuttles. These vehicles will be permanently deployed at the Pro Football Hall of Fame, which is currently undergoing a multi-million dollar expansion in Canton, Ohio. This project will replace four similar existing diesel vehicles and fund the installation of supporting electric vehicle charging infrastructure.

Prior to deployment at the Hall of Fame, where they will serve more than 4,000 visitors per day when construction is complete, the shuttles will travel throughout the state to showcase the commercially available zero-emissions technologies at various events, including the Ohio State Fair. Additionally, ODOT, SARTA, and DriveOhio will invite representatives from other Ohio transit agencies to view the shuttles and evaluate them as solutions to their own transportation challenges.

We are excited about the proposed project and its potential to deploy zero-emission transit vehicles, create replicable emissions reductions, and advance the state of autonomous vehicle technology to the public. Thank you for your consideration of this request. Should you have any questions, please contact Victoria VanBuskirk in my Canton office at (330)737-1631.

Sincerely,

Bob Gibbs
Member of Congress

Congress of the United States
Washington, DC 20515

June 7, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

In 2015, the Environmental Protection Agency (EPA) established updated regulations for the operation and maintenance of underground storage tanks (UST's). Proper UST operations are vital to preventing fuel releases into the environment. Unfortunately, portions of the 2015 regulations, specifically 40 CFR 280.35, impose an overwhelming financial and strategic burden on fuel retailers, particularly small businesses, by requiring excessive labor and infrastructure investments over a short period of time. Therefore, we request that the EPA extend its previously established compliance deadline of October 13, 2018 to October 13, 2024.

Notwithstanding the compliance flexibility provided through consensus industry standards, we consider that extending the deadline for initial testing in 40 CFR 280.35 is warranted. First, we have been informed that much of the equipment used in existing UST systems was not designed, manufactured, and installed to be tested in the manner in which these EPA regulations require (vacuum, pressure, or liquid testing). We understand that fuel retailers operating UST's require a longer period of time in order to make the necessary adjustments and equipment upgrades in preparation for the testing and inspection protocol. Additionally, as the October 2018 deadline approaches, we are concerned that many operators may have difficulty in finding enough qualified contractors to prepare the equipment to be tested and inspectors to perform the required testing. Therefore, we believe these challenges will make it problematic for owners and operators to achieve timely compliance.

We also understand the EPA's new periodic inspection mandate for overfill prevention equipment is also concerning. For the majority of overfill prevention devices, there are no recommended manufacturer inspection methods that currently exist, and the one available code of practice requires the removal of the overfill prevention device to facilitate the inspection. Removal of existing overfill prevention equipment that has not been previously removed or tested is likely to damage the previously functioning device beyond repair. While we appreciate that Section 9005(c) of the Solid Waste Disposal Act requires inspections of UST systems every three years, the Administrator retains some discretion about the specifics of those inspections. Extending the compliance deadline for this specific area to October 2024 allows small businesses, acting in good faith, more time to get this equipment removed

and replaced. After this time, small business owners will have the option to install new, and recently commercially available, overfill prevention equipment capable of being tested in place.

I am sure we can all agree that regulations should be designed to protect the environment through reasonable requirements, not consist of infeasible rules that pile up violations and increase fine collections. By delaying the testing and inspection requirements until October 13, 2024, we can provide these small businesses with the proper time they need to meet the new EPA requirements

Sincerely,

Tim Walberg
Member of Congress

Cathy McMorris Rodgers
Member of Congress

David B. McKinley, P.E.
Member of Congress

Bill Johnson
Member of Congress

Chris Collins
Member of Congress

Brett Guthrie
Member of Congress

Gregg Harper
Member of Congress

Jeff Duncan
Member of Congress

Kevin Cramer
Member of Congress

Bill Flores
Member of Congress

Leonard Lance
Member of Congress

Robert E. Latta
Member of Congress

Earl L. 'Buddy' Carter
Member of Congress

Susan W. Brooks
Member of Congress

Larry Bucshon, M.D.
Member of Congress

Markwayne Mullin
Member of Congress

Pete Olson
Member of Congress

Lynn Jenkins, CPA
Member of Congress

Richard Hudson
Member of congress

Michael C. Burgess, M.D.
Member of Congress

United States Senate

WASHINGTON, DC 20510

June 8, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Ave, SW
Washington, DC 20201

Dear Administrator Pruitt and Secretary Azar:

We write to express our deep concern with recent news reports that individuals within the United States Environmental Protection Agency (EPA) are blocking the release of results from a study completed by the Department of Health and Human Services (HHS) Agency for Toxic Substances and Disease Registry (ATSDR) regarding Per-and Polyfluoroalkyl Substances (PFAS). The results of this study are critical to protecting the health and well-being of communities across the country, and it is imperative that the results of this study be released immediately.

As you are aware, PFAS are a class of toxic chemicals used in manufacturing that have been linked to a variety of cancers and serious health conditions. According to recent media reports, ATSDR has been working on a report on the health effects of PFAS, which reportedly shows that exposure to these chemicals at levels lower than previously known pose a danger to human health – in particular the health of more vulnerable populations like pregnant women and the immunocompromised. We understand that this report was finalized in January 2018, but *Politico* has reported that there are "internal emails showing EPA officials working to block the report." This is unacceptable.

The EPA and other regulatory agencies must rely on the most up-to-date, factually-accurate information based on rigorous science to guide policy decisions and regulations designed to protect the health and well-being of our constituents. Given the wide use of PFAS and presence of these chemicals in communities across the U.S., it is critical that this report be released without delay and that EPA act immediately to update its guidelines to ensure Americans are informed of and protected from the danger of exposure to these toxins. We are especially concerned since PFAS have been discovered in community water systems as well as on multiple Department of Defense installations. To this point, many local officials, as well as the Department of Defense have been working off the voluntary EPA guidelines issued in 2016; however, we need to ensure that all parties are working off the most up-to-date information to maintain a safe water supply.

Several of our colleagues have written to you since the existence of the report became known requesting information and seeking to review the report matter. We write to echo their concerns,

and to urge you to publish the findings of this study and update EPA policies related to PFAS in a way that will adequately protect the health and well-being of our constituents without delay.

Thank you for your immediate attention to this matter.

Sincerely,

Sherrod Brown
United States Senator

Rob Portman
United States Senator

Jack Reed
United States Senator

Shelley Moore Capito
United States Senator

Tammy Baldwin
United States Senator

Chris Van Hollen
United States Senator

Robert P. Casey, Jr.
United States Senator

Michael F. Bennet
United States Senator

Edward J. Markey
United States Senator

Bill Nelson
United States Senator

Joe Manchin III
United States Senator

Robert Menendez
United States Senator

cc: The Honorable Mick Mulvaney, Director, Office of Management and Budget
The Honorable James Mattis, Secretary, Department of Defense

Congress of the United States
House of Representatives
Washington, DC 20515

June 12, 2018

The Honorable E. Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20004

Dear Administrator Pruitt:

We write to inquire about the status of the report required by Public Law No. 115-59, the *Social Security Number Fraud Prevention Act of 2017*, which was due on October 16, 2017, 30 days after enactment.

A letter was sent on October 31, 2017, to follow up on this requirement and our staff contacted Environmental Protection Agency (EPA) staff on December 4, 2017. We received a response dated January 9, 2018 that included the EPA's plan to comply with the law. However, this response did not contain a listing of documents used by the EPA that include complete Social Security numbers (SSNs). Our staff again reached out to EPA staff on March 7, 2018, but to date we have not received the required listing of documents, a necessary component of the law's reporting requirement.

This delay is unacceptable. Americans expect and deserve the federal government to keep their information safe and not unnecessarily put their SSNs at risk. Congress passed this law as a step to protect Americans' identities by reducing the unnecessary instances of mailing SSNs. In order for Congress to ensure that the law is being properly implemented, it is necessary that you comply with the reporting requirement in a timely manner.

We expect your immediate attention to this matter and prompt reply. If you have any questions concerning this letter, please contact Amy Shuart of the Committee on Ways and Means at (202) 225-9263 and Kevin Ortiz of the Committee on Oversight and Government Reform at (202) 225-5074.

Sincerely,

Rep. Sam Johnson
Chairman
Subcommittee on Social Security
Committee on Ways and Means

Rep. Mark Meadows
Chairman
Subcommittee on Government Operations
Committee on Oversight and Government Reform

CORY A. BOOKER
NEW JERSEY

SUITE SD-359
DIRKSEN BUILDING
WASHINGTON, DC 20510-3007
(202) 224-3224

United States Senate

June 13, 2018

Louis Scarano, PhD
US Environmental Protection Agency
Office of Pollution Prevention and Toxics
Washington, DC 20460

Re: Strategic Plan to Promote the Development and Implementation of Alternative Test Methods

Dear Dr. Scarano:

I am pleased to see that the draft strategic plan EPA has published makes the statement that the Agency's "long-term goal is to move towards making TSCA decisions with NAMs in order to reduce and eventually eliminate vertebrate animal testing for TSCA." This long-term goal is consistent with Congress's intent to modernize toxicity testing methods to better predict human and environmental health outcomes.

I would like to add some comments about Appendix B to the strategic plan.

Appendix B is meant to contain a list of …"alternative test methods or strategies the Administrator has identified that do not require new vertebrate animal testing…." The list in the draft Appendix is a good start, because it lists not only traditional test guidelines but also guidance documents and other items which will facilitate a flexible approach to toxicity assessment and the use of alternative methods.

While the intention of the list pursuant to 15 U.S. Code § 2603(h)(3)(A) is to instruct persons developing information for submission to EPA of alternative test methods and strategies that must be utilized prior to conducting new vertebrate animal testing, it is not intended to be a list of the only methods that EPA will accept. I request that the Agency find a way to clearly communicate that the Agency intends to accept other scientifically valid methods and strategies which are not listed in the Appendix--that the list is not an exclusive list. Such a statement would signal to companies that data from other methods that may be used in house are welcome to be submitted.

Information on new test methods that may be of use to EPA is frequently published in the scientific literature. However, the plan is missing the description of a regular mechanism for evaluation and uptake of new methods, whether they come from inside or outside the Agency. I encourage the newly-formed TSCA NAM Team to consider and create a workflow for regular identification, evaluation, and uptake of new methods or strategies into the list in order that the list can remain up to date.

I am also aware that the Administration has cut research funding and staffing in 2017 and 2018. I am concerned that these cuts will not allow the Agency to fulfill its obligations to reduce and replace vertebrate animal testing. In order to increase the acceptance of New Approach Methodologies, chemical review staff need to have the funding and time to be properly and regularly trained, and to have the time to read about and keep up to date on new approaches. Please indicate specific steps EPA will take to address this issue.

Thank you for your consideration.

Sincerely,

Cory A. Booker
United States Senator

CHRISTOPHER A. COONS
DELAWARE

WWW.COONS.SENATE.GOV

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WASHINGTON, DC 20510
(202) 224-5042

United States Senate

WASHINGTON, DC 20510–0805

APPROPRIATIONS COMMITTEE
MEMBER

ETHICS SELECT COMMITTEE
MEMBER

FOREIGN RELATIONS COMMITTEE
MEMBER

JUDICIARY COMMITTEE
MEMBER

SMALL BUSINESS AND
ENTREPRENEURSHIP COMMITTEE
MEMBER

June 1, 2018

US Environmental Protection Agency (EPA)
Office of Congressional and Intergovernmental Relations (OCIR)
ATTN: Laura E. Gómez Rodríguez
1200 Pennsylvania Ave., N.W. MC-2650R
Washington DC, 20004

Dear Laura E. Gómez Rodríguez,

Our office is reaching out to the Environmental Protection Agency's Office of Congressional and Intergovernmental Relations in an effort to resolve an hour and wage discrepancy for a former EPA employee and Delaware resident (b) (6) [redacted]. [redacted] our office in April of 2018 seeking assistance with his former HR staff in rectifying annual leave hours and sick leave. From a very brief assessment, it appears that the fault or error is with the leave bank. If you, or someone on staff, could review the case, it would be greatly appreciated.

Thank you in advance for your time, and we look forward to hearing from you.

Sincerely,

Tyler G. Rivera
Constituent Advocate
U.S. Senator Christopher A. Coons

WILMINGTON ADDRESS
1105 N. MARKET STREET
SUITE 100
WILMINGTON, DE 19801
(302) 573-6345

DOVER ADDRESS
500 WEST LOOCKERMAN STREET
SUITE 450
DOVER, DE 19904
(302) 736-5601

U.S. SENATOR CHRIS COONS DELAWARE
WWW.COONS.SENATE.GOV

PRIVACY ACT CONSENT FORM

The provisions of Public Law 93-579 (Privacy Act of 1974) prohibit the disclosure of information of a personal nature from the files of an individual without their consent. Accordingly, I authorize the staff of Senator Chris Coons to make inquiries and to access any and all of my records or files as necessary to assist me in the matter I have stated below:

[redacted] 4-25-18
Date

INFORMATION ABOUT YOU AND YOUR CASE:

(b) (6) [redacted]

Do you currently have a case pending before a local, state or federal court pertaining to this matter? (Circle One) YES or NO

EPA (b) (6) [redacted]

Federal Agency Involved | Your Social Security Number | Your Alien Registration Number (if applicable)

U.S. CIS Application Form Number | Rank and Military Branch of Service

Are you currently working with the offices of Senator Carper or Congresswoman Blunt-Rochester on this matter?
(Circle One) YES or NO

If yes, please specify: _____

In the event of an emergency, do you authorize our office to discuss your case with a friend or relative? (Circle One) YES or NO

If yes, please specify: _____

Send this form, along with a detailed letter and all supporting documentation to:

Office of U.S. Senator Chris Coons
Attn: Constituent Affairs
1105 N. Market Street, Suite 100
Wilmington, DE 19801-1233
fax: 302-573-6351

or

Office of U.S. Senator Chris Coons
Attn: Constituent Affairs
500 West Loockerman Street, Suite 450
Dover, DE 19904
fax 302-736-5609

United States Senate

WASHINGTON, DC 20510

June 8, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

In 2015, the Environmental Protection Agency (EPA) established updated regulations for the operation and maintenance of underground storage tanks (USTs). The compliance deadline for these regulations is October 13, 2018. Unfortunately, portions of the 2015 regulations, specifically 40 CFR 280.35, impose an overwhelming financial burden on small business petroleum marketers nationwide. These costly regulations require significant capital investments and additional operating expenses on small business retailers over a short period of time. In order to reduce the financial burden on small business retailers and their customers, we request that the EPA extend the compliance deadline to October 13, 2024.

We believe that extending the integrity testing deadline for spill buckets, tank sumps and under dispenser containment equipment, along with operability testing for overfill prevention equipment is warranted. This equipment was not designed to undergo the type of testing the EPA requires without costly modification or replacement. Moreover, much of the equipment already in the ground has not reached the end of its useful operational life. Requiring the replacement or modification of existing equipment would significantly and unnecessarily drive up consumer and business costs by forcing marketers to modify or replace completely functional equipment. A deadline extension would not only provide small business retailers the opportunity to spread compliance costs out over a longer period of time, but also prevent significant cost increases from being passed along to consumers.

The EPA's 1988 UST system upgrade regulations provided a full ten years for the regulated community to comply. By comparison, the 2015 upgrade requirements provide only three years for small business petroleum marketers to comply. By delaying the testing and inspection requirements until October 13, 2024, we can provide these small businesses with the proper time they need to meet the new EPA requirements without increasing environmental risk.

Thank you for your consideration of this request.

Sincerely,

Jerry Moran

Jerry Moran
United States Senator

Marco Rubio
United States Senator

Lindsey O. Graham
United States Senator

Tim Scott
United States Senator

Rand Paul, M.D.
United States Senator

Mike Enzi
United States Senator

Heidi Heitkamp
United States Senator

Mike Crapo
United States Senator

Shelley Moore Capito
United States Senator

Thom Tillis
United States Senator

James E. Risch
United States Senator

Roger F. Wicker
United States Senator

Lamar Alexander
United States Senator

Cindy Hyde-Smith
United States Senator

Tom Cotton
United States Senator

Johnny Isakson
United States Senator

Pat Roberts
United States Senator

David Perdue
United States Senator

James M. Inhofe
United States Senator

Joe Manchin III
United States Senator

John Boozman
United States Senator

Steve Daines
United States Senator

John Kennedy
United States Senator

Bill Cassidy, M.D.
United States Senator

John Hoeven
United States Senator

Congress of the United States
Washington, DC 20515

June 11, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20004

Dear Administrator Pruitt:

Electricity derived from renewable biomass is an important source of carbon neutral power that is reliable, supports jobs, and contributes to healthy farms, forests and municipal infrastructure. For these reasons, we urge your Agency to take quick action in the processing of biomass and waste-to-energy pathways submitted under the Renewable Fuel Standard, and to resolve any outstanding programmatic issues that stand in the way of allowing these sources of energy to receive the same support afforded other forms of energy.

Approving and registering biomass-derived electricity is important to our state and consistent with your message in Manchester, New Hampshire earlier this year when you voiced your support for biomass and also in your recent announcement of EPA's consideration of biomass as a carbon neutral source of energy. Biomass is an important component of our state's forest products economy, providing markets for low-value organic material that would otherwise be discarded or landfilled.

Biomass is especially critical to the state of California. Our state is experiencing an unprecedented tree mortality crisis, with an estimated 129 million dead or dying trees statewide, according to the U.S. Forest Service. As users of low-value wood fibers, biomass power facilities are an important component of forest management, enabling the productive and environmentally sound use of debris cleared out of forests to reduce forest fire risk. Unfortunately, the biomass power industry in our state is experiencing its own difficulties, with over half the fleet currently idled due to a transformed power market partially due to lopsided federal support for other renewables like wind and solar. California has enacted the BioRAM policy requiring utilities to purchase a certain amount of biomass power, which has been helpful – but EPA action approving the qualification of biomass power under the RFS is sorely needed to keep these facilities online and contributing to ongoing forest management and fire prevention efforts.

While it is appropriate to carefully review the overall RFS program, we are concerned that EPA's inability to process the registrations of biomass-derived electricity has created "winners and losers" among agricultural fuels and their feedstocks. Corn ethanol producers in many states have benefitted tremendously from the Renewable Fuel Standard – and our biomass power producers in California should be able to participate as well.

Allowing biomass power to qualify and register under the RFS will help ensure a stable future for California biomass power producers, preserving and creating jobs in rural areas where they are most needed. We urge you to act as soon as possible on the petitions and registrations before you, enabling biomass power and waste-to-energy to qualify to produce RIN credits.

Sincerely,

DOUG LAMALFA
Member of Congress

JOHN GARAMENDI
Member of Congress

PAUL COOK
Member of Congress

RAUL RUIZ
Member of Congress

DANA RORABACHER
Member of Congress

MIMI WALTERS
Member of Congress

DEVIN NUNES
Member of Congress

DAVID G. VALADAO
Member of Congress

Congress of the United States
Washington, DC 20515

June 14, 2018

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

We are deeply concerned with your May 9th memorandum regarding future National Ambient Air Quality Standards (NAAQS) reviews and standard setting.

Section 109(b)(1) of the Clean Air Act directs EPA to establish "ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health." Health is the sole criterion for setting the primary standard. Yet your memo invites that criterion to include economic costs.

Your memo specifically asks the Clean Air Scientific Advisory Committee (CASAC) to consider "adverse social, economic, or energy effects related to NAAQS" during the standard-setting process. Currently, cost considerations inform implementation of the health standards, but not their establishment. The Supreme Court unanimously confirmed this point in *Whitman v. American Trucking Associations*, 531 U.S. 457 (2001), ruling that EPA may not consider implementation costs in setting NAAQS.

The health-based NAAQS have driven lifesaving air pollution cleanup for decades. According to EPA's own analysis, from 1970 to 2015, aggregate national emissions of the six criteria pollutants dropped an average of 70 percent – even as GDP grew by 246 percent. The agency also found that steps taken under the Clean Air Act, including implementing and enforcing the NAAQS, will prevent 230,000 premature deaths in the year 2020 alone. The work of the Clean Air Act and the NAAQS is far from finished, as more than four in ten Americans still live in areas where levels of ozone or particle pollution make the air unhealthy to breathe.

Allowing the consideration of factors other than health in setting future NAAQS would not only result in inadequate standards that would cause undue harm to the health of millions of Americans, it would also set a dangerous precedent for setting EPA standards. Your memo calls for the expedited review of two pollutants, particulate matter and ozone, which have the potential to aggravate asthma, increase the severity of chronic lung diseases, damage the lungs, cause cardiovascular harm, and even cause death. Emerging research shows links to additional health harms. Those at increased risk include children, seniors, pregnant women, people with chronic lung and heart disease, people who work or exercise outdoors, people of color, and lower-income communities. Weakening these public health and clean air standards to help industry will not

eliminate costs, it will merely shift them to communities, workers, and children, and increase the cost of medical care for those affected.

Using the CASAC as the vehicle to make this change is also very concerning given your decision to bar scientists that receive agency funding from acting on advisory boards. This action diminishes the input from the world's best scientists and we fear it will advantage the economic arguments of industry to the detriment of public health. It is clear from the Clean Air Act's text, "allowing an adequate margin of safety," that the intent of Congress is to err on the side of caution to protect human and environmental health. Any leniency to ozone and particulate matter NAAQS as a favor to industry resulting from these reviews will only endanger health and the intent of the Act.

There is a highly problematic, internal contradiction at the heart of your memorandum and your charge to CASAC. In describing the controlling legal precedent, your memo claims that "adverse public health... effects" from attaining a standard are "relevant to the standard-setting process." The memo then uses ellipses to omit that the other impacts related to implementation of the standard, may be considered only after that standard has been set: namely economic impacts, energy effects, etc. that may result from various attainment strategies. Despite this, your memo's 'charge questions' to CASAC asks them to "advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS" *during the standard-setting process.* This charge question to CASAC contradicts the memo's recognition of the restrictions in the controlling Supreme Court decision. The memo notes that your charge may "elicit information which is not relevant to the standard-setting process, but provides important policy context for the public, co-regulators, and EPA." CASAC must only consider adverse public health effects--from the air pollutant itself--that are relevant to the standard-setting process, during that process. CASAC should not consider alleged health effects related to attainment strategies, and CASAC certainly must not consider economic or energy effects allegedly resulting from those implementation strategies, during any health standard-setting process.

Your memo's stratagem—formally directing CASAC to consider non-health factors during the standard-setting process, before final standards are adopted—is highly objectionable. We, therefore, urge you to withdraw the improper charge to CASAC at once, and to make clear that CASAC—and EPA—will remain focused exclusively on the adverse public health effects that the Clean Air Act and a unanimous Supreme Court confirm are the only relevant statutory considerations during the health standard-setting processes.

The Clean Air Act has been an overwhelming success for the health of Americans. We urge you not to backslide on that legacy.

Sincerely,

Donald S. Beyer Jr.
Member of Congress

Marcy Kaptur
Member of Congress

Gerald E. Connolly
Member of Congress

Nanette Barragán
Member of Congress

Diana DeGette
Member of Congress

Jerry McNerney
Member of Congress

Pramila Jayapal
Member of Congress

Mike Quigley
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Barbara Lee
Member of Congress

José E. Serrano
Member of Congress

Jan Schakowsky
Member of Congress

Matt Cartwright
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Salud Carbajal
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Kathy Castor
Member of Congress

Adriano Espaillat
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Chellie Pingree
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Alan Lowenthal
Member of Congress

Daniel W. Lipinski
Member of Congress

Mark Takano
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Scott H. Peters
Member of Congress

Zoe Lofgren
Member of Congress

Debbie Dingell
Member of Congress

Suzanne Bonamici
Member of Congress

Adam B. Schiff
Member of Congress

Adam Smith
Member of Congress

Frederica S. Wilson
Member of Congress

Jared Huffman
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Bill Foster
Member of Congress

Brian Higgins
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Raul M. Grijalva
Member of Congress

Nydia M. Velázquez
Member of Congress

Lucille Roybal-Allard
Member of Congress

Jamie Raskin
Member of Congress

Brenda L. Lawrence
Member of Congress

Anna G. Eshoo
Member of Congress

Stephen F. Lynch
Member of Congress

Paul D. Tonko
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Danny K. Davis
Member of Congress

A. Donald McEachin
Member of Congress

Hakeem Jeffries
Member of Congress

Bobby L. Rush
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Ben Ray Luján
Member of Congress

Gwen Moore
Member of Congress

Donald M. Payne, Jr.
Member of Congress

Doris Matsui
Member of Congress

Mark Pocan
Member of Congress

Mark DeSaulnier
Member of Congress

Betty McCollum
Member of Congress

Tim Ryan
Member of Congress

Steve Cohen
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David Price
Member of Congress

Rosa L. DeLauro
Member of Congress

Eleanor Holmes Norton
Member of Congress

Michael E. Capuano
Member of Congress

Raul Ruiz M.D.
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Ruben Gallego
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Mike Doyle
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Jackie Speier
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James P. McGovern
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John A. Yarmuth
Member of Congress

Darren Soto
Member of Congress

Peter Welch
Member of Congress

Jared Polis
Member of Congress

Linda T. Sánchez
Member of Congress

Carolyn B. Maloney
Member of Congress

Brendan F. Boyle
Member of Congress

Ted W. Lieu
Member of Congress

Earl Blumenauer
Member of Congress

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United States Senate

COMMITTEE
APPROPRIATIONS
HEALTH, EDUCATION, LABOR, AND PENSIONS
VETERANS' AFFAIRS
ENERGY AND NATURAL RESOURCES

June 7, 2018

The Honorable Scott Pruitt
Adminsistrator
U.S. Environmental Protection Agency
1200 Pennsylvania, NW (6406A)
Washington, DC 20460-0001

Dear the Honorable Pruitt:

It has recently come to my attention that the Port of New Orleans and the New Orleans Public Belt Railroad is applying for funding from the Clean Diesel Funding Assistance Program. They are requesting $800,000 to reduce locomotive emissions at the port. They will provide a $800,000 match.

In February 2018, the Port of New Orleans took operational control of the New Orleans Public Belt Railroad. They plan to use the funds to retrofit a conventional diesel switcher locomotive to Tier 4+, ultra-low emission standards. The grant is part of a larger effort to reduce overall diesel emissions from all sources at the port.

I am thankful for the EPA's consideration in securing funding for this worthwhile project. I ask that you please keep my office informed on the progress of this proposal as well as when a final decision has been made regarding this grant. Should you have any questions, please feel free to contact Michael Eby in my Baton Rouge Office at (225) 929-7711.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.
United States Senator

BC/ME

SCOTT R. TIPTON
3RD DISTRICT, COLORADO

218 CANNON HOUSE OFFICE BUILDING
(202) 225-4761

Congress of the United States
House of Representatives
Washington, DC 20515–0603

FINANCIAL SERVICES
FINANCIAL INSTITUTIONS AND CONSUMER CREDIT
OVERSIGHT AND INVESTIGATIONS
TERRORISM AND ILLICIT FINANCE

NATURAL RESOURCES
ENERGY AND MINERAL RESOURCES
FEDERAL LANDS

June 7, 2018

Administrator Scott Pruitt
Environmental Protection Agency
1011A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

I am writing in regard to the lawsuit the Environmental Protection Agency (EPA) and Colorado Public Department of Public Health an Environment (CDPHE) have filed against the City of Colorado Springs, Colorado. The lawsuit was filed on November 9, 2016, pursuant to Sections 309(b) and (d) of the Federal Water Pollution Control Act and the Colorado Water Quality Control Act.

The City of Colorado Springs' failure to control stormwater has led to decades of discharge that is not in compliance with state and federal clean water laws. The stormwater has led to sediment buildup in Fountain Creek and created significant problems for downstream communities, especially for Pueblo, Colorado, which is in my Congressional District.

Recent reports that the EPA may re-enter negotiations with the City of Colorado Springs raise questions about the future of the lawsuit and the ability of the EPA to provide long-term certainty to downstream communities that their upstream neighbors are complying with clean water laws.

The long history of stormwater negotiations between Colorado Springs and downstream water users has not yielded positive, lasting results for communities like Pueblo. While I have been encouraged by the commitment demonstrated by Colorado Springs Mayor John Suthers to solve the long-standing problem, the lawsuit was filed by both the EPA and the CDPHE for a reason. It is imperative that the EPA work to permanently protect the water quality for communities downstream from Colorado Springs.

If you have any questions or wish to discuss this issue further, please do not hesitate to contact me.

Sincerely,

Scott R. Tipton
Member of Congress

Congress of the United States
Washington, DC 20515

June 6, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Pruitt:

We write to request additional information regarding actions by the U.S. Environmental Protection Agency (EPA) on per- and polyfluoroalkyl substances (PFAS). PFAS are a chemical class used in firefighting and by industry in the production of products including Teflon and Scotchguard.[1] Associated human health risks include cancer, immune effects, birth defects, and liver effects.[2] According to the Environmental Working Group, PFAS may be present in drinking water systems across the country that serve up to 110 million Americans.[3]

EPA continues to withhold critical public health information on PFAS from Congress and the public. Last month, members of the Committee wrote to you regarding EPA political appointees engaging with staff at the White House to impede plans by the Agency for Toxic Substances and Disease Registry (ATSDR) to release an assessment of PFAS. To date, the study has still not been released. Last month's National Leadership Summit on PFAS excluded members of the public, the press, and others. At one point, a reporter was physically removed from the building. Taken together, these actions serve to undermine public awareness and continue the troubling pattern of secrecy by the Trump EPA.

We are deeply concerned that these ongoing EPA regulatory and policy failures will undermine the ability of the Agency to effectively address human health risks, including those related to PFAS and other toxic chemicals. EPA recently proposed a rule to severely restrict the use of certain public health data and related research findings, while also giving the Administrator discretion to exempt some studies from the proposal's requirements on a case-by-

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[1] U.S. Environmental Protection Agency, Understanding PFAS in the Environment (Feb. 26, 2018) (www.epa.gov/sciencematters/understanding-pfas-environment).

[2] U.S. Environmental Protection Agency, *FACT SHEET: PFOA & PFOS Drinking Water Health Advisories* (Nov. 2016) (www.epa.gov/sites/production/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31.16.pdf).

[3] Environmental Working Group, *Report: Up to 110 Million Americans Could Have PFAS-Contaminated Drinking Water* (May 22, 2018).

case basis.[4] If finalized, this proposal could limit the type of information used to develop toxicity values for PFAS by preventing EPA from considering studies that include confidential medical records. Furthermore, we are troubled that, in a recent interview, a senior EPA official was unable to explain how this proposal could impact the Agency's efforts to protect the public from PFAS.[5]

In order to more fully understand how the EPA proposal to restrict the Agency's use of certain public health data will impact its ability to address human health risks associated with PFAS, we request that you respond to the following no later than June 20, 2018:

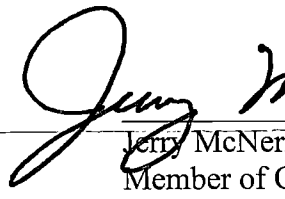
1. Please provide a list of all members of the Action Development Workgroup for the proposed "Strengthening Transparency in Regulatory Science" rulemaking, including name, title, and EPA office.

2. Provide copies of all comments or feedback provided by EPA staff, including but not limited to members of the Action Development Workgroup and staff of the Office of Ground and Drinking Water, on the proposed "Strengthening Transparency in Regulatory Science" rulemaking.

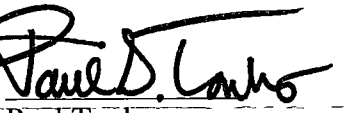
3. Provide a list of all upcoming EPA plans to visit communities impacted by PFAS including the event date, location, list of invitees, and whether the event is open to the press.

Thank you for your immediate attention to this matter. Should you have any questions, please contact Teresa Frison in Rep. Jerry McNerney's office at 202-225-1947.

Sincerely,



Jerry McNerney
Member of Congress



Paul Tonko
Member of Congress

Frank Pallone Jr.
Member of Congress

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[4] U.S. Environmental Protection Agency, *Strengthening Transparency in Regulatory Science*, 83 Fed. Reg. 18768 (Apr. 30, 2018) (proposed rule).

[5] *Science Proposal Muddies Reviews of Toxic Nonstick Chemicals,* E&E News (May 24, 2018).

TED BUDD
13TH DISTRICT, NORTH CAROLINA

COMMITTEE ON
FINANCIAL SERVICES
SUBCOMMITTEES
HOUSING AND INSURANCE
TERRORISM AND ILLICIT FINANCE
CAPITAL MARKETS, SECURITIES
AND INVESTMENTS

Congress of the United States
House of Representatives
Washington, DC 20515–3313

June 12, 2018

Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

I am writing on behalf of a constituent small business company, A.P. Goldshield, with significant production activities with Piedmont Chemicals and their affiliate in High Point, NC, a key constituent

A.P. Goldshield LLC. is a small company that has two patented, EPA-registered products which are classified as antimicrobial "micro-biostatic" agents—products formulated to inhibit the growth of certain organisms on surfaces. I am impressed that the Goldshield Company has amassed over 35 evidenced-based studies supporting the benefit of their products; participated in three successful independent hospital peer-reviewed clinical trials; and had three studies published in the *American Journal of Infection Control*—studies that, among other things, proved a direct correlation between the employment of Goldshield and the statistical reduction of hospital acquired infections (HAIs). I further understand that Goldshield products have been approved for use by the United Kingdom Healthcare System and have been selected by major international corporations after extensive evaluation of the performance and efficacy of the Goldshield technology.

Despite what appears to be significant peer reviewed evidence, conducted by healthcare experts, of the unique antimicrobial properties of the Goldshield products, the Environmental Protection Agency appears to be placing regulatory roadblocks in the pathway of the company as it attempts to obtain modest EPA-approved public health claims for its products.

I am informed that the EPA protocol for "surface disinfection claims" calls for a 5-log reduction in harmful disease-causing organisms within a 10-minute time line. However, there is no recognition nor room within the protocol for a product such as Goldshield that has the proven ability to kill organisms in the range of 99.9-99.99%, as demonstrated by the studies mentioned earlier. Furthermore, under this EPA protocol there is no recognition nor room for products like Goldshield that remain on textiles and other surfaces with residual 3-4 log "kill" reduction/protection against these organisms for periods well beyond those envisioned in the EPA protocol.

WASHINGTON, DC OFFICE
118 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225–4531

ADVANCE DISTRICT OFFICE
128 PEACHTREE LANE – SUITE A
ADVANCE, NC 27006
(336) 998–1313

I understand that it is this residual protection and ability to sustain kill rates against disease causing germs and against recontamination of surfaces within the hospital setting, that is a key to fighting the HAI crisis that plagues patients, health care workers and visitors—a crisis that costs the U.S. health care system an estimated $80 billion annually. Most importantly, I further understand that the company has shown repeated willingness to work with the Office of Pesticide Programs and its Antimicrobials Division to reach agreement on a modified public health claim on the company labels.

Administrator Pruitt, in light of the evidence cited in multiple peer reviewed studies, tests, and independent clinical trials regarding the products of this company, I would respectfully request that your Office and others within EPA revisit my constituent's request for approval of the modified public health claim that it has proposed for its products. Thank you for your thoughtful consideration of this request for assistance to this impressive small business doing business in my State.

Sincerely,

Representative Ted Budd
Member of Congress

MARTIN HEINRICH
NEW MEXICO

(202) 224-5521
(202) 228-2841 FAX
Heinrich.Senate.Gov

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ARMED SERVICES
ENERGY AND NATURAL RESOURCES
INTELLIGENCE
JOINT ECONOMIC

June 11, 2018

Mr. Troy Lyons
Office of Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave NW Rm 3426WJC
Washington, DC 20460-0001

To the Office of Congressional and Intergovernmental Affairs:

Please see the enclosed letter from my constituent, Mr. Richard Hockaday, President of Energy Related Devices, Inc., regarding his request for the Environmental Protection Agency to examine current guidelines for mosquito repellency requirements for registration. Please respond directly to Mr. Hockaday and provide my office with a copy.

Thank you for your assistance in this matter.

For more information and additional details about legislation, please visit my website, Heinrich.Senate.Gov. You can also follow me on Twitter (@MartinHeinrich) and join me on Facebook at Facebook.com/MartinHeinrich.

Sincerely,

MARTIN HEINRICH
United States Senator

ALBUQUERQUE
400 GOLD AVENUE SW
SUITE 1080
ALBUQUERQUE, NM 87102
(505) 346-6601
(505) 346-6780 FAX

FARMINGTON
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(505) 325-6035 FAX

LAS CRUCES
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LAS CRUCES, NM 88001
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(575) 523-6584 FAX

ROSWELL
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SUITE 300
ROSWELL, NM 88201
(575) 622-7113
(575) 622-3538 FAX

SANTA FE
123 EAST MARCY STREET
SUITE 103
SANTA FE, NM 87501
(505) 988-6647
(505) 992-8435 FAX

Energy Related Devices, Inc.
10275 State Hwy 104
Tucumcari NM 88401
O/F 575-461-9814 C 505-470-6094
www.energyrelateddevices.com

February 16, 2018

The Honorable
Martin Heinrich
United States Senate
400 Gold SW Suite 1080
Albuquerque, NM 87102

SUBJECT: EPA mosquito repellent 90% average repellency requirement for all registered products using regulated materials.

Dear Senator Heinrich:

Our beautiful state of New Mexico has a population of Aedes Aegypti mosquitos in the Rio Grande River corridor that runs through the largest population centers of our state. This mosquito is the primary vector of the Zika virus as well as Dengue and Yellow Fever. With the recent concern that the Zika virus could be spread to pregnant mothers and cause severe brain defects in their children, there is a dire need to protect pregnant mothers and small children from mosquito bites and block the transmission of mosquito born diseases.

Energy Related Devices of Tucumcari designed a new wearable repellent device that has been designed, developed, and tested in the State of New Mexico to protect the human population who are vulnerable or opposed to skin applied repellents. It is intended to protect people who should not have repellents applied directly to their skin for health reasons, individuals who are opposed to skin-applied repellents, and individuals seeking a different, and possibly more effective level of protection than what they are currently using.

The strategy with these new repellent devices is to separate the EPA registered liquid chemical repellent oils from the skin and only emit the volatile component of the repellent into the surrounding air. This dramatically reduces the chemical exposure to the users and has been shown in laboratory and field testing to reduce the mosquitos' scent hunting. We call this a spatial repellent device that repels or disables mosquitos from the space about the human. But it does not provide a tactile defense that an oil skin coating or insecticide treated clothing barrier provides. The scent or spatial repellent device can be used effectively in conjunction with other existing EPA approved or exempted products that can provide this tactile defense such as insecticide loaded clothing, netting, traps, exempted oils, and food grade oils. Many people who live and work near mosquitos do not apply repellent coatings whenever they could be exposed to mosquitos. They find it to be inconvenient, uncomfortable, and irritating. The expectation is that this product can be worn continuously as apparel and provide continuous mosquito repellency for 800 hours. As an example (with chemical amounts being the same in both products), if a skin applied repellent (repellency of 90%, applied for 8 hours and then washed off) is compared to a non-liquid chemical contact band (repellency of 80% and continuous 800 hours of repellency), the band has a far greater effect. This calculates out to be 44 times the reduction of TOTAL mosquito bites compared to the skin-applied repellents with the greater efficacy.

Viral disease transmission with mosquitos requires an infected host, a vector (mosquito), and a recipient host, so two bites are required. Therefore, if we can reduce the probability of mosquito bites of both the host and the recipient, the disease transmission probability is the product of the probability of the two bites. If both the host and the recipient reduce their mosquito bites by 80%, the disease transmission probability drops to 4%. **90% repellency is not required to significantly reduce disease transmission.**

In the preparation of the field test protocol for this product to pass the efficacy requirement, the EPA staff has required in the new test protocol that the product, by itself, provide an average 90% repellency at a statistical 95% confidence level for it to be an acceptable product. By creating an off-skin product using the most effective EPA registered repellent oils that affect only the mosquitos' sense of smell, and not the tactile component, this new product very likely will fail the average 90% repellency requirement. While it still will meet the statistical 95% confidence level requirement that it repels mosquitos. It would appear that this 90% repellency for all products alone is an arbitrary interpretation of the EPA Law FIFRA 7 U.S. C. 136 et seq (1996); to show proof of efficacy all the products must by themselves achieve 90% repellency. This requirement bars an entire class of wearable products that could be used to protect the public from mosquito bites and interfere with the spread of vector born disease. Our product exceeds the performance and safety of many repellent products currently on the market and can uphold the EPA's mission to protect human health and the environment. It is our hope that with your help, we can get our product approved and delivered to the most vulnerable members of our population as quickly as possible to prevent further health devastation as well as provide much-needed jobs to citizens of our state.

Senator Heinrich could you please urge the EPA to reconsider their requirements for registration of spatial repellent products that use regulated chemicals to prove repellent efficacy in field tests, to remove the arbitrary minimum average repellency requirement, while keeping the statistical 95% confidence level requirement that it does repel mosquitos.

Sincerely yours,

Robert G. Hockaday – President

rgh

ROB PORTMAN
OHIO

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ENERGY AND NATURAL RESOURCES
FINANCE
FOREIGN RELATIONS
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

June 7, 2018

Scott Pruitt, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt,

I write to bring your attention to the competitive grant application submitted by the Ohio Department of Transportation (ODOT) for funding in the Diesel Emission Reduction Act's 2018 Clean Diesel Funding Assistance Program through the Environmental Protection Agency.

I understand that ODOT seeks funding to support the Ohio Zero Emission Shuttle Transportation Project, a project in partnership with the Stark Area Regional Transit Authority and DriveOhio. The project will replace four existing diesel shuttles with zero-emission vehicles and fund the installation of electric vehicle charging infrastructure for the shuttles. Further, ODOT will showcase the shuttles to other Ohio transit properties, helping them to evaluate the zero-emissions solutions to their own transportation challenges.

Please give all due consideration to this request. If there are any questions, please contact Jason Knox, at (614) 469-6774. Thank you.

Sincerely,

Rob Portman
United States Senator

448 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
PHONE: (202) 224-3353

312 WALNUT STREET
SUITE 3425
CINCINNATI, OH 45202
PHONE: (513) 684-3265

1240 EAST 9TH STREET
SUITE 3061
CLEVELAND, OH 44199
PHONE: (216) 522-7095

37 WEST BROAD STREET
SUITE 300
COLUMBUS, OH 43215
PHONE: (614) 469-6774

420 MADISON AVENUE
SUITE 1210
TOLEDO, OH 43604
PHONE: (419) 259-3895

www.portman.senate.gov

TAMMY BALDWIN
WISCONSIN

COMMITTEES:
APPROPRIATIONS
COMMERCE
HEALTH, EDUCATION, LABOR, AND PENSIONS

United States Senate

WASHINGTON, DC 20510

June 8, 2018

Ms. Faye Swift
United States Environmental Protection Agency
Office of Transportation and Air Quality
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Ms. Swift:

I am pleased to support the Lake Michigan Clean Cities Consortium's application for the National Clean Diesel Funding Assistance (DERA) program. Funding will go towards diesel marine engine repowers, heavy duty vehicle replacement with CNG vehicles, older heavy duty engine repowers, and initiatives aimed at reducing harmful emissions from transportation sources. The fuels, vehicles and technologies included in the proposal were carefully selected to provide the greatest emission reduction benefits within the priority areas of the EPA's Region 5.

The Lake Michigan Clean Cities Consortium is comprised of three Clean Cities Coalitions: Chicago Area Clean Cities, South Shore Clean Cities and Wisconsin Clean Cities. The three nonprofit coalitions are focused on promoting cleaner energy for private and public fleets in the Chicago area, Wisconsin and Northern Indiana. The trio of coalitions hold numerous outreach events and trainings aimed at educating the public, fleets, and automotive technicians. The Clean Cities programs bring together stakeholders to increase the use of alternative fuel and advanced-vehicle technologies, reduce idling and improve fuel economy and air quality.

I strongly support efforts aimed at reducing harmful emissions. For this reason, I respectfully request that full and fair consideration be given to the Lake Michigan Clean Cities Consortium's application. Please keep Jessica Sielaff in my Madison office updated on the progress of this application and contact her should you have further questions or concerns. She may be reached at 30 West Mifflin Street, Suite 700, Madison, Wisconsin 53703, by phone at 608-264-5338, or by email at projects_grants@baldwin.senate.gov. Thank you for your thoughtful consideration of this request.

Sincerely,

Tammy Baldwin
United States Senator

TOM COLE
4TH DISTRICT, OKLAHOMA

DEPUTY WHIP

COMMITTEE ON APPROPRIATIONS
LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES – CHAIRMAN
DEFENSE
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

COMMITTEE ON RULES

COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives

PLEASE REPLY TO:

☐ 2467 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6165

☐ 2424 SPRINGER DRIVE
SUITE 201
NORMAN, OK 73069
(405) 329-6500

☐ 711 SW D AVENUE
SUITE 201
LAWTON, OK 73501
(580) 357-2131

☐ SUGG CLINIC OFFICE BUILDING
100 EAST 13TH STREET, SUITE 213
ADA, OK 74820
(580) 436-5375

June 13, 2018

The Hon. Scott Pruitt
Administrator, Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, D.C. 20460

Administrator Pruitt,

I recently visited the Robert S. Kerr Environmental Research Center located in Ada, Oklahoma, which is in my Congressional District. The Groundwater, Watershed, and Ecosystem Restoration Division (GWERD) is a research division of Environmental Protection Agency's (EPA) National Risk Management Research Laboratory (NRMRL). I am writing to you with concern about the staffing levels which are necessary for vital groundwater research.

Since the mid-1970s GWERD has been a world class research facility addressing areas of investigation consistent with the Office of Research and Development's (ORD) strategic plan and mission. GWERD conducts vital groundwater research and provides technical assistance to support the development of strategies and technologies to protect and restore groundwater, surface water, and ecosystems impacted by man-made and natural events. In addition, GWERD has operated the Groundwater Technical Support Center (GWTSC) to provide important technical support and technology transfer to the EPA Regional Offices, states, and municipalities on issues involving groundwater contamination and remediation at hundreds of Superfund, RCRA, and Brownfields sites across the nation since 1989.

My specific concern is that there are currently 42 full time employees (FTE). At its highest levels twenty years ago, Kerr Lab maintained 95 FTE's, and 35 of those have been lost due to attrition over the last several years. The drastic drop in staffing levels has hindered and restricted valuable work and limited the contributions to the EPA and the country. I ask that the EPA focus on right-sizing staff levels at research labs across the country, specially looking at the FTE's at Kerr Lab. If staffing levels at the facilities can not be increased, then these government owned properties are sitting vacant. I believe this vacant space can then be used in more efficient ways for other government operations. This EPA research center has been a vital part of EPA, the nation, and the Oklahoma community for more than 50 years. I support the work entrusted to Kerr Lab and their work is key to EPA's mission, well into the future.

Thank you for your dedication and public service to our home state and country. The EPA is in good hands with you as its leader. I look forward to your reply and learning how the agency plans to address these personnel issues.

Sincerely,

Tom Cole
Member of Congress

ROBERT P. CASEY, JR.
PENNSYLVANIA

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
FINANCE
HEALTH, EDUCATION, LABOR, AND PENSIONS
SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510

June 8, 2018

The Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt:

I write today in support of the application submitted by The Trust for Public Land (TPL) for funding from the Environmental Protection Agency's Environmental Education Local Grants Program. This funding would allow TPL to offer valuable and collaborative engagement and educational experiences that will benefit communities in Philadelphia and engage youth in locally-focused conservation programs. I urge you to give full and fair consideration to this proposal.

TPL's proposed project, "Integrating Environmental Education in Community-Driven Schoolyard Design to Enhance Learning and Stewardship Project," will leverage TPL's capabilities of working with youth on locally-focused conservation projects to instill understanding of environmental concepts, generate strong place-based connections, and develop long-term environmental stewards in the City of Philadelphia. TPL is particularly well-positioned to administer this program. TPL works across the country to provide multi-benefit spaces for people to enjoy, including parks, gardens and other natural places, ensuring livable communities for generations to come. In Philadelphia specifically, TPL works to renovate asphalt schoolyards into vibrant "schoolyard parks" that both manage storm water through the implementation of green infrastructure and connect youth to the natural environment.

Thank you in advance for the consideration of my views. Please include this letter in the official record of the application. Consistent with all applicable laws, rules and regulations, I also respectfully request that you keep me informed of the status of this grant application. Finally, if you have any questions, comments or concerns, please feel free to contact me or my staff at (202) 224-6851.

Sincerely,

Bob Casey, Jr.

Robert P. Casey, Jr.
United States Senator

STEVE SCALISE
1ST DISTRICT, LOUISIANA

MAJORITY WHIP

THE COMMITTEE ON
ENERGY AND COMMERCE

Congress of the United States
House of Representatives
Washington, DC 20515–1801

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MANDEVILLE, LA 70471
(985) 893–9064

8026 MAIN STREET, SUITE 700
HOUMA, LA 70360
(985) 879–2300

1514 MARTENS DRIVE, SUITE 10
HAMMOND, LA 70401
(985) 340–2185

June 12, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (6406A)
Washington, DC 20460

Dear Honorable Pruitt:

I am writing to you regarding the Port of New Orleans' and the New Orleans Public Belt Railroad's application for the *National Clean Diesel Emissions Reduction Program* (CFDA #66.039). In February 2018, the Port of Orleans took operational control of the New Orleans Public Belt Railroad. The overall objective of this incentive program is to reduce overall diesel emissions from all sources at the port. Funding will be utilized to retrofit a conventional diesel switcher locomotive to Tier 4+ (ultra-low emission standard) which will significantly reduce diesel emissions in terms of tons of pollution produced by engines.

I have an interest in this matter and would appreciate your keeping me informed of the progress or outcome of the application. Knowing funds are limited and proposals are reviewed through a competitive process, I am respectfully asking for full and fair consideration within the applicable laws and regulations. Please review this proposal thoroughly and carefully for its merit.

If you have any questions, please contact me through Pam Marphis in my Metairie District office at 110 Veterans Memorial Boulevard, Suite 500, Metairie, LA 70005, (504) 837-1259.

Thank you for your time and attention.

Sincerely,

Steve Scalise

Steve Scalise
Member of Congress

SS:pm

United States Senate

WASHINGTON, DC 20510-0905

BILL NELSON
FLORIDA

June 18, 2018

Mr. Troy Lyons
Associate Administrator for Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW, Room 3426 WJC North
Washington, DC 20460

Dear Mr. Lyons:

Please find enclosed correspondence I received from one of my constituents. Your review of the issues and direct reply to Milt Farrow would be greatly appreciated.

Should you have any questions or concerns, please contact my staff assistant, Caitlin Hart at (202) 224-7465 or by e-mail at Caitlin_Hart@billnelson.senate.gov.

Thank you in advance for your assistance with this matter.

Sincerely,

Bill Nelson

OLA

Congress of the United States

House of Representatives

Washington, D.C. 20515

April 20, 2018

V. I. P.
05101118
04113118
KAR

The President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

We write to express our concerns about recent reports that the Environmental Protection Agency (EPA) has granted a large number of waivers to refiners relieving them of their obligations under the Renewable Fuel Standard (RFS) program to blend renewable fuels into the transportation fuel supply as required by law.[1] Reports also indicate that some of the recipients of these waivers are not small refiners and are not experiencing financial hardship.[2]

As established in the Clean Air Act, the RFS program anticipated the need for compliance flexibility for small refiners. However, the authority of the Administrator to grant waivers to small refiners under the RFS program was never intended to nor does it permit the Administrator to use waiver authority to thwart the primary goal of the RFS program established by Congress – to increase the use of renewable fuels. While we disagree with the American Petroleum Institute's February 12, 2018 letter arguing that EPA should not grant any small refiner exemptions, those that are granted should be justified fully and in a manner that is consistent with the overriding purpose of the law.[3]

Misuse of the small refiner exemption to reduce renewable fuel volumes undermines the goal of the RFS program, creates uncertainty and economic hardship in the agricultural community, and gives unfair advantage to specific facilities within the refining sector. In addition, the lack of transparency and public accountability related to the granting of these waivers creates the appearance of partiality to favored interests. It is deeply concerning.

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[1] *U.S. ethanol groups bristle as EPA frees refiners from biofuels law*, Reuters (Apr. 4, 2018) (www.reuters.com/article/us-usa-biofuels-epa-refineries/u-s-ethanol-groups-bristle-as-epa-frees-refiners-from-biofuels-law-idUSKCN1HB2AH).

[2] *EPA gives giant refiner a 'hardship' waiver from regulation*, Reuters (Apr. 3, 2018) (www.reuters.com/article/us-usa-biofuels-epa-refineries-exclusive/exclusive-epa-gives-giant-refiner-a-hardship-waiver-from-regulation-idUSKCN1HA21P).

[3] Letter from Mr. Frank J. Macchiarola, Group Director of Downstream & Industry Operations at the American Petroleum Institute to Assistant Administrator William Wehrum U.S. Environmental Protection Agency (Feb. 12, 2018) (www.api.org/~/media/Files/News/Letters-Comments/2017/API-Letter-2-12-18.pdf).

As Ranking Members of the Committee on Energy and Commerce and the Committee on Agriculture who were in Congress when the RFS program was initiated and subsequently amended, we have long experience with the program. We are well aware of the disparate views on its successes and shortcomings among the many stakeholders with interests in this program. However, we believe that manipulating the law to favor one group of stakeholders is not the way to resolve these issues.

At his confirmation hearing, Administrator Pruitt told Senator Fischer: "It is not the job of the Administrator of the EPA to do anything other than administer the program according to the intent of Congress, and I commit to you to do so."[4] Specifically on the subject of waiver authority under the RFS program, Mr. Pruitt stated, "... the waiver authority should be used judiciously, and the act should be complied with and enforced consistent with the will of Congress."[5] Administrator Pruitt's actions with respect to the small refiner waiver program are not consistent with this commitment, and threaten to undermine the ongoing discussions you are leading to find common ground between the agriculture and petroleum fuel industries.

Despite any difficulties with this program, there is no denying its importance to our nation's agricultural sector and to rural communities in a number of states across the country. It is vital that EPA administer this program in a fair and unbiased manner in accordance with the law.

We urge you to instruct EPA to suspend consideration of any additional waiver requests and take steps to improve the transparency and accountability of the waiver program. We recognize the difficulty of reconciling the different stakeholder interests in this program. Nevertheless, Administrator Pruitt cannot and should not misuse the authority of his office in an attempt to subvert it to suit favored interests.

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[4] Senate Committee on Environment and Public Works, *Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency*, 115th Cong., at p. 48 - 49 (Jan. 18, 2017) (S. Hrg. 115-1) (www.gpo.gov/fdsys/pkg/CHRG-115shrg24034/pdf/CHRG-115shrg24034.pdf). .

[5] *Id.*

If the law is to be changed, we urge you to work with Congress to find a solution that strikes an appropriate balance among all parties with a stake in this program and the future of transportation fuels.

Sincerely,

Frank Pallone, Jr.
Ranking Member
Committee on Energy
and Commerce

Collin Peterson
Ranking Member
Committee on Agriculture

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE
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APR 27 2010
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Congress of the United States
Washington, DC 20515

June 20, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Washington, DC

Dear Administrator Pruitt:

We write to convey our grave concerns and request additional information regarding your failed implementation of the Renewable Fuel Standard (RFS) program. We are deeply troubled by the lack of transparency and continued manipulation of the RFS program through your misuse of the small refinery exemption process authorized in section 211(o)(9) of the Clean Air Act (CAA).

The Environmental Protection Agency (EPA) continues to hurt farmers and undermine the biofuels market by extending waivers to an unusually large number of refineries. Agricultural communities, especially throughout the Midwest and Southern Plains, are experiencing financial hardship due to low commodity prices and reduced access to foreign markets resulting from uncertainties in our trade policies. Additionally, your implementation of the RFS program is undercutting the market for renewable fuels, and inflicting further economic pain in rural communities and throughout the agriculture sector.

Exceeding Clean Air Act Authority

EPA reportedly granted dozens of small refinery waivers[1] and awarded millions of dollars' worth of renewable fuel blending credits to refiners based upon the denial of an extension of a waiver in 2014.[2]

We believe EPA has exceeded its authority under the CAA through the retroactive award of Renewable Identification Numbers (RINS) and by attempting to compensate companies by providing them RINs. Additionally, EPA appears to have further exceeded its authority by issuing RINs that do not represent the production of any actual gallons of biofuels. For example, EPA recently issued RINs worth millions of dollars to two companies, Sinclair Oil and HollyFrontier, on the basis that they did not receive extensions of a waiver in 2014. However, it

[1] *U.S. ethanol groups bristle as EPA frees refiners from biofuels law*, Reuters (Apr. 4, 2018) (www.reuters.com/article/us-usa-biofuels-epa-refineries/u-s-ethanol-groups-bristle-as-epa-frees-refiners-from-biofuels-law-idUSKCN1HB2AH).

[2] *U.S. EPA grants refiners biofuel credits to remedy Obama-era waiver denials*, Reuters (May 31, 2018) (www.reuters.com/article/us-usa-biofuels-waivers-exclusive/exclusive-u-s-epa-grants-refiners-biofuel-credits-to-remedy-obama-era-waiver-denials-idUSKCN1IW1DW).

is unclear how, if at all, these RINs represent gallons of renewable fuel as required under the law. We are concerned EPA may be issuing RINs worth millions of dollars that represent phantom biofuels.[3]

Dramatic Rise in Hardship Among Refineries is Not Credible

Congress did not intend to permanently relieve small refineries of the obligation to comply with the RFS program. The Energy Policy Act of 2005 provided the original waivers for these facilities through 2011, with the potential for the Administrator to extend a waiver through 2013 if it were warranted based upon information provided in the required Department of Energy (DOE) analysis.

Although the original exemption was provided to 59 refineries, less than half of those responded to DOE's survey that initially would allow them to receive an extension of a waiver for an additional two years.[4] DOE noted in the report summary that several large companies with small refining facilities that received exemptions previously notified DOE that "they were not going to respond to the survey because they did not believe they faced economic hardship."[5]

In 2014, DOE adjusted one of the metrics for scoring small refineries to reflect the improved economic conditions for the refining sector. The adjustment also recognized the fact that obligated parties had developed more physical and contractual compliance mechanisms over the nine years of the RFS program's existence.[6] It is difficult to believe that 13 years into the RFS program, with an economy that is clearly benefiting the oil and refining sectors, that there could be such a dramatic increase in the number of small refineries suffering 'disproportionate economic hardship' – especially those that are part of large, integrated firms.

Lack of Transparency Undermines RFS Program Implementation

By authorizing these waivers in secret, EPA risks creating significant opportunities for market manipulation, uncertainty for regulated entities, and an opportunity to reduce annual renewable volume obligations (RVOs) in an opaque and arbitrary manner.

At a minimum, EPA should be identifying publicly any facility receiving an exemption of its obligation to comply with the RFS. EPA should also provide summary statistics revealing the total number of gallons of biofuels represented by the exemptions granted within a compliance

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[3] *Sinclair Wyo. Ref. Co. v. United States EPA*, 874 F.3d 1159 (10th Cir. 2017).

[4] Department of Energy Office of Policy and International Affairs, *Small Refinery Exemption Study An Investigation into Disproportionate Economic Hardship* (Mar. 2011) (www.epa.gov/sites/production/files/2016-12/documents/small-refinery-exempt-study.pdf).

[5] *Id.* at vii.

[6] U.S. Department of Energy; Office of Energy Policy and Systems Analysis, *Addendum to the Small Refinery Exemption Study An Investigation into Disproportionate Economic Hardship* (May 2014) (www.epa.gov/sites/production/files/2016-12/documents/rfs2-small-refiner-study-addendum-05-2014.pdf).

year. Withholding this information ensures that only a select few participants have information material to the market for renewable fuels and RINs.

Markets cannot function properly without transparency. Company names and awards of exemptions by a federal agency are not confidential business information. In fact, publicly traded firms are required to report the value of these exemptions to the Securities and Exchange Commission, and much of the reporting on these exemptions has been due to examination of these public documents. Withholding this information makes EPA complicit in any unfair manipulation of the renewable fuels and RINs markets.

We request that you provide us with information regarding this recent phenomenon, so that we can evaluate the need for this expansion of the exemption process. Please provide responses to the following specific requests:

1. What is the total number of small refinery exemption petitions that EPA received in each year from 2013 through 2017?

2. For each year from 2013 through 2017, how many exemptions did the EPA grant?

3. What is the total volume of renewable fuels represented by the exemptions granted for each year 2013 through 2017?

4. What is the process for confirming that each refinery submitting a petition falls beneath the 75,000 barrel-per-day throughput capacity? Please provide written documentation of the EPA review process, including all compliance, and verification conducted by EPA staff.

5. What threshold number of gallons exempted under the small refinery exemption does EPA believe represents a significant enough proportion to require an adjustment either to the current compliance year's RVO or to the next compliance year's RVO to assure compliance with the annual volume requirements set by section 211(o)(2)(B)(i) of the Clean Air Act?

6. Are any exempted gallons reassigned to remaining obligated parties for blending? If so, are they reassigned within the same compliance year? If they are not reassigned to the remaining obligated parties, what is the disposition of those gallons relative to the overall RVO set by the annual rules?

7. Did you inform President Trump or White House staff of the potential effects on the renewable fuel market of exempting a significant proportion of the annual renewable fuel blending requirement and the effects of such demand erosion on agricultural commodity prices and the economy in rural communities?

8. Did you consult with Secretary Perdue and USDA officials regarding the effects on agricultural commodity prices and the economy in rural communities?

9. DOE's publicly available 2011 study and addendum to the study clearly explain the metrics DOE uses to evaluate a small refinery's petition for an exemption under the

program. Please provide EPA's established metrics for evaluating small refinery petitions.

10. Did EPA consult with DOE on each of the petitions for a small refinery exemption for 2016 and 2017? How many of the applications reviewed by DOE did the Department recommend receive an extension of an exemption? For how many of the applications reviewed by DOE for these two compliance years did EPA disagree with DOE's recommendation to grant or deny the exemption?

11. Companies with multiple refining facilities can select to comply with the RFS program either on a company-wide basis or on a facility-by-facility basis. How many obligated parties with multiple facilities selected to comply on a facility-by-facility basis in 2016, 2017, and 2018?

12. It is our understanding that EPA has never awarded RIN's to a facility for past compliance years. Provide the citation to the law or the regulation that you relied upon in issuing new RINs to Sinclair Refining Company and HollyFrontier Refining Company.

13. As we are now well-past the time of the initial issuance of exemptions, please provide the list of 59 small refineries that EPA initially exempted from compliance with the RFS from 2011 to 2013, and the list of the 13 small refineries that DOE recommended receive an extension of their exemption through 2013.

We remain extremely concerned about your implementation of the RFS program and its effects on rural communities. Your actions are clearly designed to enrich the oil industry at the expense of farmers and the renewable fuels industry by undermining the RFS program. We request that you suspend the small refinery exemption process until you provide Congress with information to evaluate this program. We anticipate receiving your responses to our request by Friday, July 6, 2018.

Sincerely,

Dave Loebsack
Member of Congress

Cheri Bustos
Member of Congress

Paul Tonko
Member of Congress

Collin Peterson
Member of Congress

Bobby L. Rush
Member of Congress

Ann McLane Kuster
Member of Congress

Diana DeGette
Member of Congress

Tim Walz
Member of Congress

Scott Peters
Member of Congress

Richard M. Nolan
Member of Congress

John Sarbanes
Member of Congress

Tom O'Halleran
Member of Congress

United States Senate

WASHINGTON, DC 20510

June 19, 2018

Administrator Scott Pruitt
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Pruitt:

We again write to you regarding the Environmental Protection Agency's decision to award a no-bid contract to Definers, a consulting firm that shares leadership staff, and office space with America Rising, a political action committee (PAC) which was active in supporting your confirmation as Environmental Protection Agency (EPA) Administrator. This contract is deeply concerning because it suggests a quid pro quo and would seem to violate the law, as outlined below.

On December 19, 2017, we first wrote to you inquiring about this contract with Definers for media clipping services. On April 27, 2018, EPA responded and your response included documents related to the now-cancelled Definers no-bid contract. On May 11, 2018, EPA staff attempted to answer questions from our staff in a phone call regarding the documents provided in EPA's April 27 response. Despite these disclosures and discussions, key facts about this how this contract was awarded remain unknown.

I. How was Definers identified as the contractor of choice?

EPA provided one email chain related to the Definers contract; the first of these emails is dated November 2, 2017. While parts of these emails have been redacted, the first email in this chain mentions a "JOFOC" or Justification for Other than Full and Open Competition, indicating that EPA had already chosen a contractor. A November 13, 2017 email in the chain identifies Definers as the contractor.

Government contracts are not awarded without prior discussion and thorough deliberation, so we find it hard to believe that the first email mention of Definers at EPA occurred after Definers had already been chosen. "Definers" is a rarely used word, so it should be straightforward for your staff to obtain all emails in which Definers the company is mentioned.

During our May 11, 2018 phone call with EPA career staff, we were told that EPA's contract with Bulletin Intelligence was cancelled in early 2017 at the direction of President Trump's EPA beachhead team because it "wasn't meeting their needs." EPA career staff further advised us that your public affairs team first "made [them] aware" of Definers and its media clipping services. Career staff stated they were be unable to recall who on your team told them about Definers and what specific instructions they were given.

Documents provided (and not provided) by EPA and statements by career staff seem to indicate that the decision to hire Definers was driven by political appointees. Given the fact that Definers shares executives and leadership with America Rising, which bankrolled a campaign supporting your confirmation as EPA Administrator, a decision to steer a contract outside the typical contracting

process to Definers would seem to violate Subpart 3.101-1 of the Federal Acquisition Regulation ("The general rule is to avoid strictly any conflict of interest or even the appearance of a conflict of interest in Government-contractor relationships") and Title 5 of the Code of Federal Regulations Section 2635.101(b)(8) ("Employees shall act impartially and not give preferential treatment to any private organization or individual").

II. Does Definers offer unique services that would justify EPA's decision to forego competitive bidding for this contract?

In our December 19 letter, we asked you to explain what "provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers." In EPA's April 27 response, Liz Bowman, your former Associate Administrator for the Office of Public Affairs, attempted to justify the no-bid nature of the Definers contract by writing that "Definers offers unique services" and "[EPA] was not aware of any other company that provided or had available this feature of real-time coverage for specific events."

Among the documents provided with EPA's April 27 response is a JOFOC dated November 29, 2017 (Attachment II). In this document, EPA lists the following "unique qualifications" that "require" the use of the only one responsible source exception to competitive bidding practices:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer's areas of interests, which allow for quick sorting and tracking of customized data streams
- Delivered through a proprietary web interface, which allows for email distribution as well.

Additionally, the JOFOC states that "[l]eading providers Cision [...], Bulletin Intelligence [...], and Critical Mention [...] do not provide the combined services sought by EPA's Office of Public Affairs." During the May 11 call between our staffs, EPA career staff indicated they conducted a search to see if other companies offered media clipping services similar to Definers' services, particularly its claimed ability to provide clips in "near live-time," but determined they did not.

Our staff subsequently spoke with a representative from Cision, who explained that Cision gives clients the option of receiving email alerts every hour containing the latest stories of interest. Cision's clients may also log into their "my coverage" portal at any time to see the latest stories of interest; the portal is updated in close to real time. Cision's representative confirmed that it offers all of the functionalities listed in the JOFOC as "unique" to Definers.

Another company allegedly researched by EPA staff, Bulletin Intelligence, also appears to offer "near live-time" capabilities. According to its website, its dashboard provides links to "24/7

breaking news" of interest to its clients.[1] Bulletin Intelligence's description of its services also seems to match most of the functionalities listed in the JOFOC as "unique" to Definers.

A third company allegedly researched by EPA staff, Critical Mention, claims that its clients can see coverage "one minute after it appears – more than 8 times faster than the industry standard" on an "all-in-one platform" that offers "real-time media monitoring."[2] Its description of its services also seems to match most of the functionalities listed in the JOFOC as "unique" to Definers.

Moreover, a simple internet search identified several other similar companies that offer the services that the JOFOC claimed to be "unique" to Definers. These companies include Metro Monitor ("[r]eceive reports of your media coverage as it happens"[3]) and Universal Information Services ("[r]eceive scheduled or near real-time e-mail notifications when your stories air"[4]).

The JOFOC and the email chain suggest that EPA staff did little independent vetting of this contract, and instead relied upon Definers' own representations about its services. The JOFOC description of Definer's "unique qualifications" appears to have been copied almost verbatim from Definers' promotional materials. It is replete with words such as "proprietary" and "customers" that one would not expect to see in a description written by EPA staff. Under the section of the JOFOC titled "[o]ther facts supporting the use of other than full and open competition," EPA staff wrote:

> "Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console."

EPA staff also relied on Definers' representations with respect to the reasonableness of the services' cost. The JOFOC states that "the C[ontracting] O[fficer] has determined the cost to be fair and reasonable *based on information received from the contractor*" (emphasis added). An email dated November 13, 2017 further states that staff are "still waiting for a bit of information *from Definers* to complete the JOFOC" (emphasis added).

The availability of similar services from multiple companies and the acceptance at face value by EPA contracting staff of representations made by Definers in order to complete the JOFOC lead us to believe that EPA's proffered reasons for the no-bid contract with Definers were pretextual.

As such, we renew our request for answers to questions 1, 3, 4, 7, 9, and 10 from our December 19, 2017 letter as they have yet to be fully answered. While we appreciate EPA's willingness to have staff speak directly, we respectfully request that all EPA staff with full knowledge of the genesis of the Definers contract be made available to speak with our offices. We also renew our various requests for responsive documents. If there are no additional documents responsive to our original

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[1] News Analysis, Bulletin Intelligence, http://www.bulletinintelligence.com/newsanalysis.aspx (viewed on June 6, 2018)

[2] Media Monitoring, Critical Mention, http://www.criticalmention.com/media-monitoring/ (viewed on June 6, 2018).

[3] Media Monitor Pro, Metro Monitor, https://metromonitor.com/services/media-monitor-pro/ (viewed on June 6, 2018)

[4] Services, Universal Information Services, https://universal-info.com/services/ (viewed on June 6, 2018)

letter, we request that the appropriate official at EPA confirm that to us in writing and describe what search parameters have been used to make that determination.

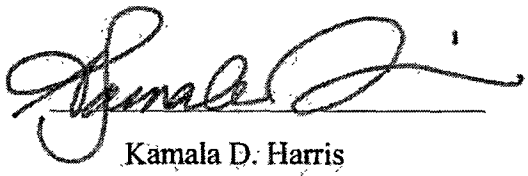
Based upon the documents already provided and our May 11, 2018 discussion with career staff, we also request responses to the following additional questions:

1. Who on your team made career staff "aware" of Definers?
2. What was said to career staff in relation to Definers? Were they directed to hire Definers? If so, by whom?
3. Who made the decision to hire Definers under a no-bid contract? Please provide copies of any and all intra-agency communications relating to the decision not to use competitive bidding procedures for this contract.
4. Please explain how it is possible that the only emails we have been provided were written after Definers had already been chosen for the contract. Do no other emails mentioning Definers exist? If so, why were initial intra-agency discussions of this contract not memorialized in writing? Did anyone instruct career staff not to email about Definers? If other emails do exist, why have we not been provided them?
5. If it is your position that no one on your team instructed career staff to hire Definers, then what explains how the justification they provided for avoiding competitive bidding procedures does not appear to have any foundation in fact?

You recently gave an interview in which you stated that you "care so much about taxpayer money."[5] EPA's decision to award a no-bid contract to a politically connected firm suggests precisely the opposite, and your slow and incomplete response to our inquiries in this matter further suggests that you continue to waste taxpayer money and are not being ethically compliant based on your numerous questionable agency expenditures. So that we may get to the bottom of this matter, we request that you respond by June 29, 2018 to our renewed questions on this matter. Should you have any questions, please do not hesitate to contact our staff, Dan Dudis at Dan_Dudis@whitehouse.senate.gov and Monica Pham at Monica_Pham@harris.senate.gov.

Sincerely,

Sheldon Whitehouse
United States Senator



Kamala D. Harris
United States Senator

[5] Kevin Bogardus, "Pruitt: 'I care so much about taxpayer money,'" E&E News (May 31, 2018), https://www.eenews.net/greenwire/stories/1060083117/most_read

JOHN R. MOOLENAAR
4TH DISTRICT, MICHIGAN

HOUSE COMMITTEE
ON APPROPRIATIONS

SUBCOMMITTEES ON

FINANCIAL SERVICES AND
GENERAL GOVERNMENT

LABOR, HEALTH AND HUMAN SERVICES,
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May 18, 2018

The Honorable Scott Pruitt
United States Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20004

Dear Administrator Pruitt,

Please consider this letter a follow-up to our December 18, 2017 correspondence regarding the Environmental Protection Agency's (EPA) 2015 Underground Storage Tank (UST) regulation. As previously noted, portions of the 2015 regulations – particularly 40 CFR §280.23(a)(1)(ii) – are extremely burdensome for fuel retailers from a cost and labor perspective, making the October 13, 2018 compliance deadline nearly impossible to meet.

Over the past year, Michigan retailers have been actively pursuing alternative solutions with EPA and various state agencies charged with enforcing the new UST regulations. Most recently, they met with EPA Region 5 leadership. Discussions included the possibility of allowing states without UST state program approval (SPA) to extend the October 13, 2018 compliance deadline to 2021 for fuel retailers that provide an approved implementation plan to the state enforcement agency. This approach would be particularly helpful to fuel retailers within Region 5, as four of its six states are non-SPA. An extension, with an implementation plan, to 2021 would align the other Region 5 states with Indiana's 2021 compliance deadline. Region 5 has appeared willing to help, and there continues to be ongoing dialogue with Region 5 officials.

The Michigan Department of Licensing & Regulatory Affairs (LARA) – the enforcing agency – and the Michigan Legislature have expressed interest in supporting this approach, and offering an extension to Michigan fuel retailers that provide thorough implementation plans. LARA and the Legislature, however, are seeking official written approval from EPA and/or Region 5 to pursue such an extension. I ask that you give this approach serious consideration, and that EPA provide official written approval to non-SPA states to extend the October 13, 2018 compliance deadline to 2021.

Sincerely,

JOHN MOOLENAAR
Member of Congress

PETE SESSIONS
32ND DISTRICT, TEXAS

CHAIRMAN
COMMITTEE ON RULES

COMMITTEE ON
FINANCIAL SERVICES
(ON LEAVE)

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sessions.house.gov

June 21, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Dear Administrator Pruitt:

I recently became aware of constituents' concerns over the Environmentally Preferred Procurement Program (EPP) administered by the U.S. Environmental Protection Agency (EPA). Given this, I respectfully request that you immediately suspend EPA's recommendations for non-consensus ecolabels in its EPP program.

The EPP recommends non-consensus ecolabels that are used to unfairly prejudice procurement decisions specifically and only against products made with vinyl materials. These labels include "Cradle-to-Cradle" certification, International Living Future Institute Declare label and Living Product Challenge, and The Institute for Market Transformation to Sustainability's SMaRT certification.

For example, these labels arbitrarily restrict all vinyl products as a matter of their organizations' policy; they are not based on any scientific evidence, risk assessment or life cycle comparisons. The organizations behind these ecolabels preclude stakeholder engagement with product manufacturers.

Essentially EPA is picking winners and losers in the marketplace through its EPP by endorsing private label organizations' recommendations without subjecting their judgments to a traditional public notice and comment period. This is an irregular process lacking due process safeguards afforded in a typical rulemaking, which has significant financial impacts on product manufacturers and users, including the federal government.

In the case of the vinyl industry, the negative impact on purchasing decisions regarding vinyl products affects 350,000 workers at 3,000 vinyl facilities across the country. No doubt the collective impact of EPA's EPP can be multiplied many times when other products and materials under this program are tallied. Also not quantified are the increased costs of purchasing substitute products by the public, federal government, and state and local governments that follow EPA's EPP procurement recommendations.

In the case of PVC, the resin is the basic building block for PVC/vinyl plastic; which, with the addition of other ingredients, can be molded and processed into a range of highly functional products with performance qualities that people safely rely on every day. These characteristics include noncorrosive PVC pipe for water infrastructure and building supply, energy efficient

window frames and doors, easily cleaned resilient flooring and wall coverings, fire-safe wire insulation, insulated siding, cool roofing, life-saving medical applications, highly cleanable and disinfectant resistant upholstery for health care facilities, and multiple other products.

EPA updated its latest EPP recommendations on January 3, 2018, and the General Services Administration (GSA) incorporated these restrictive non-consensus ecolabels into its Federal Acquisition Regulation. The Vinyl Institute and Resilient Floor Covering Institute submitted comments to the GSA, but the agency adopted EPA's recommendations without responding to objections.

We respectfully ask that you withdraw the Agency's support for these non-consensus ecolabels, and place a high priority on reviewing the process for future EPA EPP recommendations. Thank you for your consideration of this request and I look forward to your response.

Sincerely,

Pete Sessions
Member of Congress

Scott:

I would appreciate a response from you indicating you are in receipt of this letter.

JOHN KENNEDY
LOUISIANA

SUITE SR-383
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WASHINGTON, DC 20510
(202) 224-4623

United States Senate

COMMITTEES
APPROPRIATIONS
BANKING, HOUSING, AND URBAN AFFAIRS
BUDGET
JUDICIARY
SMALL BUSINESS AND ENTREPRENEURSHIP

June 7, 2018

Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave, NW (6406A)
Washington, DC 20460

Dear Administrator Pruitt:

I am writing to you today to respectfully ask that you consider the Port of New Orleans and New Orleans Public Belt (NOPB) Railroad proposal in response to Environmental Protection Agency (EPA) Solicitation # EPA-OAR-OTAQ-18-03 entitled Clean Diesel Funding Assistance Program FY 2018. The Port of New Orleans and NOPB will provide 50% cost share ($800,000) of the total $1.6 million total project cost.

The NOPB Railroad transitioned from City of New Orleans to Port of New Orleans leadership on February 1, 2018. Both organizations have piloted innovative emissions reductions initiatives, including the Port of New Orleans Clean Air Program and NOPB's locomotive idle reduction plan, as a part of their respective strategic plans. Now partners, they are now working together to foster programs that address both the maritime and rail space.

With the allocation of sufficient National Clean Diesel funds, the NOPB will repower (retrofit) one (1) conventional diesel switcher locomotive to ultra-low emitting standards (Tier 4+), beyond current requirements. This Eco-Locomotive, when complete, will provide immediate air quality benefits, reducing ozone precursors, diesel particulate matter, as well as fuel consumption and corresponding greenhouse gas emissions.

I appreciate the EPA's role thus far in engaging the Port of New Orleans, New Orleans Public Belt Railroad and its stakeholders in proactive air quality management through the Port of New Orleans Clean Air Program. The Eco-Locomotive project can be another proactive step to improving air quality in the Greater New Orleans region.

Thank you for your time and consideration regarding this proposal.

Sincerely,

John Kennedy
United States Senator

CHARLES J. "CHUCK" FLEISCHMANN
3RD DISTRICT, TENNESSEE

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON ENERGY AND WATER
SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES
SUBCOMMITTEE ON HOMELAND SECURITY

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6 EAST MADISON AVENUE COURTHOUSE
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June 13, 2018

Mr. Jason McDonald
Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Dear Mr. McDonald:

Please accept my support for The Trust for Public Land's (TPL) request for funding through the Environmental Education Local Grants Program. Requesting $100,000, the TPL would utilize the grant funding for personnel costs and materials to implement environmental educational activities to enhance the community engagement process for a new trail project known as the "Alton Park Riverwalk Connector" (APRC). The APRC project encompasses the conversion of an abandoned CSX rail line into a neighborhood connector to the larger greenway system in Chattanooga, Tennessee.

Assuming a favorable decision, the grant would support local environmental education projects that increase public awareness and encourage responsible actions. These projects would include formal education as well as facilitated field trips that allow students to explore sites outside their community and learn about environmental topics including water management, water quality, and land revitalization.

Proudly serving Chattanooga in the U.S. House of Representatives, I highlight this project's potential to increase environmental literacy and long-term stewardship while engaging more than 2,000 local citizens in promoting the wellbeing of the communities surrounding the Alton Park Riverwalk Connector. It is a privilege to lend my support to this proposal, and I ask for your thoughtful consideration of its success. Please let me know if I can ever be of assistance to you or your colleagues.

Sincerely,

Chuck Fleischmann
Member of Congress

ROB BISHOP OF UTAH
CHAIRMAN

CODY STEWART
STAFF DIRECTOR

RAÚL GRIJALVA OF ARIZONA
RANKING MEMBER

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

June 27, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

On March 2, 2017, the Environmental Protection Agency (EPA) announced that it was withdrawing Information Collection Request (ICR) 2548.01, which would have required oil and gas companies to provide information on methane emissions from their operations. On March 8, 2017, two of us sent a letter asking that you reinstate the ICR given the urgent need to collect accurate data on methane emissions in order to set and enforce appropriate and cost-effective standards to reduce such emissions. In the extremely short response we received from the Acting Assistant Administrator for Air and Radiation on May 23, 2017, we were informed that the rationale for withdrawing the ICR was to, "allow the Administrator time to assess the need for the requested information."

Since the date of our original letter, a number of events have occurred that highlight the urgent need to reissue the ICR and collect accurate methane emission data. First, the U.S. Senate rejected the Congressional Review Act effort to repeal the Bureau of Land Management's (BLM) methane waste rule, the only such effort to fail in a vote, which demonstrated the strong bipartisan support for reducing methane emissions. Second, both BLM and the EPA have moved to undo, weaken, or avoid promulgating methane regulations, policies that should be informed with the best available science, not vague notions of industry "burdens" and incomplete knowledge of the public benefit of cutting emissions. Third, the most recent release of EPA's *Inventory of U.S. Greenhouse Gas Emissions and Sinks* showed that methane emissions from oil and gas production operations increased 34 percent from 1990 to 2016, and the growth of methane emissions from natural gas production operations outpaced the growth of natural gas production, 58 percent to 52 percent.

Even more concerning, a new report in the journal *Science* from 24 authors representing 12 universities, two government labs, and more, reported that methane emissions from the U.S. oil and gas supply chain were roughly 60 percent higher than EPA inventory estimates, and that emissions from production operations were more than double the EPA estimates.[1] According to a story in *The New York Times* about the study, the 13 million metric tons of methane lost by the oil

[1] R.A. Alvarez, et al., *Assessment of methane emissions from the U.S. oil and gas supply chain*, Science 10.1126/science.aar7204 (2018).

and gas industry each year is worth approximately $2 billion and would be enough to fuel roughly 10 million homes.[2]

Methane emissions exacerbate the worst impacts of climate change, result in significant air pollution through the concurrent release of ozone-forming volatile organic compounds, waste a valuable resource, and, when occurring on public lands, deprive American taxpayers and states of a valuable source of royalty payments. With new science showing that emissions are likely considerably higher than previously thought, there is no excuse for delaying or rescinding methane emission controls, or for failing to collect data from methane emitters. We believe that EPA needs to reissue the ICR as soon as possible, or provide a comprehensive explanation why it will not. Therefore, we ask that by July 31, 2018, you provide us with the results of your assessment of the need to require methane emission data, as mentioned in the May 23, 2017, response, including a full explanation of how those results were arrived at. If that assessment is not done, please inform us of when you expect to complete it.

Thank you for your prompt attention to this letter.

Sincerely,

Raúl M. Grijalva
Ranking Member
House Committee on Natural Resources

Alan Lowenthal
Member of Congress

Donald S. Beyer Jr.
Member of Congress

Diana DeGette
Member of Congress

Jared Polis
Member of Congress

[2] J. Schwartz and B. Plumer, *The Natural Gas Industry Has a Leak Problem*, The New York Times, June 21, 2018.

Congress of the United States
Washington, DC 20515

June 27, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

We write to ask you to reconsider the Environmental Protection Agency's (EPA) proposed rejection of the four petitions submitted by the State of Delaware under Section 126(b) of the Clean Air Act. These petitions asked EPA to make a finding that air pollutants originating outside our state significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone national ambient air quality standards (NAAQS) and the 2015 ozone NAAQS in Delaware. The fundamental mission of the Environmental Protection Agency (EPA) is to protect the health of the American people and our environment. By denying our state the ability to reduce harmful air pollution from upwind states, we believe this EPA is shirking one of its primary responsibilities, ignoring the needs of states and, most importantly, putting the health of Delawareans at risk.

Ground-level ozone pollution, commonly known as smog, is a real environmental health threat to many Americans, especially those living in the Northeast. Ozone pollution inflames peoples' airways, and is particularly dangerous for children, the elderly, and people with lung diseases like asthma. Left unchecked, ozone pollution can impose billions of dollars in healthcare costs, cause missed work days and result in lives lost.[1]

Unlike other common air pollutants, ozone is not directly emitted from a source, but rather is formed in the atmosphere by a chemical reaction between nitrogen oxides (NOx) and volatile organic compounds (VOC) in the presence of sunlight. This unique nature of ozone pollution means it is frequently found downwind from major contributing sources, such as fossil-fuel power plants, motor vehicles and industrial facilities. Once formed, ozone knows no state boundaries and can travel hundreds, sometimes thousands, of miles.[2]

Downwind states like our home state of Delaware cannot clean up ozone pollution alone. In order for our constituents to breathe healthy air, upwind states must do their fair share to reduce

[1] Health Effects of Ozone Pollution." EPA, Environmental Protection Agency, 21, June. 2018, www.epa.gov/ozone-pollution/health-effects-ozone-pollution
[2] "Basic Information about Ozone." EPA, Environmental Protection Agency, 15 June 2018, www.epa.gov/ozone-pollution/basic-information-about-ozone

ozone pollution. Fortunately, our nation has federal clean air protections established by the Clean Air Act that require EPA to forge partnerships with states to address pollutants that are dangerous and cross state borders, such as ozone. These clean air protections were created through a strong commitment by Democrats and Republicans alike, who believed all states must be good neighbors when it comes to cleaning up America's air.

The Clean Air Act requires EPA to establish National Ambient Air Quality Standards (NAAQS) for ozone based on the best science available. EPA, in consultation with the states, also designates which areas of the country are not attaining the ozone health standards and/or contributing to nearby air quality problems. This initial process is vital for states to effectively plan and reduce pollution crossing state borders.

In addition, as part of the NAAQS implementation process, Congress inserted several "good neighbor" provisions to help protect downwind states. Section 110(a)(2)(D)(i) of the Clean Air Act requires state implementation plans to "provide adequate provisions" to prohibit any in-state emissions that "will contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard." [3] If upwind states are not meeting their Section 110(a)(2)(D)(i) responsibilities, one remedy is for downwind states to hold upwind states accountable for specific highly-polluting stationary sources through Section 126(b), which provides that, "[a]ny State or political subdivision may petition the Administrator for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the prohibition of Section 110(a)(2)(D)(i) or this section."[4] Both of these Clean Air Act provisions reflect Congress' intent that, among other features, an "effective program must not rely on prevention or abatement action by the State in which the source of the pollution is located, but rather by the State (or residents of the State) which receives the pollution and the harm, and thus which has the incentive and need to act[.]"[5] Congress' recognition of "a Federal mechanism for resolving disputes" between states is essential to addressing this human health issue.[6]

These good neighbor provisions in the Clean Air Act are critical for Delaware, because despite regulating at home, over 90 percent of Delaware's air pollution comes from sources outside the state. In the past decade, Delaware has implemented and enforced numerous regulations that have made great strides in cleaning up the state's own ozone pollution.[7] At the same time, Delaware has worked with its neighbors on regional efforts to reduce ozone pollution and has fully participated in federal cross-state air programs. Despite these efforts, Delaware continues to have days when the ozone pollution exceeds the 2008 NAAQS ozone standard. And most recently, EPA designated New Castle County as being nonattainment for the 2015 NAAQS

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[3] 42 U.S.C. 7410

[4] 42 U.S.C. 7426(b)

[5] H. Rep. No. 95-294, p.330 (1977)

[6] H. Rep. No. 95-294, p.330 (1977)

[7] *See generally* Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (July 7, 2016), Docket No. EPA-HQ-OAR-2018-0295-0019 (Brunner Island); Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (Aug. 8, 2017), Docket No. EPA-HQ-OAR-2018-0295-0020 (Harrison Power Station); Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (Nov. 10, 2017), Docket No. EPA-HQ-OAR-2018-0295-0018 (Homer City Generating Station); Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (Nov. 28, 2016), Docket No. EPA-HQ-OAR-2018-0295-0017 (Conemaugh Generating Station).

ozone standard, illustrating the persistence of this interstate pollution problem.[8] Delaware has gone above and beyond its obligations under the Clean Air Act to reduce ozone pollution within its own borders. Unfortunately, upwind states are not following the requirements of Section 110(a)(2)(D)(i) of the Clean Air Act and are significantly contributing to Delaware's unhealthy ozone days and nonattainment status.[9]

EPA's own modeling has found that in the last decade at least thirteen states have contributed to Delaware's ozone pollution. Four states individually contributed more ozone pollution to Delaware than all of the sources within Delaware combined.[10] This cross-state ozone pollution that cannot be controlled by Delaware costs the people of our state a great deal in medical bills and in the quality of their lives. EPA has attempted to address this cross-state ozone pollution for decades, in part through a cap-and-trade program for fossil-fuel power plants.[11] We applaud these efforts and strongly support EPA's actions to address cross-state pollution. However, there continue to be gaps in federal actions and therefore cross-state ozone pollution continues to be a problem for Delaware.

EPA admitted that federal cross-state regulations likely do not go far enough, stating in the latest 2016 update to the Cross State Air Pollution Rule that "the EPA acknowledges that they may not be sufficient to fully address these states' good neighbor obligations to address transported emissions."[12] After independent analysis and modeling, the State of Delaware has confirmed that federal regulations alone are insufficient to address cross-state ozone pollution and that upwind neighbors and EPA need to do more. Delaware identified four out of state fossil-fuel power plants that continue to significantly contribute to Delaware's ozone problems. This resulted in Delaware filing four 126(b) petitions with EPA for out-of-state facilities in violation of the provisions of Section 110(a)(2)(D)(i) of the Clean Air Act in respects to the 2008 and 2015 ozone NAAQS, including:

1. Brunner Island facility's electric generating units located near York, Pennsylvania;[13]
2. Homer City Generating Station's electric generating units located in Indiana County, Pennsylvania;[14]

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[8] 82 FR 54232

[9] *See, e.g.*, Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (July 7, 2016), Docket No. EPA-HQ-OAR-2018-0295-0019 (Brunner Island); Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (Aug. 8, 2017), Docket No. EPA-HQ-OAR-2018-0295-0020 (Harrison Power Station); Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (Nov. 10, 2017), Docket No. EPA-HQ-OAR-2018-0295-0018 (Homer City Generating Station); Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (Nov. 28, 2016), Docket No. EPA-HQ-OAR-2018-0295-0017 (Conemaugh Generating Station).

[10] U.S. Environmental Protection Agency. "Technical Support Document (TSD) for the Transport Rule, Docket ID No. EPA-HQOAR-2009 -0491, Analysis to Quantify Significant Contribution" (2010)

[11] 83 FR 26666

[12] 81 FR 74521

[13] Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (July 7, 2016), Docket No. EPA-HQ-OAR-2018-0295-0019.

[14] Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (Nov. 10, 2017), Docket No. EPA-HQ-OAR-2018-0295-0018.

3. Harrison Power Station's electric generating units located near Haywood, Harrison County, West Virginia;[15] and
4. Conemaugh Generating Station's electric generating units located in Indiana County, Pennsylvania.[16]

On June 8, 2018, EPA proposed to reject all four of Delaware's petitions, claiming the state did not provide enough information and any remedy would be too costly. We urge you to take a closer look and grant Delaware's petitions instead of finalizing the proposed denials.[17]

In all four 126(b) petitions, the State of Delaware provided detailed results from independent modeling that clearly show there is a link between the four upwind power plants and Delaware's ozone problems. At the same time, the solutions our state suggests are easy actions that can be taken by each facility. For the Brunner Island facility, the State of Delaware is simply requesting the power plant not be able to revert back to burning coal. For the Homer City, Harrison and Conemaugh power plants, the State of Delaware is simply requesting the power plants fully operate air control technology that is already installed at the facilities and already paid for by ratepayers.

We believe each of these sources significantly contributes to Delaware's ozone problem, and that the actions requested by Delaware of its upwind neighbors are "adequate provisions" to control those emissions as mandated by Congress in Section 110(a)(2)(D)(i) of the Clean Air Act.[18] Rejecting all four of Delaware's 126(b) petitions runs contrary to how Congress believed EPA should consider and review 126(b) petitions. Instead of worrying solely about the costs and burden of the upwind states, EPA must prioritize the "residents of the State which receives the pollution and the harm" when considering any 126(b) petition.[19] EPA has failed to meet these criteria. The requested actions laid out by Delaware's 126(b) petitions are *de minimis* for upwind states compared to the continued costs our state and its residents will incur if these long overdue actions are not taken.

At the same time, instead of working with states to create solutions, this EPA has made it harder for states, especially downwind states, to meet clean air goals. Under this Administration, EPA is cutting state air program funding, weakening enforcement and rolling back critical clean air protections that will further exacerbate the ongoing ozone cross-state pollution problems. EPA cannot assume Delaware and other states in the Northeast will be in ozone attainment for the 2008 or 2015 NAAQS in the outer years without any air quality modeling of the effects of current policy changes. What we do know is that Delaware is currently in nonattainment, these four facilities are significantly contributing to nonattainment, and EPA must act now.

The four Delaware 126(b) petitions were filed during a five-month time period, starting July 7, 2016 through November 28, 2016. Under the law, EPA has sixty days to respond to 126(b)

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[15] Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (Aug. 8, 2017), Docket No. EPA-HQ-OAR-2018-0295-0020.
[16] Petition from Del. Dept. of Natural Res. & Envtl. Control to U.S. EPA (Nov. 28, 2016), Docket No. EPA-HQ-OAR-2018-0295-0017.
[17] 83 FR 26666
[18] 42 U.S.C. 7410
[19] H. Rep. No. 95-294, p.330 (1977)

petitions. It took almost two years and legal actions by the State of Delaware to prompt any response from EPA. We are disappointed it took the agency so long to respond, and believe it is at odds with your proclaimed "Rule of Law" approach to handling actions at EPA. We are even more disappointed that, after taking 704 days to respond to Delaware's first petition (664 days longer than the law allows), the agency has decided to keep the public comment period open for only 30 days and is so far refusing to hold a hearing in the state. This is a critical decision that affects the health of Delawareans and the state's economy. That is why we echo Governor Carney's requests (1) to keep the comment period open longer to allow the agency to hear from our constituents, and (2) to hold a hearing on this matter in Delaware, the affected state.

In closing, much of our country's ongoing effort to clean up air pollution hinges on the partnership between states and EPA. It is even more critical for downwind states like Delaware that depend on EPA to ensure every state is a good neighbor when it comes to reducing air pollution. You claim you are committed to cooperative federalism and that your agency, "needs to work together with the states to achieve better outcomes." We ask that you live up to your rhetoric and work with the states in the Northeast to achieve better outcomes. Require Delaware's upwind neighbors to do their fair share when it comes to ozone pollution and help Delawareans have clean, safe air to breathe.

As we continue to hear from our constituents and local and state officials on this matter, we will likely have additional comments for you in the future on this issue. If you or your staff have questions about this letter, your staff is encouraged to contact Laura Gillam of Senator Carper's Environment and Public Works Committee staff at laura_gillam@epw.senate.gov. We request that this letter be added to the public docket under the docket ID number, EPA–HQ– OAR–2018–0295.

Your prompt attention to our requests is appreciated.

Sincerely,

Tom Carper
U.S. Senate

Christopher A. Coons
U.S. Senate

Lisa Blunt Rochester
U.S. House of Representatives

LAMAR S. SMITH, Texas
CHAIRMAN

EDDIE BERNICE JOHNSON, Texas
RANKING MEMBER

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

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(202) 225-6371
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June 28, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, D.C. 20460

Dear Administrator Pruitt,

The Committee on Science, Space, and Technology is conducting oversight of the concealed use of technology to illegally circumvent emissions requirements. The Committee previously wrote Volkswagen AG (VW) regarding allegations that VW "continues to circumvent global emissions requirements" using stealth technology,[1] despite VW entering into a settlement with the U.S. government for billions of dollars for previous "allegations of cheating emissions tests and deceiving customers."[2] The Committee is also examining increasing allegations that other automobile companies have similarly concealed the use of technology to control emissions in order to evade and defeat U.S. regulations on emissions standards, and the role that Robert Bosch GmbH (Bosch), an auto supplier of critical software controlling emissions, has played in the schemes.[3] As part of this continued investigation, the Committee requests a briefing related to the U.S. Environmental Protection Agency's (EPA) knowledge of the current research, development, and technology used to control and test emissions, as well as the current status of investigations into reported allegations.

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[1] Letter from Hon. Lamar Smith, Chairman, H. Comm. on Sci., Space, & Tech. and Hon. Dana Rohrabacher, Member, H. Comm. on Sci., Space, & Tech. Comm. to Mr. Herbert Deiss, Chief Exec. Officer, Volkswagen AG (Apr. 12, 2018); Letter from Hon. Lamar Smith, Chairman, H. Comm. on Sci., Space, & Tech. and Hon. Dana Rohrabacher, Member, H. Comm. on Sci., Space, & Tech. Comm. to Mr. Herbert Deiss, Chief Exec. Officer, Volkswagen AG (June 14, 2018).

[2] Press Release, U.S. Dep't of Justice, *Volkswagen to Spend Up to $14.7 Billion to Settle Allegations of Cheating Emissions Tests and Deceiving Customers on 2.0 Liter Diesel Vehicles* (June 28, 2016), https://www.justice.gov/opa/pr/volkswagen-spend-147-billion-settle-allegations-cheating-emissions-tests-and-deceiving; see also Press Release, U.S. Dep't of Justice, *Volkswagen AG Agrees to Plead Guilty and Pay $4.3 Billion in Criminal and Civil Penalties; Six Volkswagen Executives and Employees are Indicted in Connection with Conspiracy to Cheat U.S. Emissions Tests* (Jan. 11, 2017), https://www.justice.gov/opa/pr/volkswagen-ag-agrees-plead-guilty-and-pay-43-billion-criminal-and-civil-penalties-six.

[3] Jack Ewing, *Supplier's Role Shows Breadth of VW's Deceit*, N.Y. TIMES (Feb. 1, 2017), https://nyti.ms/2jVAsoO.

The Committee has advocated a restrained approach to regulation. However, where regulations are deemed necessary, any efforts to circumvent those rules can result in unfair competition and public harm. The Committee is wary that more companies are engaging in research and development aimed at defeating emissions standards, as well as using emerging technologies to manipulate and defeat the same U.S. regulations. The Committee hopes to work with the EPA to ensure that companies—foreign and domestic—are not using emerging technologies to subvert our tough emissions standards.

EPA plays a critical role in research and development for the setting national standards for vehicle tailpipe emissions of certain pollutants. The increasing use of advanced technology in vehicles to reduce emissions requires persistent and thorough oversight. EPA's development of extensive testing regimens using both laboratory testing and the emissions simulators allows for the ongoing development of new methods to test emissions. This includes determining new technology effectiveness to keep up with the latest engine specifications. Moreover, highlighting the increasing prioritization of understanding and regulating this technology, the director of EPA's Criminal Investigation Division has recently detailed how "finding instances of cars and trucks that have been doctored to pass emissions tests is now a top priority for agents."[4] EPA's inspector general also recently highlighted EPA's efforts to increase testing that better replicates real-world driving and recommended other procedural and information sharing steps, such as better internal controls, which would help prevent emissions fraud on EPA's testing.[5]

Recent reports and law enforcement action against VW, which was found guilty of similar emissions cheating issues, indicate that there could still be potential issues within the company that would be of concern to the U.S. government.[6] VW continues to operate under a cloud—news broke recently that VW was required to pay over a billion dollar fine in Germany and that the CEO for VW's Audi brand was arrested related to ongoing investigations.[7] A confidential Independent Compliance Monitor report on VW—a report required under the settlement between the U.S. government and VW—found VW "had failed to hold executives accountable for wrongdoing that led to the huge emissions fraud, and [VW] was not making a serious enough attempt to remake its culture."[8]

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[4] David Schultz, *Environmental Cops Cracking Down on Car Emissions* Cheating, BLOOMBERG (June 12, 2018), https://www.bgov.com/core/news/#!/articles/PA88LJ6JTSEE.

[5] U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF INSPECTOR GENERAL, EPA DID NOT IDENTIFY VOLKSWAGEN EMISSIONS CHEATING; ENHANCED CONTROLS NOW PROVIDE REASONABLE ASSURANCE OF FRAUD DETECTION (May 15, 2018), https://www.epa.gov/sites/production/files/2018-05/documents/_epaoig_20180515-18-p-0181.pdf.

[6] Jack Ewing, *Overseer Faults Volkwagen's Reform Efforts Since Emissions Scandal*, N.Y. TIMES (Apr. 22, 2018), https://nyti.ms/2vxW5Ud; Jack Ewing, *Top Porsche Official Targeted in German Police Raid Tied to Diesel Scheme*, N.Y. TIMES (Apr. 18, 2018), https://nyti.ms/2vpLdHV; Reuters Staff, *Prosecutors search Volkswagen headquarters in new emissions investigation*, REUTERS (Mar. 20, 2018), https://www.reuters.com/article/us-volkswagen-emissions/prosecutors-search-volkswagen-headquarters-in-new-emissions-investigation-idUSKBN1GW0PT.

[7] William Boston, *Volkswagen Fined $1.17 Billion in Germany in Emissions-Cheating Scandal*, WALL ST. J. (June 13, 2018); Edward Taylor & Jan Schwartz, *Head of VW's Audi arrested in Germany over diesel scandal*, REUTERS (June 18, 2018), https://www.reuters.com/article/us-volkswagen-emissions-stadler/audi-ceo-arrested-volkswagen-idUSKBN1JE0R3.

[8] Ewing, *Overseer Faults Volkwagen's Reform Efforts Since Emissions Scandal, supra* note 6.

Of additional significant concern is the broad nature of the deception and coordination that is required to control emissions through a defeat device. VW used Bosch built electronic control modules and software to form defeat devices that enabled their vehicles to deceive emissions testing.[9] Detailed specification requests from VW resulted in Bosch developing code that would instruct the computers in diesel engines to recognize the conditions that were similar to those of emissions testing parameters.[10] This allowed the vehicles' computer systems to fully deploy pollution controls selectively when the software recognized those normal testing driving conditions present or for a set duration of time after the engine is started.[11] Once the technology determined the vehicle was not under testing conditions, "the vehicle [could] switch to an operating regime favored by the manufacturer for real driving rather than the clean regime necessary to pass the emission test."[12] Furthermore, as part of an effort to cover up the illegal nature of the defeat device, Bosch has been accused of altering onboard diagnostics systems to not provide emissions system malfunction warnings, deleting text from software documents to reduce suspicion, and helping conceal the presence of the software from authorities and the government.[13]

While Bosch has not officially admitted wrongdoing for its role in any of the legal settlements resulting from the VW litigation, there remain questions about how they could knowingly allow their proprietary software to be manipulated with obvious illegal intent. As one of the world's largest auto suppliers, the presence of similar Bosch software on other vehicles is something we hope EPA is monitoring. In addition to Bosch software in vehicles, the company is also a major producer of the semiconductor chips used in cars and smartphones, controlling the technology behind airbags, automatic car parking, and motion sensing.[14] The importance of this technology will only continue to increase with electronic mobility and automated driving functions, making it imperative to know that one of the major companies behind the technology has operated in an open and honest manner. There is a need to better recognize the challenges of verifying this technology and understand techniques that will shed light on software and systems that may try to hide nefarious behavior. The Committee intends to further understand the relationship between the development of this technology and the application by companies to meet regulations.

Although VW has been the most prominent example for emissions related violations, recent media reports reveal comparable misconduct throughout the auto industry. Internal employee discussions at other companies acknowledging software functions acted as "essentially a defeat device" and the increasing allegations of the use of similar illegal technology in other

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[9] Ryan Beene, *Bosch software enabled emissions violations by VW, FCA, study says*, AUTO. NEWS (June 9, 2017), http://www.autonews.com/article/20170609/OEM11/170609775/bosch-software-enabled-emissions-violations-by-vw-fca-study-says.

[10] Ewing, *supra* note 3; Moritz Contag et al., *How They Did It: An Analysis of Emission Defeat Devices in Modern Automobiles*, IEEE 2017 SYMPOSIUM ON SECURITY & PRIVACY 231 (2017).

[11] *Id.*

[12] Contag et al., *supra* note 10, at 236.

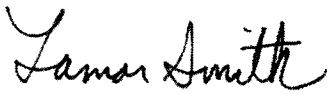
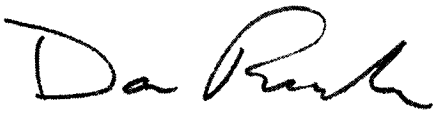
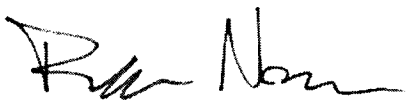
[13] Ewing, *supra* note 3.

[14] Martin-Werner Buchenau & Joachim Hofer, *Bosch powers the chip boost in cars — and iPhones*, HANDELSBLATT (Apr. 5, 2018), https://global.handelsblatt.com/companies/bosch-powers-ever-more-cars-and-iphones-907449.

vehicles to cheat on emissions tests,[15] demonstrate the need for continuing oversight. The Committee has an obligation to investigate the science and technology underpinning legal and regulatory actions. Where U.S. policymakers have determined there is a need for regulations, it is incumbent upon this Committee to investigate to ensure that research and development on emerging technologies in the automobile and other industries is not used to illegally circumvent regulations.

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific research and development programs and "shall review and study on a continuing basis laws, programs, and Government activities" as set forth in House Rule X. The Committee is interested in further understanding and identifying any emerging or stealth technologies used to circumvent U.S. regulations. To assist the Committee with its investigation, we request a briefing from the EPA. Please contact Travis Voyles or Ashley Callen of the Committee staff at 202-225-6371 to schedule a briefing on or before July 12, 2018. Thank you for your attention to this matter.

Sincerely,

Lamar Smith	Dana Rohrabacher	Ralph Norman
Chairman	Member of Congress	Member of Congress

cc: The Honorable Eddie Bernice Johnson, Ranking Member, House Committee on Science, Space, and Technology

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[15] *See* Chester Dawson & Mike Spector, *Fiat Chrysler Employees Knew of Emissions Cheating, Documents in Shareholder Suit Claim*, WALL ST. J. (May 14, 2018), https://www.wsj.com/articles/fiat-chrysler-employees-knew-of-emissions-cheating-documents-in-shareholder-suit-claim-1526350332; *Mercedes diesel probe in U.S. finds possible 'defeat' software, paper says*, AUTO. NEWS (Feb. 18, 2018), http://europe.autonews.com/article/20180218/ANE/180219749/mercedes-diesel-probe-in-u-s-finds-possible-defeat-software-paper.

Congress of the United States

Washington, DC 20515

June 27, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Dear Attorney General Sessions and Administrator Pruitt:

We are writing to express our concern that the Trump administration is unlawfully slowing or ending enforcement of the Clean Water Act in cases that fall outside the administration's overly narrow and currently legally unsupported interpretations of the law's reach. These actions call into question this administration's commitment to the rule of law, including the precedents of the U.S. Supreme Court, in implementing the Act's goal to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters."[1]

It is clear that the Trump administration opposes the Obama administration's efforts[2] to clarify the scope of Clean Water Act protections. For example, President Trump issued an Executive Order[3] to narrow the Act's protections over waterbodies that EPA has identified as a source of drinking water to about 117 million people in the United States.[4]

However, under the U.S. Constitution, the President must uphold the laws of the United States, as enacted by Congress and further interpreted by the U.S. Supreme Court. It is unlawful for the administration to execute any law in any manner that is inconsistent with the terms of the statute or the interpretations of the U.S. Supreme Court, including selective enforcement of the law based on the President's own political philosophies. Unfortunately, that is what we believe is happening – that this administration is selectively enforcing the Clean Water Act based on how this

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[1] See 33 U.S.C. 1251(a).
[2] See 80 Fed. Reg. 37053 (June 29, 2015).
[3] See Presidential Executive Order 13778 (February 29, 2017).
[4] See Analysis of the Surface Drinking Water Provided by Intermittent, Ephemeral, and Headwater Streams in the U.S., https://www.epa.gov/cwa-404/geographic-information-systems-analysis-surface-drinking-water-provided-intermittent.

administration perceives the law *should* be, rather than how the Congress and the Court have defined the law to be.

In 2006, the Supreme Court issued a 4-1-4 decision in Rapanos v. United States[5] addressing Clean Water Act jurisdiction over waterbodies in the United States. In his concurring opinion, Justice Kennedy rejected the view of the Court's plurality that only "relatively permanent waters" are covered by the Act, noting that "these limitations ... are without support in the language and purposes of the Act or in our cases interpreting it."[6] Rather, Justice Kennedy restated his view that waterbodies which "either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters"[7] fall under the protection of the Clean Water Act.

In 2008, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) released agency guidance implementing the Rapanos decision that outlined those waters subject to Clean Water Act protections – including waterbodies that "significantly affect the chemical, physical, and biological integrity" of other covered waters.[8] This administration claims that the 2008 guidance continues to define the scope of Clean Water Act authority.[9]

However, recent press reports have questioned whether this is true, and whether this administration continues to follow the rule of law in implementing the Clean Water Act. Specifically, these reports suggest EPA and the Department of Justice are ignoring Supreme Court precedent in enforcement of the Act, and purposefully suspending cases that fall outside this administration's overly narrow perception that its scope of protection should be limited to only "relatively permanent waters", as described in the 2017 Executive Order.

For example, last year, the publication *Inside EPA* reported on an internal EPA memo that directed agency enforcement staff to identify any pending Clean Water Act cases where jurisdiction was premised on the Kennedy significant nexus test. The memo implied that use of this test would be "the basis for slowing or even dropping work on those cases."[10] Just last month, EPA enforcement personnel publicly acknowledged that the agency is slowing down or dropping

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[5] 547 U.S. 715 (2006).
[6] Id at 768.
[7] Id at 780.
[8] See Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United States & Carabell v. United States, https://www.epa.gov/sites/production/files/2016-02/documents/cwa_jurisdiction_following_rapanos120208.pdf
[9] See Definition of "Waters of the United States" – Addition of an Applicability Date to the 2015 Clean Water Rule, 83 Fed. Reg. 5200 (February 6, 2018), noting that "Subject to further action by the agencies, until the applicability date of the 2015 Rule, the agencies will administer the regulations in place prior to the 2015 Rule, and will continue to interpret the statutory term 'waters of the United States' to mean the waters covered by those regulations, as they are currently being implemented, consistent with Supreme Court decisions and practice, and as informed by applicable agency guidance documents."
[10] See "EPA May End CWA Enforcement Using Kennedy Test Ahead of New Rule" https://insideepa.com/daily-news/epa-may-end-cwa-enforcement-using-kennedy-test-ahead-new-rule.

enforcement cases where Clean Water Act jurisdiction is not a "slam dunk"[11] – again, suggesting that the agency is failing to fully enforce the laws as Congress and the Court intended.

Similarly, the *Washington Post* reports that the political head of EPA's enforcement office has imposed a new procedural hurdle on the referral of civil enforcement cases to the Department of Justice.[12] According to a March 2018 EPA memo, all civil enforcement cases, including cases involving alleged Clean Water Act violations, now require specific sign-off from EPA political appointees, creating the possibility for outside influences to dictate enforcement of our Nation's environmental laws.

These reports call into question this administration's commitment to the rule of law in enforcement of the Clean Water Act, one of this Nation's most successful environmental laws. In light of these concerns, and in furtherance of our Congressional oversight of Clean Water Act programs, we ask that you respond immediately to the following questions and requests for information:

(1) Does the Trump administration believe that Justice Kennedy's significant nexus analysis is currently the basis for asserting Clean Water Act jurisdiction over a waterbody or wetland? If so, please provide us with evidence of actions initiated by EPA and/or the Department of Justice to diligently prosecute Clean Water Act violations where jurisdiction is premised on a significant nexus determination.

(2) Please provide us with the status of all cases, both civil and criminal, under the Clean Water Act and identify the legal basis for which jurisdiction is premised (e.g. traditionally navigable waters, relatively permanent waters, and significant nexus) in each case. Please include in your response the status of all Clean Water Act cases that were pending prior to January 20, 2017, and the status of all cases that were initiated after that date to the present.

(3) Please provide us with a copy of all EPA, Corps, or Department of Justice memos, internal communications, emails, or other documents that –
    a. define, reference, or propose changes to the policies of the Bush or Obama administrations related to enforcement of cases where Clean Water Act jurisdiction is premised on a significant nexus jurisdiction;
    b. call on agency staff to identify pending or potential Clean Water Act cases on the basis of how jurisdiction is asserted; and
    c. define the administration's enforcement priorities and practices related to Clean Water Act jurisdiction.

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[11] See "EPA Official Says CWA Jurisdiction Uncertainty Might Defer Enforcement" https://insideepa.com/daily-news/epa-official-says-cwa-jurisdiction-uncertainty-might-defer-enforcement.
[12] See "Trump appointee at EPA to scrutinize which pollution cases may go to court" https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2018/06/15/the-energy-202-trump-appointee-at-epa-to-scrutinize-which-pollution-cases-may-go-to-court/5b22ee7e1b326b3967989aee/.

(4) As you recall, in March 2018, the EPA Administrator issued a memorandum consolidating within the Office of the Administrator the authority to make certain, special-case jurisdictional determinations under the Clean Water Act. That same month, the Assistant Administrator for the Office of Enforcement and Compliance Assurance issued the earlier referenced memorandum on "Interim Procedures for Providing Early Notice of Civil Judicial Referrals." In both instances, EPA has consolidated significant authority to act on potential Clean Water Act violations in the hands of political appointees of the agency, with little regard to established procedures or public transparency.

a. Please provide us with a list of every Clean Water Act jurisdictional determination or civil enforcement referral for a Clean Water Act-related case that has utilized the new processes identified in these 2018 memos.
b. For Clean Water Act civil enforcement cases, please provide a list of any case where a referral to the Department of Justice was not made, and please identify the recommendations of the case team and regional administrator for such case, and the rationale for not making a referral to the Department.
c. Please provide a justification for how the new civil enforcement process will "reduce the average time from violation identification to correction."
d. Please provide a summary of what procedures are in place to ensure that decisions to refer Clean Water Act enforcement cases to the Department are transparent and free of political influences.

We thank you for your prompt attention to this matter, and request a reply to this letter as soon as possible, but no later than July 31, 2018. If you have any questions, please contact us or have your staff contact Ryan Seiger of the House Committee on Transportation and Infrastructure at (202) 225-0060 or Christophe Tulou of the Senate Committee on Environment and Public Works at (202) 224-8832.

Sincerely,

PETER DeFAZIO
Ranking Member
Committee on Transportation
and Infrastructure
U.S. House of Representatives

TOM CARPER
Ranking Member
Committee on Environment and
Public Works
U.S. Senate

cc: The Honorable Ricky "R.D." James, Assistant Secretary of the Army (Civil Works)

LAMAR ALEXANDER
TENNESSEE

United States Senate

WASHINGTON, DC 20510

June 28, 2018

The Honorable Scott Pruitt
Secretary
US Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20004

Dear Secretary Chao:

I am writing to express my support for the application submitted by the Trust for Public Land in Chattanooga for funding through the Environmental Education Local grant program.

The Trust for Public Land is a nonprofit organization that works to provide parks, gardens, and other natural places for the public to enjoy. The Trust for Public Land, in collaboration with the City of Chattanooga, is working on the "Alton Park Riverwalk Connecter" project. This project will convert an abandoned rail line into a pedestrian trail that connects Southside Community Park with the Tennessee Riverwalk. This project will help continue to revitalize this historic area and connect existing parks for the community's enjoyment and use.

The Trust for Public Land tells me this grant will also be used to plan and implement educational activities related to water quality issues and land revitalization to help educate students and the community about important environment topics.

I hope you will give all due consideration to the Trust for Public Land's application. I'd be glad to furnish additional information, or your office may wish to be in touch with Lucas Da Pieve of my staff at (202) 224-4944.

Sincerely,

Lamar Alexander
United States Senator

TREY GOWDY, SOUTH CAROLINA
CHAIRMAN

ONE HUNDRED FIFTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
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MAJORITY (202) 225–5074
MINORITY (202) 225–5051
http://oversight.house.gov

June 11, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Pruitt:

I am writing regarding very troubling reports that you may be avoiding producing records under the Freedom of Information Act (FOIA) relating to your tenure as Administrator of the Environmental Protection Agency (EPA). Given the vast number of allegations against you, the American people deserve more transparency regarding your actions—not less.

According to one of your former top Republican aides, you intentionally sought to delay producing records relating to your tenure by directing your front office staff to respond first to old requests from the Obama Administration. Other Republican political appointees on your senior staff confirmed your new "first in, first out" policy, which appears to contradict EPA regulations and Department of Justice guidance.

In addition, according to internal EPA documents, you have instituted a new process requiring senior political appointees to review FOIA responses before they are released—a practice our Committee has condemned on a bipartisan basis in the past. Your actions are particularly troubling in light of multiple reports that you have retaliated against EPA staff who disclose waste, fraud, and abuse.

Under your tenure, EPA's front office is now responding more slowly, withholding more information, and rejecting more requests, according to EPA's own data and independent sources. Combined with your refusal to produce documents requested by Congress, your actions in delaying records under FOIA raise concerns about a fundamental lack of transparency at EPA.

Withholding Records From Administrator's Office

On April 10, 2018, Kevin Chmielewski, your former Deputy Chief of Staff for Operations and a campaign aide to President Donald Trump, informed staff from my office and several other congressional offices that you appear to be intentionally delaying the release of documents under FOIA relating to your tenure at EPA.

Mr. Chmielewski stated that you directed your staff not to respond to FOIA requests regarding your tenure until requests from the Obama Administration had been completed. According to Mr. Chmielewski, during a meeting of your front office senior staff, you directed staff to justify this tactic using the talking point of first in, first out.

On May 18, 2018, Millan Hupp, your former Director of Scheduling and Advance, confirmed Mr. Chmielewski s account that the Administrator directed this first in, first out policy during a senior staff meeting. During a transcribed interview with Republican and Democratic Committee staff, she had this exchange:

Q: Did the Administrator ever announce at a staff meeting that the Administrator s office should treat FOIA requests as first in, first out?
A: I have heard discussions about that, yes.
Q: With the Administrator?
A: He has made mention of it, yes.[1]

Ms. Hupp confirmed that you discussed responding to FOIA requests from the Obama Administration rather than requests for information about your own tenure:

Q: When he or someone else discussed first in, first out, did anyone indicate that first in, first out meant that the office should fulfill the old requests from the previous administration before you work to fulfill the current requests of this administration?
A: That was the nature of the discussions I was exposed to. I was not part of the decision-making.
Q: Can you describe that discussion?
Q: I don t recall ever having any lengthy in-depth discussions about this as this is not part of my job description, but anything that I heard on it was related to first in, first out.
Q: And who do you recall [having] those discussions with?
A: I mean, I recall the Administrator bringing it up.[2]

In a separate transcribed interview on May 22, 2018, your former Senior Advisor, Sarah Greenwalt, informed Committee staff that she disagreed with the first in, first out policy and recommended against it:

Q: What was, practically speaking, a better way to handle FOIAs?
A: Not first-in, first-out.
Q: I mean—
A: To evaluate them as they come in, recognizing that some FOIAs are larger than others and more time-consuming and more complicated than others.
Q: Was your suggestion to do those first or later?

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[1] House Committee on Oversight and Government Reform, Interview of Millan Hupp (May 18, 2018).

[2] *Id.*

> Q: My suggestion was to balance everything, the deadlines that we have with the responsibility to work with those requesters to try to get them the information in as timely a way as we can.[3]

The orders you apparently gave to delay producing documents relating to your tenure appear to directly contradict EPA's own FOIA regulations, as well as guidance issued by the Department of Justice. EPA regulations require the agency to use "multitrack processing" in which simple requests are processed more quickly than complex requests. EPA regulations provide that if the agency determines that a request would be placed in the slower track, the agency would provide the requester with the opportunity to narrow the scope of the request.[4] Guidance issued by the Department of Justice encourages agencies to use multi-track processing so that simple requests are processed more quickly and do not get stuck behind older, more complex requests.[5]

New Political Review Process Established to Filter FOIA Responses

According to internal EPA documents, the agency has established a new process in which political appointees review FOIA responses before they are released instead of allowing career employees to handle these matters.[6] According to one report, your political appointees were "chastising career employees who released documents in accordance with FOIA without letting them screen the records first."[7]

On June 6, 2017, Attorney-Advisor Jonathan Newton sent an email instructing FOIA coordinators at EPA to send pending FOIA releases for review by three Trump Administration political appointees. The email stated: "please send copies of pending FOIA releases to Ryan Jackson, Liz Bowman, and Amy Graham, 48 hours before the release."[8]

In July 2017, Mr. Jackson sent a memo to the heads of six EPA offices inside and outside the Office of the Administrator. The memo stated:

> By this memorandum, I am asking you to implement a pilot project centralizing all incoming Freedom of Information Act requests directed to the Immediate Office of the

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[3] House Committee on Oversight and Government Reform, Interview of Sarah Greenwalt (May 22, 2018).

[4] 40 C.F.R. "2.104.

[5] Department of Justice, *OIP Guidance for Further Improvement* (2012) (online at www.justice.gov/oip/blog/foia-guidance-10).

[6] *EPA Clamps Down on Document Requests Linked to Pruitt*, Politico (May 6, 2018) (online at www.politico.com/story/2018/05/06/pruitt-epa-document-requests-570289). These documents were produced following litigation by the Natural Resources Defense Council, after EPA failed to provide them in response to a FOIA request.

[7] *Id*.

[8] Email from Jonathan Newton, Attorney Advisor, Office of the Executive Secretariat, to Staff, Environmental Protection Agency (June 6, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/Newton%20email.pdf).

> Office of the Administrator, the Office of Public Affairs (OPA), the Office of Policy (OP), and the Office of Congressional and Intergovernmental Relations (OCIR) consistent with the attached project description.[9]

Mr. Jackson attached to his memo a document entitled "AO FOIA Centralization Pilot Project Description." This document describes a process in which a "FOIA Expert Assistance Team (FEAT) Team" within the Office of General Counsel would review FOIA requests, develop a strategy for responding, and "ensure appropriate consultation with senior officials in the relevant offices through the lifecycle of a request," including "a pre-production awareness review opportunity for material to be released and ensuring the official authorizing a response is authorized to do so under the applicable agency guidance and delegations."[10]

On August 2, 2017, Becky Dolph, Director of the FEAT Team, sent an email to Mr. Jackson, writing, "As we are implementing the pilot, I have instructed my staff that no AO requests are to be issued without the opportunity for an awareness review by you, OPA and the senior leadership of any other affected offices."[11]

On August 8, 2017, Brian Hope, the Acting Director of the Office of the Executive Secretariat, sent an email to several attorneys in your office, writing:

> Ryan Jackson has just issued instructions to have all AO FOIA releases reviewed by the FEAT team prior to distribution for awareness review by the political team. Please send Becky Dolph all proposed releases that are currently in the awareness review process, as well as all future proposed releases. At the conclusion of her team's review, they will forward the proposed release for the political team's awareness review.[12]

Ms. Greenwalt told Committee staff in her interview that she reviewed responses to FOIA requests and identified potential additional redactions as part of EPA's awareness review as part of her duties as the Senior Advisor for Water and Cross-Cutting Issues.[13]

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[9] Email from Ryan Jackson, Chief of Staff, to Kevin Minoli, Acting General Counsel, Samantha Dravis, Associate Administrator for Policy, et al., Environmental Protection Agency (July 24, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/R.%20Jackson%20Email%20with%20Memo.pdf).

[10] Environmental Protection Agency, *AO FOIA Centralization Pilot Project Description* (July 21, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/AO%20Pilot%20Project%20Description.pdf).

[11] Email from Becky Dolph, Director, FOIA Expert Assistance Team Office, to Ryan Jackson, Chief of Staff, Environmental Protection Agency (Aug. 2, 2018) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/B.%20Dolph%20Email.pdf)

[12] Email from Brian Hope, Acting Director, Office of the Executive Secretariat, to Jonathan Newton, Frederick No, et al., Environmental Protection Agency (Aug. 8, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/B.%20Hope%20Email.pdf).

[13] House Committee on Oversight and Government Reform, Interview of Sarah Greenwalt (May 22, 2018).

Slowing of FOIA Responses

According to multiple sources of data over the past several years, FOIA responses from your office have slowed dramatically under your tenure as Adminstrator.

For example, the nonpartisan watchdog organization Project on Government Oversight has reported that only 16.6% of FOIA requests to your office, the Office of the Administrator, were closed from January 20, 2017, to December 29, 2017, compared to a closure rate of 78.76% for all EPA requests during that same period.[14]

In addition, according to EPA's FOIA report for Fiscal Year 2017, EPA granted full requests at a lower rate in 2017 than in the last year of the Obama Administration in 2016, and it also denied full requests at a higher rate than in the last year of the Obama Administration.[15]

According to this data, EPA also rejected requests for not being "reasonably described" in 2017 at four times the rate as in 2016. In 2016, EPA rejected 114 requests for not being reasonably described, which represented 1% of the requests processed that year. In 2017, EPA rejected nearly 5% of requests for this same reason, and most of those (89%) were requests for information from EPA headquarters.[16]

In one example, the open government organization American Oversight filed a FOIA request for all "emails between Scott Pruitt and Ryan Jackson (Chief of Staff), John Reeder (Deputy Chief of Staff), or Mike Flynn (Acting Deputy Administrator) from June 1, 2017, to June 15, 2017."[17] EPA responded that this request did not "reasonably define a set of records to search" and did not "provide details such as the subject matters, titles or key terms."[18]

It is difficult to understand why that EPA could not locate the records described by American Oversight. According to the FOIA Guide issued by the Department of Justice, courts have recognized "that a description of a requested record is sufficient if it enables a professional agency employee familiar with the subject area to locate the record with a 'reasonable amount of effort.'"[19]

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[14] Project on Government Oversight, *EPA Drags Its Feet with Records Requests Aimed at Scott Pruitt's Office* (Feb. 25, 2017) (online at www.pogo.org/blog/2018/02/epa-drags-its-feet-with-foia-records-requests-aimed-at-scott-pruitts-office.html).

[15] Environmental Protection Agency, *EPA FOIA Annual Report for Fiscal Year 2017* (Mar. 2018) (online at www.epa.gov/sites/production/files/2018-03/documents/2017_foia_annual_report.pdf); Environmental Protection Agency, *EPA FOIA Annual Report for Fiscal Year 2016* (Mar. 2017) (online at www.epa.gov/sites/production/files/2017-01/documents/2016_foia_annual_report.pdf).

[16] *Id.*

[17] American Oversight, *FOIA Request* (EPA-HQ-2017-008848) (June 23, 2017).

[18] *American Oversight v. U.S. Environmental Protection Agency*, Case No. 18-cv-364 (TJK) (Feb. 16, 2017) (online at www.americanoversight.org/document/complaint-american-oversight-v-epa-epa-pruitt-emails).

[19] Department of Justice, *Guide to the Freedom of Information Act* (July 24, 2013) (online at www.justice.gov/oip/doj-guide-freedom-information-act-0).

Conclusion and Request for Documents

Your actions injecting politics into the FOIA process mark a stark departure from previous practice. In 2015, the EPA Inspector General issued a report concluding that political appointees in the Obama Administration had very little involvement in the FOIA process. The report stated: "All interviewees said that political appointees are rarely involved in the FOIA response process and only participate when the appointees themselves have responsive records to provide."[20]

When allegations of political interference did arise during the previous Administration, both Democrats and Republicans made clear that civil servants should be allowed to do their jobs without interference. For example, during a hearing before our Committee in 2011, our current Chairman, Rep. Trey Gowdy, criticized an official from the Department of Homeland Security for having political appointees review FOIA responses. He asked the witness, "Would you concede that slow walking or taking your time in complying with an otherwise legitimate FOIA request could be interference?"[21]

Based on the information set forth above, I request that you produce, by June 25, 2018, the following documents covering the period between, January 20, 2017, to the present:

1. all documents and communications referring or relating to the order in which FOIA requests should be processed at EPA;

2. all documents and communications referring or relating to any process used by EPA to prioritize responses to FOIA requests;

3. all documents and communications referring or relating to FOIA requests that were rejected for being not reasonably described;

4. all documents and communications referring or relating to the process for determining whether a FOIA request is reasonably described;

5. all documents and communications referring or relating to the process for handling FOIA requests for information from the Office of the Administrator;

6. all responses provided to FOIA requests for information from the Office of the Administrator;

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[20] Office of the Inspector General, Environmental Protection Agency, *Response to Congressional Request Concerning Political Interference in Release of Documents Under the Freedom of Information Act* (Aug. 20, 2015) (online at www.epa.gov/sites/production/files/2015-09/documents/20150820-15-p-0261.pdf).

[21] House Committee on Oversight and Government Reform, *Hearing on Why Isn't the Department of Homeland Security Meeting the President's Standard on FOIA?*, 112th Cong. (Mar. 31, 2011) (online at www.gpo.gov/fdsys/pkg/CHRG-112hhrg67719/pdf/CHRG-112hhrg67719.pdf).

7. documents and communications referring or relating to reviews by Trump Administration political appointees to review FOIA requests or responses; and

8. documents and communications referring or relating to any review of FOIA requests or responses by White House employees.

Thank you for your prompt attention to this request.

Sincerely,

Elijah E. Cummings
Ranking Member

cc: The Honorable Trey Gowdy, Chairman

SALUD O. CARBAJAL
24TH DISTRICT, CALIFORNIA
WEBSITE: CARBAJAL.HOUSE.GOV

COMMITTEE ON ARMED SERVICES
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TACTICAL AIR AND LAND FORCES

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Thursday, June 27, 2018

Michael Stoker
Regional Administrator
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (ORA-1)
San Francisco, CA 94105

Dear Mr. Stoker,

I am writing to request the Region IX U.S. Environmental Protection Agency (EPA) hold a public meeting in San Luis Obispo County to discuss the "aquifer exemption application" from the California Division of Oil, Gas and Geothermal Resources (DOGGR) for Arroyo Grande Oil Field (AGOF).

As you know, DOGGR submitted an exemption application to the Region IX EPA on June 8, 2018. As part of the public process, DOGGR held public meetings regarding the AGOF. The constituents of my Congressional District, especially those living in the affected area known as Price Canyon, have raised numerous concerns, some of the same shared by the EPA in the agencies' requests of DOGGR for clarification and further assessment. Those concerns include over-drafting of the local aquifer, private well contamination, seismic analysis, aquifer boundary determination and many others.

The residents of Price Canyon and San Luis Obispo County deserve to hear from the EPA about the steps your agency will take to review the application and voice their concerns regarding the proposed project and the exemption request.

Water is a precious resource in California. We must not risk any contamination and waste of that resource. I want people of California and San Luis Obispo County to be assured that the EPA is continuing to follow its mandate to protect the environment as it did when the state was required to submit aquifer exemptions for approval.

Thank you for considering this request. I look forward to hearing from you soon.

Sincerely,

SALUD CARBAJAL
Member of Congress

Congress of the United States
Washington, DC 20510

June 28, 2018

The Honorable Cathy Stepp
Regional Administrator
U. S. Environmental Protection Agency Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd
Chicago, IL 60604-3590

Dear Administrator Stepp:

Thank you for your June 4, 2018, letter regarding manganese emissions in Southeast Chicago and U.S. Environmental Protection Agency's (EPA'S) focus on this issue. We look forward to working more with you on this issue and request a meeting with you to further discuss our concerns moving forward.

We appreciate that EPA's efforts and coordination with the City of Chicago on issues pertaining to fugitive dust and manganese air emissions at S.H. Bell Company's facility. We are interested to see the results of EPA's targeted program to assess manganese levels in the soil near the facility. According to *Chicago Tonight*, the City of Chicago's data has already indicated that at least three homes had levels of manganese in excess of EPA's emergency removal threshold under its Superfund program.

We support the EPA in its commitment to investigate other sources of manganese in Southeast Chicago. Thank you for informing us that EPA issued a Section 114 Information Request to Watco Terminal and Port Services requiring the installation of a filter-based air monitor. We look forward to hearing about more Section 114 Information Requests requiring such monitors. Please keep us informed on EPA's efforts to address pollution issues in Southeast Chicago.

We would like to meet with you to discuss our concerns about the assessment of manganese levels in the soil to determine if a cleanup is needed to protect public health. We hope you will be able to provide us insight on what particular threshold EPA will be using to evaluate whether a cleanup is needed, its plans to engage with the community, and how it will hold polluters accountable.

Sincerely,

RICHARD J. DURBIN
United States Senator

SUSAN SADLOWSKI GARZA
Alderwoman, Tenth Ward

TAMMY DUCKWORTH
United States Senator

ROBIN L. KELLY
Member of Congress

CHARLES J. "CHUCK" FLEISCHMANN
3RD DISTRICT, TENNESSEE

COMMITTEE ON APPROPRIATIONS
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SUBCOMMITTEE ON HOMELAND SECURITY

Congress of the United States
House of Representatives
Washington, DC 20515–4203

WASHINGTON OFFICE
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OAK RIDGE, TN 37830
(865) 576–1976 (865) 576–3221 (FAX)

6 EAST MADISON AVENUE COURTHOUSE
ATHENS, TN 37303–4297

June 13, 2018

Mr. Jason McDonald
Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Dear Mr. McDonald:

Please accept my support for The Trust for Public Land's (TPL) request for funding through the Environmental Education Local Grants Program. Requesting $100,000, the TPL would utilize the grant funding for personnel costs and materials to implement environmental educational activities to enhance the community engagement process for a new trail project known as the "Alton Park Riverwalk Connector" (APRC). The APRC project encompasses the conversion of an abandoned CSX rail line into a neighborhood connector to the larger greenway system in Chattanooga, Tennessee.

Assuming a favorable decision, the grant would support local environmental education projects that increase public awareness and encourage responsible actions. These projects would include formal education as well as facilitated field trips that allow students to explore sites outside their community and learn about environmental topics including water management, water quality, and land revitalization.

Proudly serving Chattanooga in the U.S. House of Representatives, I highlight this project's potential to increase environmental literacy and long-term stewardship while engaging more than 2,000 local citizens in promoting the wellbeing of the communities surrounding the Alton Park Riverwalk Connector. It is a privilege to lend my support to this proposal, and I ask for your thoughtful consideration of its success. Please let me know if I can ever be of assistance to you or your colleagues.

Sincerely,

Chuck Fleischmann
Member of Congress

CATHY McMORRIS RODGERS
5TH DISTRICT, WASHINGTON

REPUBLICAN CONFERENCE
CHAIR

DEPUTY WHIP

COMMITTEE:
ENERGY AND COMMERCE
SUBCOMMITTEE ON HEALTH

Congress of the United States
House of Representatives

June 5, 2018

COUNTIES:
ASOTIN
COLUMBIA
FERRY
GARFIELD
LINCOLN
PEND OREILLE
SPOKANE
STEVENS
WALLA WALLA
WHITMAN

Chris Hladick
Region 10 Administrator
US Environmental Protection Agency
1200 6th Ave.
Mail Code: RA-210
Seattle, WA 98101

Dear Mr. Hladick:

I am writing to you on behalf of the people of Spokane, Washington. Spokane is challenged by new Water Quality Standards for Protecting Human Health established by Environmental Protection Agency in late 2016, after the agency disapproved standards developed by Washington state. The new Water Quality standards include a numeric limit of 7 parts per quadrillion (ppq) for Polychlorinated biphenyls (PCBs)—a standard that is unachievable with current technology, not reliably measured, and brings unpredictable costs to the city and the people who live there. This community needs a path forward on this issue that is affordable, measurable, and provides certainty.

The people of Spokane have made significant investments to meet Clean Water Act requirements, and is currently spending $340 million to improve the health of the Spokane River. This work is reducing pollutants, including PCBs, going into the river and meet obligations for metals, dissolved oxygen, and nutrient loading. To pay for the work, the City sold $200 million in revenue bonds with payments continuing through 2034. This investment is being made in a City with a 2016 median household income (MHI) of $45,676, considerably lower than the MHI for the U.S. or Washington state.

Spokane clearly is a community that's doing the right things for its river. The City's Clean Water work has received national recognition, with the National Association of Clean Water Agencies granting Spokane the 2015 National Environmental Achievement Local Public Service Award.

40 C.F.R. 131.14 appears to provide for Water Quality Standards Variances in circumstances such as these. Please provide an overview of the variance requirements, process and expectations that will assist the City of Spokane and the State of Washington in developing a resulting variance to submit to EPA.

Sincerely,

Cathy McMorris Rodgers
Member of Congress

1314 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2006
FAX: (202) 225-3392

10 NORTH POST STREET, SUITE 625
SPOKANE, WA 99201
(509) 353-2374

555 SOUTH MAIN
COLVILLE, WA 99114
(509) 684-3481

26 EAST MAIN STREET, SUITE 2
WALLA WALLA, WA 99362
(509) 529-9358

www.mcmorrisrodgers.house.gov
www.mcmorrisrodgers.house.gov/facebook

cc: Scott Pruitt, Administrator, EPA
David Condon, Mayor, City of Spokane
Senator Patty Murray
Senator Maria Cantwell

Eades, Cassaundra

From: Gaines, Cynthia
Sent: Monday, June 25, 2018 5:45 PM
To: Eades, Cassaundra; Mims, Kathy
Cc: Richardson, RobinH
Subject: FW: Case ID#PR-028131 - Sen. John Kennedy with 12 signees - Jun 04 18
Attachments: PR-028131 - Sen. John Kennedy with 12 signees - Jun 04 18 - Kigali Amend....pdf

For processing in CMS. Thanks.

From: FN-WHO-Document Tracking Unit (b) (6) [redacted]
Sent: Friday, June 22, 2018 2:35 PM
To: EPAExecSec <EPAExecSec@epa.gov>
Subject: Case ID#PR-028131 - Sen. John Kennedy with 12 signees - Jun 04 18

THE WHITE HOUSE
OFFICE OF RECORDS MANAGEMENT
DOCUMENT MANAGEMENT AND TRACKING UNIT

Please see attached letter addressed to the President from Congressional Member(s).

To: Environmental Protection Agency

Action Requested: Appropriate Action

Referral Comments: Department of Labor has requested this letter be transferred to EPA.

Please send a copy of response or draft response for signature (if one is requested) to the Document Management and Tracking Unit mailbox, (b) (6) [redacted]**. include any additional comments and/or actions taken by your agency. If more information is needed call (202) 456-2590.**

United States Senate

WASHINGTON, DC 20510

June 4, 2018

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

We write to urge you to send the Kigali Amendment to the Montreal Protocol to the Senate for its advice and consent. The Kigali Amendment is intended to foster a smooth transition to commercially available next generation technologies developed by American industry. By sending this amendment to the Senate, you will help secure America's place as the global leader in several manufacturing industries, and in turn give American workers an advantage against their competitors in the international marketplace.

Under the framework of the Montreal Protocol, U.S. industry has for years positioned itself as a leader in the effort to develop beneficial technology transitions relating to the use of fluorocarbon technologies, including air conditioning and refrigeration technologies. In fact, the Montreal Protocol has its roots in the Reagan Administration and has enjoyed bipartisan support since its inception. This leadership is due in part to the active participation of U.S. industry members with the government over the 30-year history of the treaty and can only continue through Senate ratification of the Kigali Amendment.

Right now, American companies and their 589,000 employees are poised to significantly benefit from the transitions contemplated by the Kigali Amendment, transitions that other countries already have in place. The Kigali Amendment is projected to increase U.S. manufacturing jobs by 33,000, increase exports by $4.8 billion, and improve the heating, ventilation, air-conditioning, and refrigeration industry (HVACR) balance of trade. The failure to ratify this amendment could transfer our American advantage to other countries, including China, which have been dumping outdated products into the global marketplace and our backyard. Thankfully, there is a clear path forward to protect American interests.

We urge you to send this amendment to the Senate for its consideration. The impacted industries in our country played a major role in shaping this amendment and are supportive of its ratification and implementation. The Kigali Amendment will protect American workers, grow our economy, and improve our trade balance all while encouraging further innovation to strengthen America's leadership role. We look forward to working with you on this important effort to support American jobs and technology.

Sincerely,

John Kennedy
United States Senator

Susan M. Collins
United States Senator

Bill Cassidy, M.D.
United States Senator

Lindsey O. Graham
United States Senator

Lisa Murkowski
United States Senator

Johnny Isakson
United States Senator

Lamar Alexander
United States Senator

Marco Rubio
United States Senator

Jerry Moran
United States Senator

Tim Scott
United States Senator

Roy Blunt
United States Senator

John Boozman
United States Senator

Todd Young
United States Senator

intertrac 8953026-1TD

(b) (6) [redacted]

Phone: [redacted]

IP: [redacted]

(b) (6) [redacted]

Agency

Details

Category:	Buck Letters and Constituent Referrals	Rec'd Via:	Web
Assigned To:	Caitlin Hart	Created:	06/13/18
Status:	Open	Due:	
Subject:	Environment	Closed:	
Description:			

[redacted]

Subject: Geo-engineering

Dear Bill my results from my Heavy Metals tests have come back positive, as well todays release of new information shows we have 7000 x's the amount over what EPA would consider acceptable levels of Aluminum as that is the medium these bastards as using in deploying this god awful program- I want to have a meeting directly with you in person to discuss this

(b) (6) [redacted]

LAMAR ALEXANDER
TENNESSEE

United States Senate

WASHINGTON, DC 20510

June 29, 2018

The Honorable Scott Pruitt
Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20004

Dear Administrator Pruitt:

I am writing to express my support for the application submitted by the Trust for Public Land in Chattanooga for funding through the Environmental Education Local grant program.

The Trust for Public Land is a nonprofit organization that works to provide parks, gardens, and other natural places for the public to enjoy. The Trust for Public Land, in collaboration with the City of Chattanooga, is working on the "Alton Park Riverwalk Connecter" project. This project will convert an abandoned rail line into a pedestrian trail that connects Southside Community Park with the Tennessee Riverwalk. This project will help continue to revitalize this historic area and connect existing parks for the community's enjoyment and use.

The Trust for Public Land tells me this grant will also be used to plan and implement educational activities related to water quality issues and land revitalization to help educate students and the community about important environment topics.

I hope you will give all due consideration to the Trust for Public Land's application. I'd be glad to furnish additional information, or your office may wish to be in touch with Lucas Da Pieve of my staff at (202) 224-4944.

Sincerely,

Lamar Alexander
United States Senator

COMMITTEE ON
THE BUDGET

COMMITTEE ON EDUCATION
AND THE WORKFORCE

COMMITTEE ON
SMALL BUSINESS
CHAIRMAN, OF SUBCOMMITTEE ON
ECONOMIC GROWTH, TAX,
AND CAPITAL ACCESS

David Brat
Congress of the United States
7th District, Virginia

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9104 COURT HOUSE ROAD
P.O. BOX 39
SPOTSYLVANIA, VA 22553
(540) 507-7216
(540) 507-7019 (F)

WWW.BRAT.HOUSE.GOV

June 1, 2018

Mr. Troy Lyons
Associate Administrator for Congressional Affairs
Environmental Protection Agency
1200 Pennsylvania Ave NW Rm 3426
Washington, DC 20460-0001

Dear Mr. Lyons:

Ms. Sylvia Wright, one of my constituents, contacted me regarding a problem with soil/sand runoff on her property and I am hopeful that you may be of assistance. I have enclosed all of the information that we have received on this particular case for your review.

If you or a member of your staff would look into this matter and provide any information that might be useful, I would be most grateful. Should you require any additional information, please do not hesitate to contact me or my District Representative, Zachary Williams, in my Glen Allen Office at 804-747-4073 or Zachary.Williams@mail.house.gov.

In reply, I would appreciate if you would direct correspondence to my District Office by mail to 4201 Dominion Blvd, Suite 110, Glen Allen, VA 23060, by fax to 804-747-5308, or by email to Zachary.Williams@mail.house.gov.

Sincerely,

Dave Brat
Member of Congress

DB/ZW

CONGRESSMAN DAVE BRAT
7th DISTRICT OF VIRGINIA

CONSTITUENT RELEASE FOR SERVICE
PRIVACY ACT RELEASE

In accordance with Title 5, section 522 (a), of the United States Code, (the Privacy Act), I hereby authorize Congressman Dave Brat to request assistance on my behalf as he may deem necessary.

Please Print:

(b) (6) [redacted]

Name _____

Address _____

_____

Phone Number _____

Email Address _____

Date of Birth _____

Social Security Number _____

Name of Agency _____

Claim Number _____

Nature of Problem:

failure of Henrico County to enforce / comply to regs & laws that prevent soil water runoff into properties

Date May 22 2018

Signature (b) (6) [redacted]

Backfill of wetland(b) (6) [redacted]e Reservoir

Due to the fact - Henrico County VA has failed to comply and/or enforce Henrico County Code of Ordinances - Sec. 19-163. - Storm water drainage system as well as standards and/or specifications (Code 1980, § 19-32; Code 1995, § 19-144) and/or Erosion and sediment control, § 10-27 et seq. and/or state laws which mandate subdivision ordinances adequately provide for provisions for drainage and flood control, Code of Virginia, § 15.2-2241(A) 3, ***the community of Hoehns Lakeview Farms is plagued by excessive soil, road sand and water runoff: sediment and road sand from surrounding land-use development and maintenance projects and water runoff from the aftermath of such projects.***

For example, as identified in an email dated February 27, 2013 authored by(b) (6) [redacted]e, County Planner, "ICR (Islamic Center of Richmond) and (b) (6) [redacted] will have to demonstrate adequate drainage outfall for both the Mosque site and proposed subdivision ....."

During a series of email discussions which occur in 2012, both quantity and quality of drainage outfall was discussed between residents, County employees and employees of the VA Dept. of Environmental Equality. In an email dated May 14, 2015 resident(b) (6) [redacted]s and documented ICR construction activities stating, "They're moving the mountain of dirt to the other side".

Still, although notified of ICR's activities, instead of accepting resident (b) (6) [redacted]eye witness account which is documented with video and pictures, the County chose to accept ICR's denial explanation, "dirt moved is being used as top soil to establish ground cover in the storm sewer easement".

As a result, ICR's back filled of former lot 7 GPIN 6048, lot 4 GPIN 8515 and the former (b) (6) [redacted] property located at 8411 Hungary road has created excessive soil water runoff. In fact, ***the community as a whole – Hoehns Lakeview Farms - is experiencing water soil runoff related to the backfill of lot 7 from Nectar Court which is located in the Hungary Woods subdivision; and water soil runoff from the backfill of 8451 (lot 4) and 8411 Hungary Road which impacts private road Hoehns, a residence located at 9512 Hoehns Road and the Hungary Creek wetland of which part is incorporated into lot 2 of the Wright family subdivision.***

See Exhibit A-1 for details of the failure of Henrico County and those associated with the state of VA who chose to not enforce adequate outfall of storm water management from the 8481 Hungary Road construction site located in Glen Allen VA; and ***exhibit A-2*** for details of runoff related to the impact on Nectar Court.

Affected Property - (b) (6) Lake Reservoir

The Bolton Estate was founded in 1838 as a Quaker farm and expanded in size through the Homestead Act. In 1939, Louisa Bolton Hoehns split her section deeding 26.62 area and a newly established easement in terms of 'quiet possession' to her son John Richard Hoehns recorded deed book 275B page 479. John is the only child of Louisa's family who received property via a deed so his deed and plat are cross referenced in almost all family documents. The reminder of the farm shown as consisting of 7 lots and called the Louisa Bolton Hoehns tract shared ingress/egress on its western side with Louisa's sister Johanna Bolton Miller. This easement is presently called Honey Lane.

In 1983, (b) (6) convey this property and its easement to his daughte(b) (6) s Wright in terms of 'exclusive ownership' (deed book 1896 page 1733), the intent of which was to ensure the property and/its easements would remain generational family property specific to their daughter's heirs.

After acquiring Shannon Green Section 16 common area (deed book 3277 page 2546) and Hungary Ridge common area (deed book 2718 page 1631) (b) (6) established the (b) (6) y Subdivision'; and over time, has shared parcels of her land and its easement with 4 of her 5 children. **The Wright Family Subdivision 'certified plat survey', filed in the Henrico County Records room plat book 3241 PG1124, identifies lot 6 as a significant wet-land known as (b) (6) Reservoir delineating its Chesapeake Bay and EPA land use requirements.** ***See exhibit B-1,*** (b) (6) subdivision plat.

Earlier records indicate Hoehns Lake Reservoir to be a natural pool which served as support for more than 500 surrounding acres of agriculture activity. In fact, during the 1930s blocks of ice were cut from the pooling pond and sold in downtown Richmond for use in 'ice boxes'.

In the 1950s, the reservoir was expanded to support active freshwater recreation. Nevertheless, over time due to impact of soil, road sand and water runoff from surrounding urban suburban communities, the lake has ceased to support the concept of fresh water recreation. ***And in fact, it is federal level of geo-mapping which present-day identifies the lake to serve as a reservoir for its surrounding urban suburban communities.***

In the 1980s, land south of the Wright family subdivision was developed as a series of land-use projects. **Specifically, of the 200 plus acre project approximately 20 acres were reserved as a green space to offset an 'approved higher density use style of development'.** Nevertheless, ***in 2001 the county of Henrico released this area from its reserved status and it is present-day a suburban development Tanfield.***

In the 1990s, land north of the Wright family subdivision was developed as two land-use projects – Hungary Woods and Hungary Ridge. Both projects were development with BMP standards including soil water runoff retention ponds. ***The county of Henrico has since allowed Hungary Ridge to backfill its 'storm water retention' pond.*** And, presently it is these two land-use projects which are along with Hoehns Lakeview Farms recipients of Henrico County's failure to enforce County Code of Ordinances - Sec. 19-163. - Storm water drainage system specific to the 8481 Hungary Road construction site.

Since year 2000, west of the (b) (6) [redacted] subdivision, additional suburban projects occurred: Forrest Green, St. James and Tanfield; all of which occur during a time period in which BMP were required. **Hence, while the County of Henrico contends water and soil runoff is a result of projects that have occurred outside of their land-use 'best management practices' era, it is not a truthful statement.**

For example, there are water soil water runoff areas inside of Tanfield which directly drain into open culverts resulting in an aftermath of fallen trees and excessive water soil sediment deposited directly into the Hungary Creek wetland area identified as 6020 Ole West Dr.

As part of the (b) (6) [redacted] Restoration project, affected areas were survey and documented to reflect existing and anticipated water runoff. ***On the mappings of the areas, notice 'green' lines which represent creeks and streams and 'yellow and black' lines which represent installed 'storm water systems'. See exhibit B-2 a&b.***

Exhibit B2-a depicts four storm drains installed in the 80s which drain from (b) (6) [redacted] h benefit of 'rip wrap' directly int (b) (6) [redacted] e Reservoir. It also depicts a storm drain from Hungary Ridge which drains into the Hungary Creek wetland and ***a drain from Hungary Woods which drains into Hungary Creek a few feet west of Hoehns Lake Reservoir.***

The exhibit further identifies storm drainage from Walton Farms located off Hungary Road and from homes built behind the firehouse located on West End drive. All of which were installed in the 1980s or 1990s.

Then, the mappings document storm system drainage installed after 2000 in the developments of Forest Green, Tanfield and St. James. Exhibit B 2-b identifies two areas inside Tanfield in section 8 which drain directly into Hungary Creek through open culverts, this is the section identified to host fallen trees which are contributing to excessive soil and water runoff. Exhibit B 2-b also identifies areas within Forest Green – Newross, Templemore, Green Run, Bangor, Castlebar, Banbridge and Finnegan - all of which drain directly into a feeder creek which then drains directly into Hungary Creek.

Due to excessive sand/silt runoff from these identified areas, in 2007, dominant landowner Sylvia H (b) (6) [redacted] contacted Kirby Majette of the USDA QUINTON SERVICE CENTER; and it is Mr. Majette's opinion that the majority of pollution runoff at that time consisted of 'road sand'.

(b) (6) [redacted] Restoration Project

In response to community complaint of excessive soil/water runoff west (b) (6) [redacted] ir, a creek restoration project was implemented. Through an analysis of the area, it was determined stream erosion to contribute annually approximately 100 tons (or 10 dump truck loads) of sediment downstream. ***See ExhibitsC-1.***

Although the county contends it does not host such projects on 'private property', it was identified 8 such landowners were directly impacted (including parcel 7 6020 Ole West Dr. owne (b) (6) [redacted] s (b) (6) [redacted] The identified owners were contacted and did sign documents which allowed county staff into the affected areas - **'private properties'** for restoration.

Labelled the (b) (6) [redacted] stream restoration, the County of Henrico in 2013 applied for and received a matching funding grant of $146,850 from the Commonwealth of VA Department of Environmental Quality.

In 2014, the Timmons Group issued a press release stating their involvement in the restoration project, limitations of the expected restored area and expected beginning date. It was ***the release of an updated project plan and media release which revealed the project would contain a 'short fall of approximately 850' than originally anticipated.***

From the beginning of the project in November of 2015 to its completion in May of 2016, numerous problems were identified and ongoing the project team was notified of the project's impact on downstream properties. See ***exhibit C-2***.

In fact, the County – itself – identified and repaired 3 breaches in the county's aged sanitary sewer system which is installed parallel to Hungary Creek. Repeatedly residents of Hoehns Lakeview farms contacted the county concerning excessive sludge, silt and sand that migrated into Hoehns Lake Reservoir. In fact, during the restoration process, it is estimated the lake was a recipient of at least 3 times the previously identified annual down stream sediment flow.

After the fact, due primarily to the county's decision to short fall the project by approximately 850 feet, erosion of sediment and 'road sand' *has not* ***occur at the anticipated reduction of 90% but increased at an ever increasing rate; and at this point, backfilled an approximate acre of the 8 acre lake -*** (b) (6) [redacted] ***e Reservoir.***

On May 18, 2018 a significant storm event occurred. For details, *see exhibits D*. Specific to this event, exhibit D-1 depicts the water level entering the reservoir from its western feeder creek Hungary. Exhibit D-2 depicts the water level entering from a stable community runoff stream located in Shannon Green. And, exhibit D-3 depicts the aftermath as a result of water/soil/road sand from Hungary Creek and Nectar Court located in Hungary Woods: a deposit of an additional estimated 300 tons of soil/silt/road sand into (b) (6) [redacted] Reservoir.

Summary of Issue

Due to the county of Henrico's failure to comply and/or enforce Henrico County Code of Ordinances - Sec. 19-163. - Storm water drainage system, standards and specifications (Code 1980, § 19-32; Code 1995, § 19-144), Erosion and sediment control, § 10-27 et seq.; and state laws which mandate subdivision ordinances adequately provide for provisions for drainage and flood control, Code of Virginia, § 15.2-2241(A) 3, ***the community of*** (b) (6) ***Farms remains plagued by excessive soil, road sand and water runoff:*** flooding, sediment and road sand from surrounding land-use development and maintenance projects and the aftermath of such projects.

List of Recommended Solutions

Specific to construction projects such as the 8481 Hungary Road site, identify the point of origin of water runoff and tie it into existing storm water systems; and/or, in the case of a situation such as that in the Forest Green and Tanfield communities in which numerous water runoff channels drain directly into creeks and streams, install water retention ponds which are then periodically clear of sediment through scheduled maintenance. ***Water runoff should be retained and detained at its original site and slow released into its surrounding areas.***

Specific to clean up and repair of downstream recipien (b) (6), (1) complete the Hungary Creek restoration (approximate 850 foot short fall), (2) dredge silt/sand/road sand from the affected reservoir; and, (3) install a sediment catching pool at the mouth of the lake which is then periodically, cleared of sediment through scheduled maintenance.

Devise an eco-responsible maintenance plan for distribution and cleanup of 'road sand', as it is as identified by Kirby Majette of the USDA QUINTON SERVICE CENTER a majority of pollution runoff host by Hungary Creek and its recipient downstream lake – Hoehns Lake Reservoir. See ***exhibit E 1&2.*** As captured in January 2017 with photography, ***Exhibit E-1*** depicts road sand distributed nearby the restored Hungary Creek restoration area and E-2, depicts 'road sand' runoff in the newly restored creek area.

I'm contacting you to file formal complaint of damage incur to properties identified as Hungary Creek located at 6020 Olde West Dr. and (b) (6) [redacted] Reservoir located at 9420 Hoehns Road, Glen Allen VA.; specifically, for assistance with resolution of the following issues.

Please take a few minutes to watch YouTube video - **Hoehns Lake video** **https://youtu.be/RegrhSdayRE** which illustrates the impact of urban/suburban development on affected wetland areas. Reality is regardless of Henrico County VA's denial, videos and pictures tell a different story. For example, **see below email dated April 28, 2016 authored by Patrick Weddel of Henrico County**.

Weddel specifically states the lake is outside of the County's storm water management/system when in fact, less than 15 feet from the western boundary is drainage from Hungary Woods development; and in fact, prior complaints revealed sources of pollution to be restaurants located on Broad Street and a car wash located at Broad and Hungary Springs roads.

Property History - In 1980, after development of the wetland's southern boundary, Shannon Green's drainage entered from 2 locations with benefit of rip rap; and a final step, ALL sediment was removed from Hoehns Lake. As a result, the wetlands remained relatively free of impact from this area's project development.

In the 1990s, development occurred north of the wetland – Hungary Woods and Hungary Ridge. While both projects included BMP ponds, both also include curb gutter runoff. As a result, Hungary Woods drainage empties west immediately before the lake (Weddel's response denies this connection) and Hungary Ridge, below the lake. Neither of these project appear to have significantly impacted the lake.

Nevertheless, development to the west - Walton Farms, St. James Place, an area behind a firehouse located on West End Drive (Redstone Road) and Tanfield - has hammered the wetlands. Although developed during a time period in which Henrico County could have enforced 'storm water management ', due to excessive sand/silt runoff, in 2007, Kirby Majette of the USDA QUINTON SERVICE CENTER was contacted. It was Mr. Majette's opinion the majority of pollution runoff consisted of 'road sand'.

An example of the western development area's impact is Tanfield. Developed in 2007, drainage from the area is simply channel into an open culvert which then drains without benefit of rip rap directly onto a wooded wetland, 6020 Olde West Dr. The result has not simply been erosion of silt but channeling of community water runoff, road sand and excessive trash and debris. In fact, soil saturated by this community's runoff has resulted in fallen trees. Specifically, be aware this is an area Patrick Weddel deems stable.

Creek Restoration - In 2011, I was informed by John Newton – creek restoration project manager for Henrico County VA – that the County had deviated from its original community agreed upon creek restoration plan which focus on recovery of the 'core creek' from West End Manor Lake to Hoehns Lake. Having recognized significant impact of water runoff from the Redstone Road area behind the firehouse, the scope of the project shifted to include this area. Unfortunately, a decision was also made to exclude the remaining 700 plus feet which feeds Hoehns Lake (an area which includes water runoff from Tanfield, Walton Farms and St James Place).

Outcome of Project Restoration - After a significant project delay, the restoration of Hungary Creek kicked off November 2015 and end approximately May of 2016. During this time period both my son-in-law William Lucas and I visited the project site. **At no time during our visits was there a sediment filter bag in place; and in fact, we witness HUGE land disturbance with little or no effort to retain affected soil (see pix 4622).** As a result, week after week and month after month, we – my son-in-law and I – witness the erosion of 100s of tons of sand and silt which by far, exceeds the denial description of plume of cloudy water (see pix 4643) . And, in fact,the impact of this disturbance was repeatedly reported to the project management team - "Still, Jean (DEQ)" <Jean.Still@deq.virginia.gov>, "Grant, Matthew (DEQ)" Matthew.Grant@deq.virginia.gov, "McCutcheon, John (DEQ)" <John.McCutcheon@deq.virginia.gov>, "Newton, John" <new10@henrico.us>, "Steven A. Vanderploeg" Steven.A.Vanderploeg@usace.army.mil.

During the restoration project, from November of 2015 to May 2016, it is estimated at least an additional 300 tons of road sand and sediment erode into Hoehns Lake Reservoir. And in fact, since May of 2016, it is estimated an additional 200 tons of road sand and sediment has erode into the lake. Hence, the restoration project has escalated not decline impact on downstream wetland areas. The County of Henrico was also notified the winters of 2013-14, 2014-15, and 2015-16 of an ever increasing flow of road sand from the western developments. In fact, link to pix 5532 and 5535 which illustrate the impact of winter 2016-2017 road sand which is directly impacting the newly recovered portion of Hungary Creek.

Since funding allocated for 'core creek' restoration was reallocated to other areas and timely well-documented notice of issues were provided to the County of Henrico VA and creek restoration project team was ignored, your assistance is requested. **Hoehns Lake Reservoir is identified at the federal level to function as a community reservoir.** To view the accumulative impact on Hoehns Lake, link to video **Backfill of Hoehns Lake - https://youtu.be/Ub2uutad2Zk** . As you can see, thousands of tons of sand/silt have eroded from the wetland into the lake. Presently, more than 1 of its 8 acres is backfilled by urban/suburban community runoff. Your assistance with

recovering its, as well as the remaining creek, stability and functionality is sincerely appreciated. See below email –
Respectfully yours, Sylvia Hoehns Wright
See below response – I forwarded your concerns last to **Patrick Weddel with Henrico County**, below is his response. Thanks [redacted]t
From: Weddel, Patrick [mailto:wed@henrico.us] Sent: Thursday, April 28, 2016 4:11 PMTo: Grant, Matthew (DEQ)Cc: Cobb, Jen; Newton, John Subject: RE: Complaint referral Hoehns Lake/ Hungary Creek Restoration Matthew,
Henrico County has investigated this complaint per your request and the findings are detailed below. The land disturbing activity in question is the Hungary Creek Stream Restoration project, GP No. VAR10G539.
The section of stream being restored is located between West End Manor Lake and Hoehns Lake. In 2007 it was determined that part of this section of stream was a candidate for restoration. Restoration efforts were not implemented on the portion of stream that was deemed stable.
The grant money was allotted for stream restoration and not for restoration of Hoehns Lake. There were a few occasions when a plume of cloudy waterhad entered the lake during dewatering operations, but these operations incorporated use of a sediment filter bag. Also, the stream restoration incorporated a 5% soil content in the cobble stream bed. When the stream was allowed to flow through the restored sections, there was a brief 10 minute plume of colored waterentering the lake before the stream ran clear.
Henrico County has not incorporated this lake into its stormwater management system. The lake is specifically excluded from the Henrico County MS4. Many of the areas upstream of the lake were developed prior to stormwater management requirements and the **stream has been eroding because of the excess velocity and volume of stormwater in it. A large portion of the problem has been solved due to the stream restoration project.**
I have included some photographs taken prior to stream restoration efforts. These photographs show how incised the stream was (5-8 feet deep). **Studies concluded showed that the eroding stream channel was depositing over 100 tons of sediment downstream annually.**
I have also included some photographs taken following stream restoration. These photos will be included in an additional email to you. The final punchlist for this project is being generated for the contractor, and after all items in the punchlist have been addressed this project will be deemed "complete". Matting, seed and mulch, or stone has been installed on all the denuded areas. If there are any additional questions you may have pertaining to this complaint, I'd be happy to provide you with further details pertaining to the stream restoration project. Respectfully,

Patrick Weddel Senior Environmental Inspector Henrico County Department of Public Works Engineering and Environmental Services Division Phone: 804.727-8328 Mobile: 804.349.5566 Fax: 804.727.

Williams, Zachary

From: sylvia <sylvia@thewrightscoop.com>
Sent: Tuesday, May 29, 2018 9:14 AM
To: Williams, Zachary
Cc: Kyle, Lisa; Kelly, Mark
Subject: RE: trench dug at 8481 construction site without benefit of EPA soil water runoff fencing

Categories: Green Category

Zack, I earlier forwarded a text that connects prior info and links to info compiled as exhibits.

A key document is a survey map which identifies creeks, streams and the county storm water systems. While the county has said they bypass Hoehns lake with their storm water system , it is not a truthful statement.

Of interest is the fact the recent flood in MD appears to have occurred because of similar failures to adequately identify the impact of up stream urban suburban development. Link for interesting article

https://www.forbes.com/sites/marshallshepherd/2018/05/28/2018-ellicott-city-maryland-flooding-explained-using-a-4th-grade-water-cycle-lesson/amp/

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Williams, Zachary" <Zachary.Williams@mail.house.gov>
Date: 5/25/18 9:44 AM (GMT-05:00)
To: sylvia@thewrightscoop.com
Cc: "Kyle, Lisa" <Lisa.Kyle@mail.house.gov>, "Kelly, Mark" <Mark.Kelly@mail.house.gov>
Subject: RE: trench dug at 8481 construction site without benefit of EPA soil water runoff fencing

Hi Sylvia,

I'm putting all you have sent me together for submittal to the USACE and EPA. Can you let me know if you have any more information outstanding that you think will be useful in having the Congressional Liaisons at the agencies fully understand the issue and your desired outcome? Let me know. Please know that Congressman Brat is committed to assisting you with these official Congressional Inquiries.

Best Regards,

Zachary Williams

District Representative

Williams, Zachary

Subject: FW: impact of Henrico County's failure to enforce/comply to EPA regs and laws - (b) (6) [redacted] s

Attachments: Backfill of wetland(b) (6) [redacted] r.docx

From: (b) (6) [redacted]
Sent: Monday, May 28, 2018 6:37 PM
To: Williams, Zachary <Zachary.Williams@mail.house.gov>
Cc: Kyle, Lisa <Lisa.Kyle@mail.house.gov>; Kelly, Mark <Mark.Kelly@mail.house.gov>
Subject: impact of Henrico County's failure to enforce/comply to EPA regs and laws (b) (6) [redacted] s

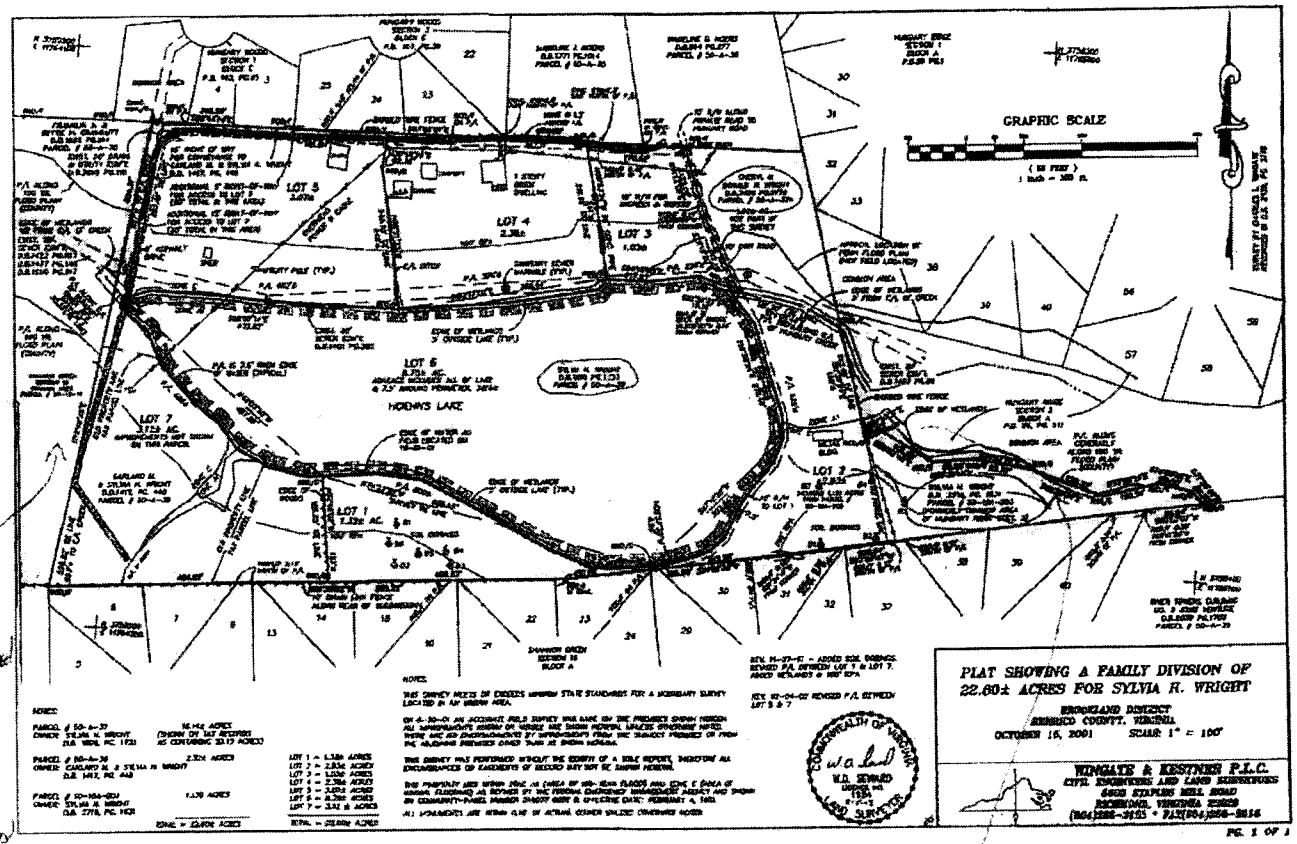
Zack, I took prior emails and made exhibits and formatted a cover style document intended to explain and connect the documentation. For the cover style document, see attached and for exhibits, link to
Exhibit A - https://www.dropbox.com/s/7sev9bnpw03ozxe/Ex-A.pdf?dl=0
Exhibit B - https://www.dropbox.com/s/ojeh2zbv7ap2ypp/Ex-B.pdf?dl=0
Exhibit C - https://www.dropbox.com/s/f2zjgyd4cbh0jcq/Ex-C.pdf?dl=0
Exhibit D - https://www.dropbox.com/s/068k9wd7fv2bu5b/Ex-D.pdf?dl=0
Exhibit E - https://www.dropbox.com/s/n4i25vxf2njqezg/Ex-E.pdf?dl=0

The exhibits were rather large but you should be able to download and view. I tried a 'google link' and your system rejected my email. So, let me know if this format works for you. Also, I do think it would be helpful for you or someone to visit the affected areas. A visual visit usually helps people understand the problems.

Again, thanks for your help. (b) (6) [redacted]

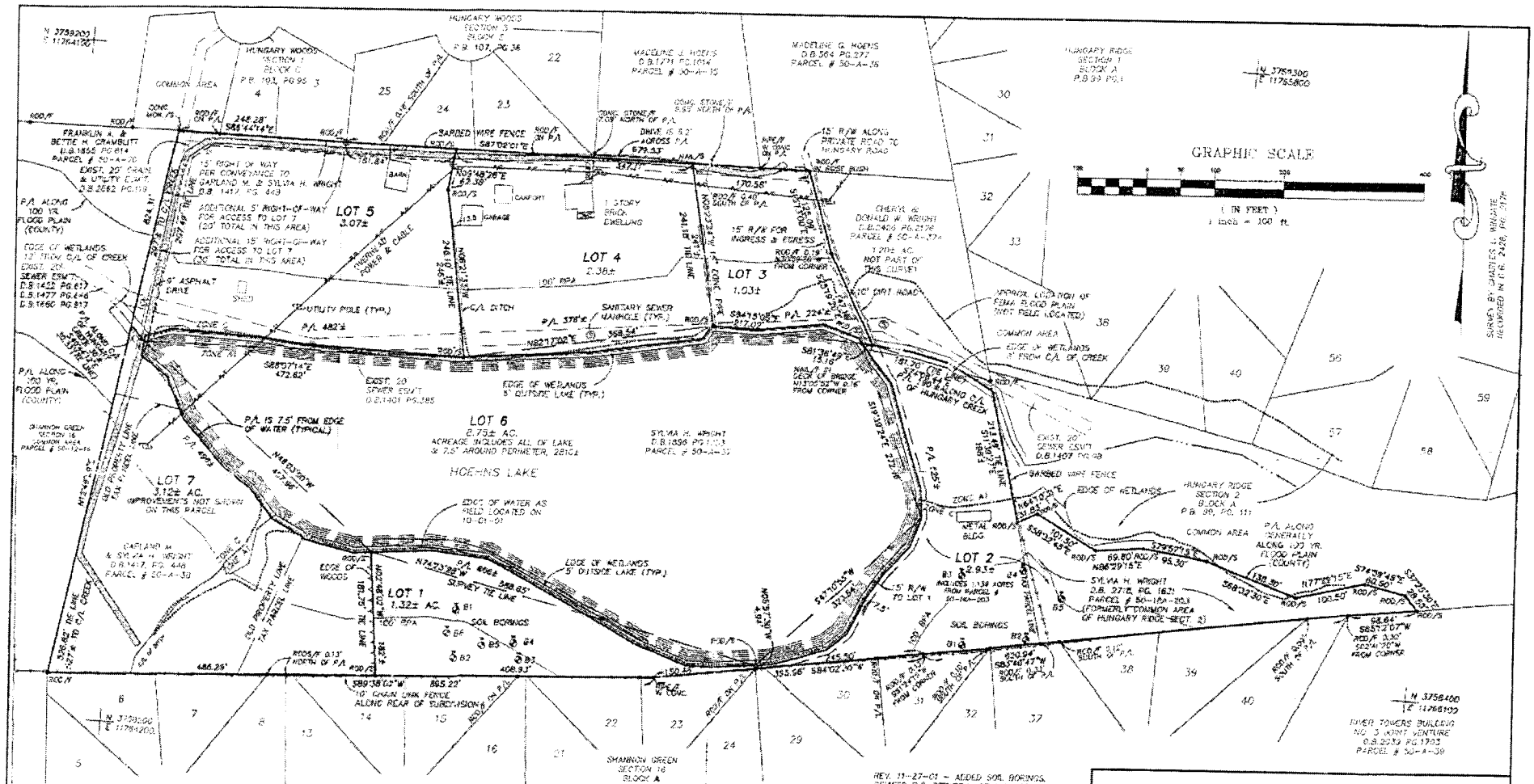
Plat Book 114
Page 124

See Deed Book 3241
Page 1124
4-18-02



property acquired 6020 Old Week Dr. 4 acres

property acquired - now Milton



NOTES:

PARCEL # 50-A-37
OWNER: SYLVIA H. WRIGHT
D.B. 1056, PG. 1733
19.14± ACRES
(SHOWN ON TAX RECORDS AS CONTAINING 23.12 ACRES)

PARCEL # 50-A-38
OWNER: GARLAND M. & SYLVIA H. WRIGHT
D.B. 1417, PG. 449
2.32± ACRES

PARCEL # 50-19A-203
OWNER: SYLVIA H. WRIGHT
D.B. 2718, PG. 1631
1.139 ACRES

TOTAL = 22.601 ACRES

LOT 1 = 1.32± ACRES
LOT 2 = 2.93± ACRES
LOT 3 = 1.03± ACRES
LOT 4 = 2.36± ACRES
LOT 5 = 3.07± ACRES
LOT 6 = 2.75± ACRES
LOT 7 = 3.12 ± ACRES

TOTAL = 22.601± ACRES

NOTES:

THIS SURVEY MEETS OR EXCEEDS MINIMUM STATE STANDARDS FOR A BOUNDARY SURVEY LOCATED IN AN URBAN AREA.

ON 8-30-01 AN ACCURATE FIELD SURVEY WAS MADE ON THE PREMISES SHOWN HEREON. ALL IMPROVEMENTS KNOWN OR VISIBLE ARE SHOWN HEREON, UNLESS OTHERWISE NOTED. THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS FROM THE SUBJECT PREMISES OR FROM THE ADJOINING PREMISES OTHER THAN AS SHOWN HEREON.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE ALL ENCUMBRANCES OR EASEMENTS OF RECORD MAY NOT BE SHOWN HEREON.

THIS PROPERTY LIES WITHIN ZONE A1 (AREA OF 100-YEAR FLOOD) AND ZONE C (AREA OF MINIMAL FLOODING) AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND SHOWN ON COMMUNITY-PANEL NUMBER 510077 0050 B, EFFECTIVE DATE: FEBRUARY 4, 1981.

ALL MONUMENTS ARE WITHIN 0.10' OF ACTUAL CORNER UNLESS OTHERWISE NOTED.

REV. 11-27-01 - ADDED SOIL BORINGS. REVISED P/L BETWEEN LOT 1 & LOT 7, ADDED WETLANDS & 100' RPA

REV. 02-04-02 REVISED P/L BETWEEN LOT 5 & 7

COMMONWEALTH OF VIRGINIA
W.D. SEWARD
LICENSE NO. 1934
LAND SURVEYOR

PLAT SHOWING A FAMILY DIVISION OF 22.60± ACRES FOR SYLVIA H. WRIGHT

BROOKLAND DISTRICT
HENRICO COUNTY, VIRGINIA
OCTOBER 15, 2001 SCALE: 1" = 100'

WINGATE & KESTNER P.L.C.
CIVIL ENGINEERS AND LAND SURVEYORS
5603 STAPLES MILL ROAD
RICHMOND, VIRGINIA 23226
(804)266-3155 • FAX(804)266-5016

Williams, Zachary

Subject: FW: Hungary (b) (6) [redacted] urban pollution - silt and road sand
Attachments: property-2.pdf; Wright Plat.pdf

From: (b) (6) [redacted]
Sent: Tuesday, May 22, 2018 5:23 PM
To: Williams, Zachary <Zachary.Williams@mail.house.gov>
Cc: Kyle, Lisa <Lisa.Kyle@mail.house.gov>; Kelly, Mark <Mark.Kelly@mail.house.gov>
Subject: RE: (b) (6) [redacted] Lake urban pollution - silt and road sand

Zack,
Have attached 2 copies of plat, one with notes and one clean copy. I think this is the best overall plat that explains my property.

The Bolton Estate was founded in 1838 as a Quaker farm and expanded in size through the Homestead Act. In 1939, (b) (6) [redacted] split her section deeding 26.62 area and a newly established easement in terms of 'quiet possession' to her son John Richard Hoehns recorded deed book 275B page 479 (**property plat**). John is the only child of (b) (6) [redacted]s family who received property via a deed so his deed and plat are cross referenced in almost all family documents.

In 1983, (b) (6) [redacted] this property and its easement to his daughter (b) (6) [redacted] ***n terms of 'exclusive ownership' (deed book 1896 page 1733)*** the intent of which was to ensure the property and/its easement would remain generational family property specific to their daughter's heirs (**1983-property-deed**). Sylvia Hoehns Wright established the 'Wright Family Subdivision' and over time has shared parcels of the land and its easement with 4 of her 5 children.

I also acquired 2 additional parcels of land - west of my property located at 6020 Ole West Dr. consisting of 4 acres and east of my property part of the Hungary Ridge green space and attached it to lot 2 of the breakdown of my overall property.

I'll cross reference to this plat when I forward info related to the present-day water soil runoff. Will provide remaining info asap. Regards, (b) (6) [redacted]

Williams, Zachary

Subject: FW: Watch "(b) (6) [redacted] backfill of roadsand" on YouTube

From: (b) (6) [redacted]]
Sent: Monday, May 21, 2018 7:59 PM
To: Kyle, Lisa <Lisa.Kyle@mail.house.gov>; Kelly, Mark <Mark.Kelly@mail.house.gov>; Williams, Zachary <Zachary.Williams@mail.house.gov>
Subject: Fwd: Watch (b) (6) [redacted] ll of roadsand" on YouTube

Forwarded is a link to a drone video taken by a friend. It should create an awareness of suburban that surrounds us, size of lake and erosion that is filling the lake entrance.

We are basically located 1/2 mile from Broad st and 1/2 mile from Hungary road.

Earlier documents indicate the lake served as a reservoir for approximately 500 acres of undeveloped property.Presently, this area contains suburban development.

Through incorporating the wetland of Hungary creek into the county storm water management, we are now the recipient of runoff from the firehouse located on west end drive, tanfield located off Shayder road and developments located along Hungary road.

When the fire hydrants are flushed the discolored water enters my lake. One time when excessive sludge enter, it was identified to originate from a car wash located at Springfield road and Broad st. Dump cooking grease was also identified to originate from restrauants located on Broad street. What I am saying is whatever makes its way into the road system storm drains also makes its way into Hungary Creek.

Will review and forward other info asap. See below for link to drone video.

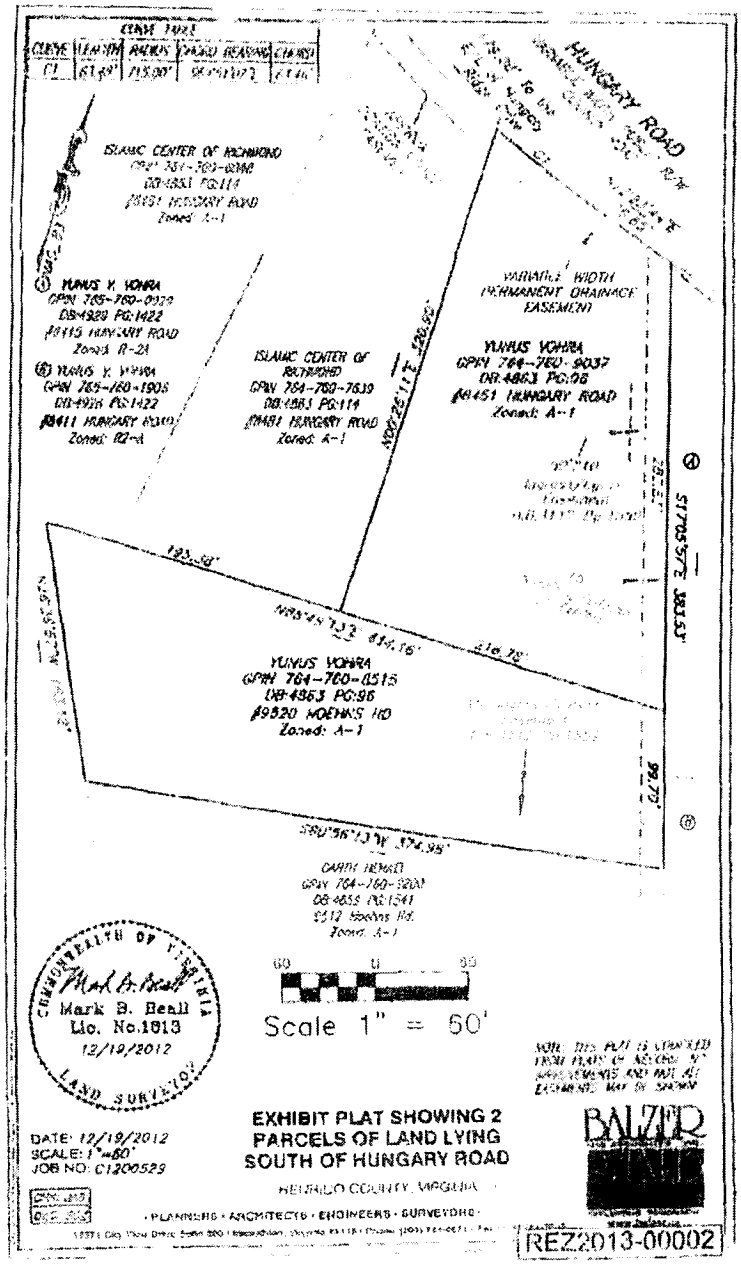
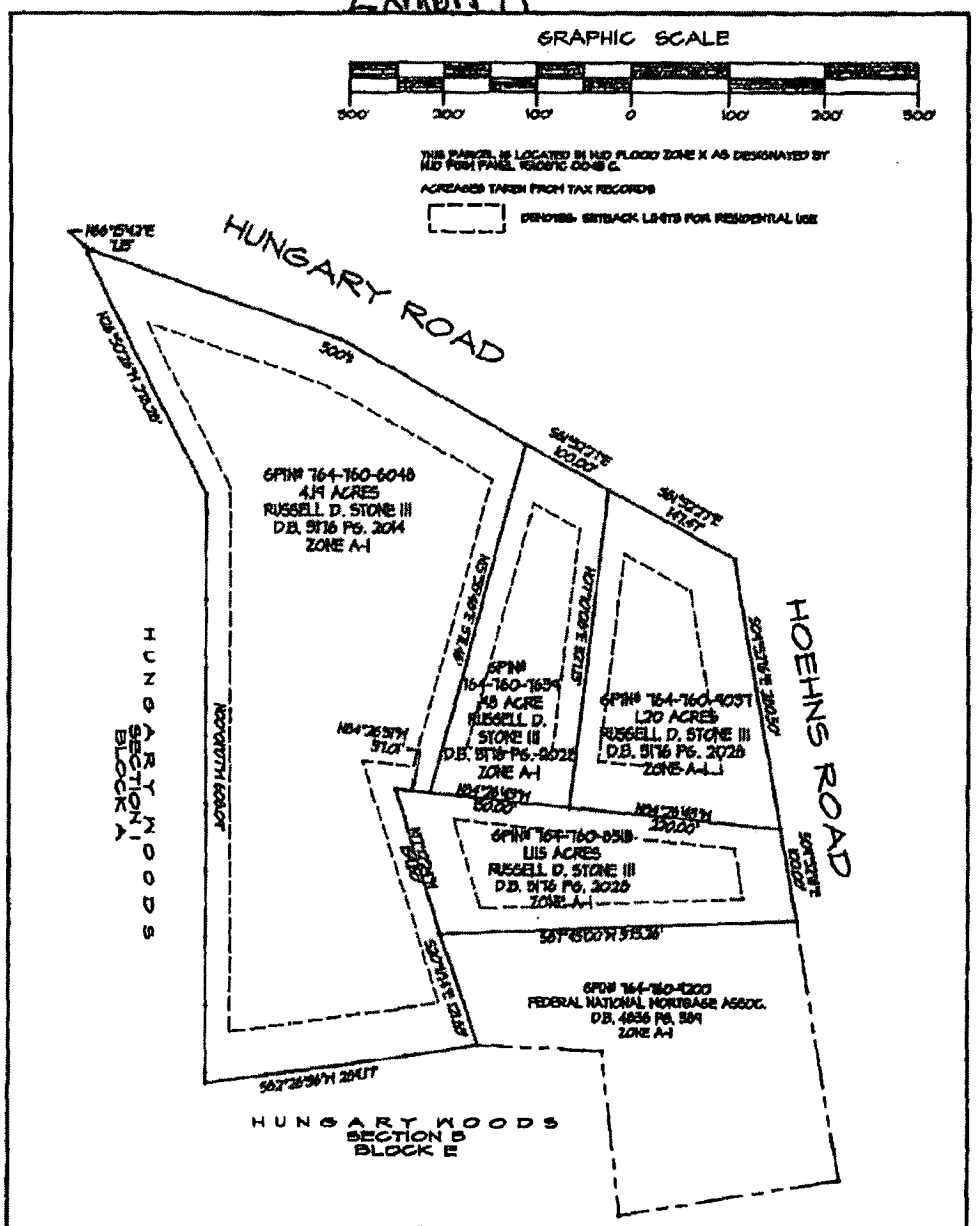

HUNGARY ROAD
ISLAMIC CENTER OF RICHMOND
DB:4863 PG:114
Zoned: A-1
YUNUS K. VOHRA
GPIN 765-760-0929
DB:4920 PG:1422
Zoned: R-2A
YUNUS K. VOHRA
GPIN 765-760-1905
DB:4920 PG:1422
Zoned: R2-A
ISLAMIC CENTER OF RICHMOND
GPIN 764-760-7639
DB:4863 PG:114
Zoned: A-1
VARIABLE WIDTH (PERMANENT DRAINAGE EASEMENT)
YUNUS VOHRA
GPIN 764-760-9037
DB:4863 PG:96
Zoned: A-1
YUNUS VOHRA
GPIN 764-760-0515
DB:4863 PG:96
Zoned: A-1
CARTER HOMES
GPIN 764-760-9200
DB:4855 PG:1541
Zoned: A-1
Mark B. Beall
Lic. No.1813
12/19/2012
LAND SURVEYOR
Scale 1" = 50'
EXHIBIT PLAT SHOWING 2 PARCELS OF LAND LYING SOUTH OF HUNGARY ROAD
HENRICO COUNTY, VIRGINIA
DATE: 12/19/2012
SCALE: 1"=50'
JOB NO: C1200529
BALZER
REZ2013-00002

Exhibit "A" BK4863PG0103



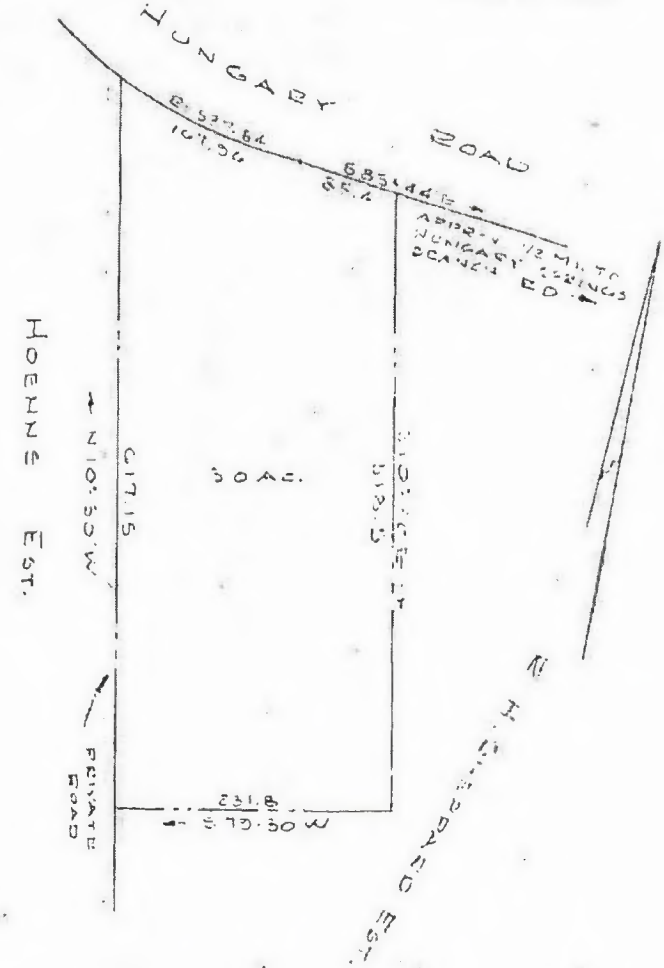
COMPOSITE SKETCH OF 4 PARCELS
SITUATED ON HUNGARY ROAD &
HOEHNS ROAD CONTAINING 7.485 ACRES
IN THE
BROOKLAND DISTRICT OF HENRICO COUNTY, VIRGINIA

JN. 11010B	SCALE: 1" = 100'	DATE: 01-20-2011	FBK:

DOWNING SURVEYS, INC.
305 S. WASHINGTON HWY SUITE "K" ASHLAND, VA. 23005
(PH) 798-6795 & 748-3609 (FAX) 798-3546

N W E S

Note
COMPILED FROM
MAP MADE BY
T. CRAWFORD CUDD & ASSOC
MAR 17 1950



MAP OF 3.0 ACRES OF LAND SITUATED ON THE SOUTH LINE OF HUNGARY RD. BEING A PORTION OF R. H. SHEPPARD EST.
HENRICO CO. VA.
MAY 25 1955 SCALE 1" = 100'
Geo M. Stephens JC.
C. L. S.

VIRGINIA: IN THE OFFICE OF CLERK OF THE CIRCUIT COURT OF THE COUNTY OF HENRICO, [redacted] 1955
THIS DEED WAS PRESENTED, AND WITH THE CERTIFICATE [redacted] ANNEXED, ADMITTED TO RECORD AT [redacted] O'CLOCK [redacted] M.
TESTE:
TAX PAID: [redacted] Helen D. Clevenger, CLERK.

REZ2013-00002
Yunus Vohra

Staff Report for Board of Supervisors Public Hearing
Prepared July 30, 2014

This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this land use matter.

I. PUBLIC HEARINGS:

Planning Commission:	September 12, 2013	Deferred at Applicant's Request
	November 14, 2013	Deferred at Applicant's Request
	January 9, 2014	Deferred at Applicant's Request
	March 13, 2014	Deferred at Applicant's Request
	April 10, 2014	Deferred by Commission
	May 15, 2014	Deferred by Commission
	July 10, 2014	Recommended for Approval
Board of Supervisors:	August 12, 2014	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	R-2AC One-Family Residence District (Conditional)
Existing Zoning:	A-1 Agricultural District and R-2A One Family Residence District
Total Acreage:	5.12 acres
Proposed Use:	Single-Family homes
Location:	Located on the south line of Hungary Road at its intersection with Hastings Mill Drive.
Magisterial District:	Brookland
Comprehensive Plan Recommendations:	Suburban Residential 2 (density should not exceed 3.4 units per acre)
Parcel No.:	Parcels 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929
Zoning of Surrounding Properties:	North: R-2AC One-Family Residence District (Brittany) South: A-1 Agricultural District (single-family home), R-5C Multi-Family Residence District (single-family homes, Hungary Ridge) East: R-5C Multi-Family Residence District (single-family homes, Hungary Ridge) West: A-1 Agricultural District (Islamic Center of Richmond)

III. SUMMARY OF STAFF REPORT:

This request is to rezone approximately 5.12 acres from A-1 and R-2A to R-2AC to allow for the development of single-family residences. The subject property is located on the south line of Hungary Road at its intersection with Hastings Mill Drive. The site is designated Suburban Residential 2 (SR2) on the 2026 Comprehensive Plan with a recommended density not to exceed 3.4 units per acre.

Previous questions of ownership of the subject property have been resolved based on the ruling of the Circuit Court; however, it should be noted resolution of any easement issues will need to be concluded prior to approval of a final subdivision. Overall, this request is consistent with the land use recommendation of the 2026 Comprehensive Plan and would continue the residential development pattern in the area. The applicant has also provided a number of assurances to help define the development's overall quality. For these reasons staff is supportive of this request.

The Planning Commission recommended approval of this request at their July 10, 2014 meeting.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject site consists of four parcels located on the south line of Hungary Road at its intersection with Hastings Mill Drive. Development within the immediate area consists primarily of single-family subdivisions with the exception of a few remaining A-1 zoned lots to the west and south. The A-1 zoned property to the west includes a place of worship. To the south, 9 single-family homes on large acreage lots are accessed from a private road, which is accessed through the subject property, and a portion of Hungary Ridge subdivision zoned R-5C. To the north, directly across Hungary Road, is the Brittany subdivision, zoned R-2AC.

The 2026 Comprehensive Plan recommends Suburban Residential 2 (SR2), with a recommended density up to 3.4 units per acre. The applicant is proposing a 10 lot detached single-family subdivision zoned R-2AC, as shown on the unproffered conceptual plan submitted with this request. Based on the proffered 10 lot maximum, this proposal would equate to a density of 1.95 units per acre. The proposed use and density are consistent with the recommendation of the 2026 Comprehensive Plan.

The applicant has submitted revised proffers, dated March 21, 2014, to provide quality assurances. Major aspects of the proffers include:

- Minimum finished floor area of 2,100 square feet for all homes;
- Prohibition of two homes with the same elevation being located adjacently, and at least two windows on the side elevations of homes on corner lots;
- Exterior materials would consist of brick, stone, cultured stone, vinyl of a minimum normal thickness of 0.044 inches, and cementitious siding;
- 30-year dimensional shingles for roofs;
- Crawl space foundations finished with brick or stone material;
- A maximum density of 10 lots;
- Landscaping and a planting easement along Hungary Road;
- A one car garage to be built with all homes;
- Minimum clear space for one and two car garages; and
- Prohibition of certain fencing materials

Previous questions of ownership of the subject property have been resolved based on the ruling of the Circuit Court; however, it should be noted resolution of any easement issues would need to be concluded prior to approval of a final subdivision. Overall, this request is consistent with the

use recommendation of the 2026 Comprehensive Plan and consistent with the single-family residential development pattern in the area. The applicant has also provided a number of assurances to help define the development's overall quality. For these reasons staff is supportive of this request.

The Planning Commission recommended approval of this request at their July 10, 2014 meeting.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Plan Recommendation:
The 2026 Comprehensive Plan recommends Suburban Residential 2 (SR2) for the subject property with a recommended density not to exceed 3.4 units per acre. This request is consistent with this designation.

Vision, Goal, Objectives, and Policies:
This request is generally consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

- Infrastructure/Service Provision & Growth Coordination Objective 6: Encourage the sensitive infill development of vacant or underutilized parcels in more developed areas to more efficiently utilize existing public facilities.
- Land Use and Community Character Objective 3: Encourage new growth and development that takes into account location and availability of infrastructure and services.
- Land Use and Community Character Objective 16: Increase the quantity of housing units near employment centers.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:
This request is to conditionally rezone 5.12 acres that consist of Parcels 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 from A-1 and R-2A to R-2AC. The following shows the typical trip generation for the proposed 10 single-family homes that would be added to the existing traffic on Hoehns Road:

Total Trips: 125 vehicles per day.
AM Peak: 4 entering, 12 exiting
PM Peak: 9 entering, 5 exiting

Hungary Road is currently carrying approximately 21,000 vehicles per day. The adjacent roadway network could accommodate the additional traffic volume.

Hoehns Road is currently a private road. The developer will be required to dedicate any necessary right-of-way; install necessary pavement, curb, and gutter meeting county standards, and any necessary storm sewer along this roadway. Hoehns Road shall be built within a 50' r-o-w and be 36' curb to curb.

Per Public Works policy, standard Henrico County sidewalk with a 2 foot wide utility strip is required along Hungary Road. The developer will need to install a standard right turn lane on eastbound Hungary Road at Hoehns Road. The developer must dedicate any necessary right-of way to accommodate these improvements.

Proposed access onto Hungary Road needs to meet Henrico County access management standards and approach Hungary Road at a 90 degree angle for a minimum distance of 50'

from extended edge of the thru lane on Hungary Road. Adequate sight distance must be provided at all access points before they can be approved.

Drainage:

- All proposed improvements must comply with all applicable Public Works Subdivision requirements
- The site must comply with applicable water quality requirements. The site is located in a Watershed Enhancement Area.
- Based on GIS, hydric soils are present (indicating possible wetlands). Corps of Engineers and DEQ permits may be required.

Public Utilities:

County water is located in Hungary Road. Per the proposed plans, County sewer will serve the development from a manhole in the utility easement located at the rear of the 8405 Hungary Road property.

Department of Community Revitalization:

The Department of Community Revitalization has no comments.

Schools:

The 10 single family homes will be served Dumbarton elementary school, Brookland middle school and Hermitage high school.

School Level:	School Name:	Student Yield*:
Elementary:	Dumbarton	5
Middle:	Brookland	3
High:	Hermitage	4

**At complete build-out.*

As of September 30, 2012, Dumbarton elementary had a membership of 566 with a capacity of 612. Brookland middle had a membership of 1,000 and their capacity is 1,354. Hermitage high had a membership of 1,572 and their capacity is 1,976. Currently all schools could accommodate students from this development. However, with additional growth in the area new schools will be needed.

Division of Fire:

The Division of Fire has no comments at this time.

Division of Police:

The applicant is encouraged to contact and work with the Community Services Unit within the Police Division for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts as a subdivision is drafted to be submitted for review.

Recreation and Parks:

No park or recreation facilities, historical, archeological or battlefield impacts.

Libraries:

This request falls in the service area of the Glen Allen Branch Library. The facility should be able to handle this request. The Glen Allen facility has recently doubled in size from 12,500 sq. ft. to 25,000 sq. ft. as part of the voter approved 2005 bond referendum.

As these types of facilities continue to be built and the projected population in the area continues to grow, the newly expanded Glen Allen Branch Library will be able to meet the increased service demands.

Topography and Land Characteristics Adaptability:
While the Department of Public Works indicated the presence of hydric soils leading to the possible location of wetlands on the subject site, there are no known topographic reasons why the property could not be developed as proposed.

Proffers for Conditional Rezoning

County of Henrico, Virginia
4301 E. Parham Road, Henrico, Virginia 23228
Henrico Planning Web Site: http://www.co.henrico.va.us/planning

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775 Phone (804) 501-4602 Facsimile (804) 501-4379

☐ **Original** ☑ **Amended** **Rezoning Case No.** 2013-00002 **Magisterial District** Brookland

Pursuant to Section 24-121 (b) of the County Code, the owner or duly authorized agent* hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

Yunus Vohra — March 21, 2014
Signature of Owner or Applicant / Print Name — **Date**

**If applicant is other than Owner, the Special Limited Power of Attorney must be submitted with this application*

1. Underground Utilities – All proposed utilities except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines shall be placed underground, unless technical or environmental reasons require otherwise..

2. Steps, Stoops, and Decks – Steps to the main entrance of homes, except for homes with country front porches, shall be faced with brick or stone or a cementitious, mortared stone appearing product. Front stoops, except for homes with country front porches, shall be brick or stone or a cementitious, mortared stone appearing product with finished concrete or exposed aggregate landing. For any country front porch with piers, those piers shall be of brick, stone or cultured stone to match the foundation. For any country front porch with wood steps, wood risers shall be provided. The space beneath any structure constructed on piers higher than two (2) feet above grade but less than one story above grade shall be enclosed with lattice or other screening material of compatible quality, including but not limited to landscaping.

3. Foundations and Chimneys – All new houses shall be constructed on crawl space foundations, except for garages and basements. The exterior portion of all residential dwelling foundations below the first floor level which are visible above grade shall be brick or stone. Any dwellings with a fireplace other than direct vent gas fireplaces or appliances shall have masonry chimneys faced with brick or stone similar to the foundation.

4. Public Water and Sewer – All homes constructed on the Property shall be served by public water and sewer.

5. Curb and Gutter – Roll Face (3'-0" section) curb and gutter shall be utilized.

6. Construction Material – All new houses shall be constructed with brick, stone, cultured stone, vinyl, cementitious siding (e.g. Hardiplank, or an equivalent) or a combination of the foregoing. Fiberboard shall not be used as an exterior wall material. Where vinyl is used, the vinyl siding shall have a minimum normal thickness of 0.044 inches. Shingles shall be a minimum thirty (30) year dimensional quality. Homes with the same elevations side by side shall not be permitted. On corner lots where the side elevation is visible from the street, the side elevation facing the street shall have a minimum of two (2) windows.

REZ2013-00002

Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia
4301 E. Parham Road, Henrico, Virginia 23228
Henrico Planning Web Site: http://www.co.henrico.va.us/planning

Mailing Address: Planning Deptartment, P.O. Box 90775, Henrico, VA 23273-0775 Phone (804) 501-4602 Facsimile (804) 501-4379

7. Garages - Two-car garages shall have minimum interior dimension clear space at the time of construction of eighteen (18) feet deep by twenty (20) feet wide and a separate pedestrian door to the exterior. One-car garages shall have minimum interior dimension clear space at the time of construction of eighteen (18) feet deep by twenty (10) feet wide and a separate pedestrian door to the exterior. Attached garages shall be integrated into the overall design and massing of the house. Windows shall be offered as an option for garage doors. All garage doors shall have, at a minimum, one architectural detail, including, but not limited to windows, carriage door handles, exposed hinges and accent columns. Each house constructed shall have, at a minimum, a one-car garage at time of construction.

8. House Size – The minimum finished and heated square footage of any dwelling, except the existing dwelling, shall be 2100 square feet.

9. Cantilevering – There shall be no cantilevered treatment of any architectural features on the first floor. On the second floor only bay windows may be cantilevered.

10. Construction Hours – The hours of exterior construction including operation of bulldozers and earth moving equipment shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connectors. The developer shall post signs at all entrances to the property during construction, in both English and Spanish, stating the above.

11. Clearing Limitation – The clearing of trees shall be limited to that necessary for dwellings, road improvements, driveways signage, and customary accessory uses.

12. Fences – Chain link, barbed wire, fences with metal post, stockade fences, and post and wire fences are prohibited. Fencing on individual lots shall be restricted to forty-two (42) inches in height, unless constructed of vinyl, brick or finished masonry materials.

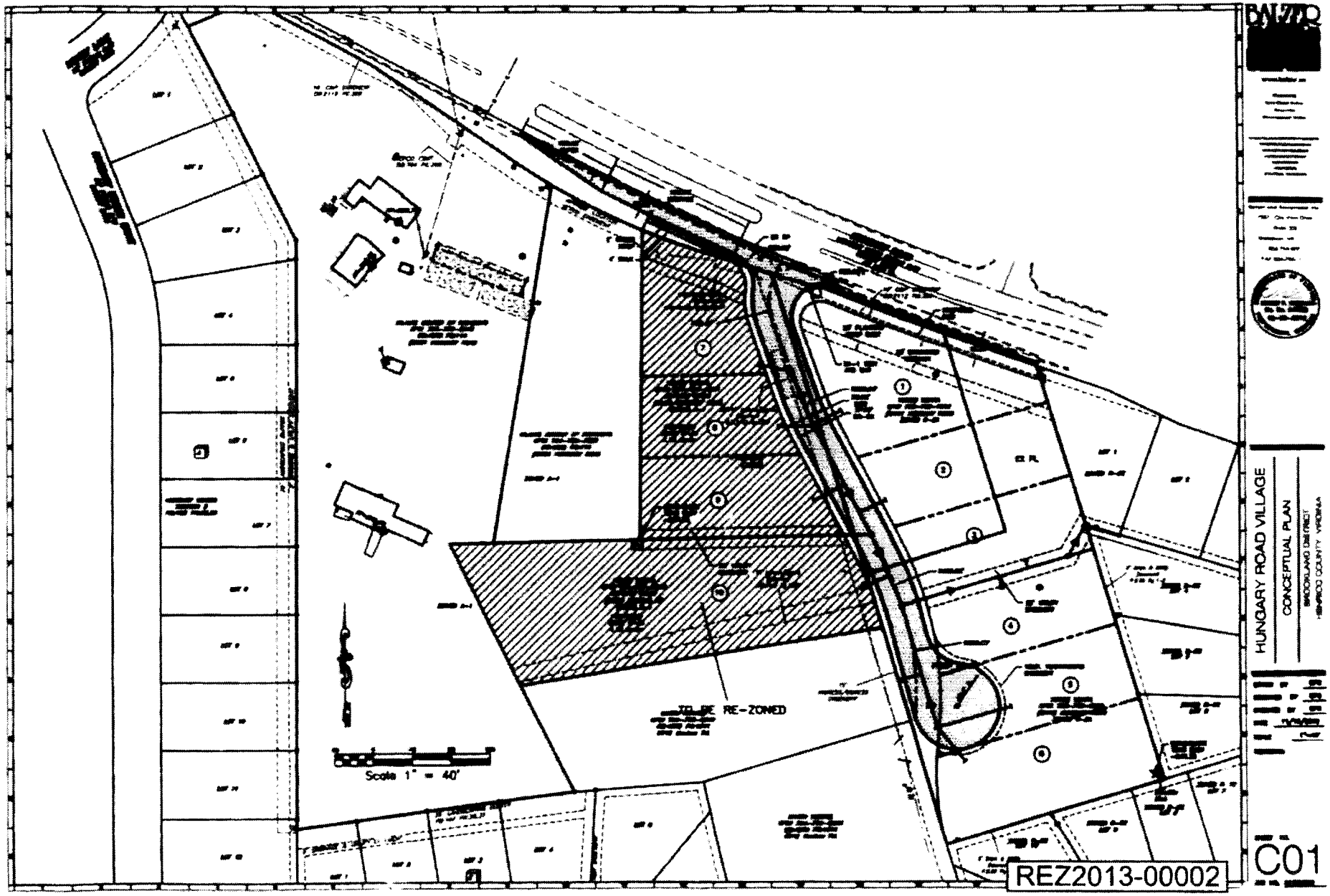
13. Density – The number of lots shall not exceed 10.

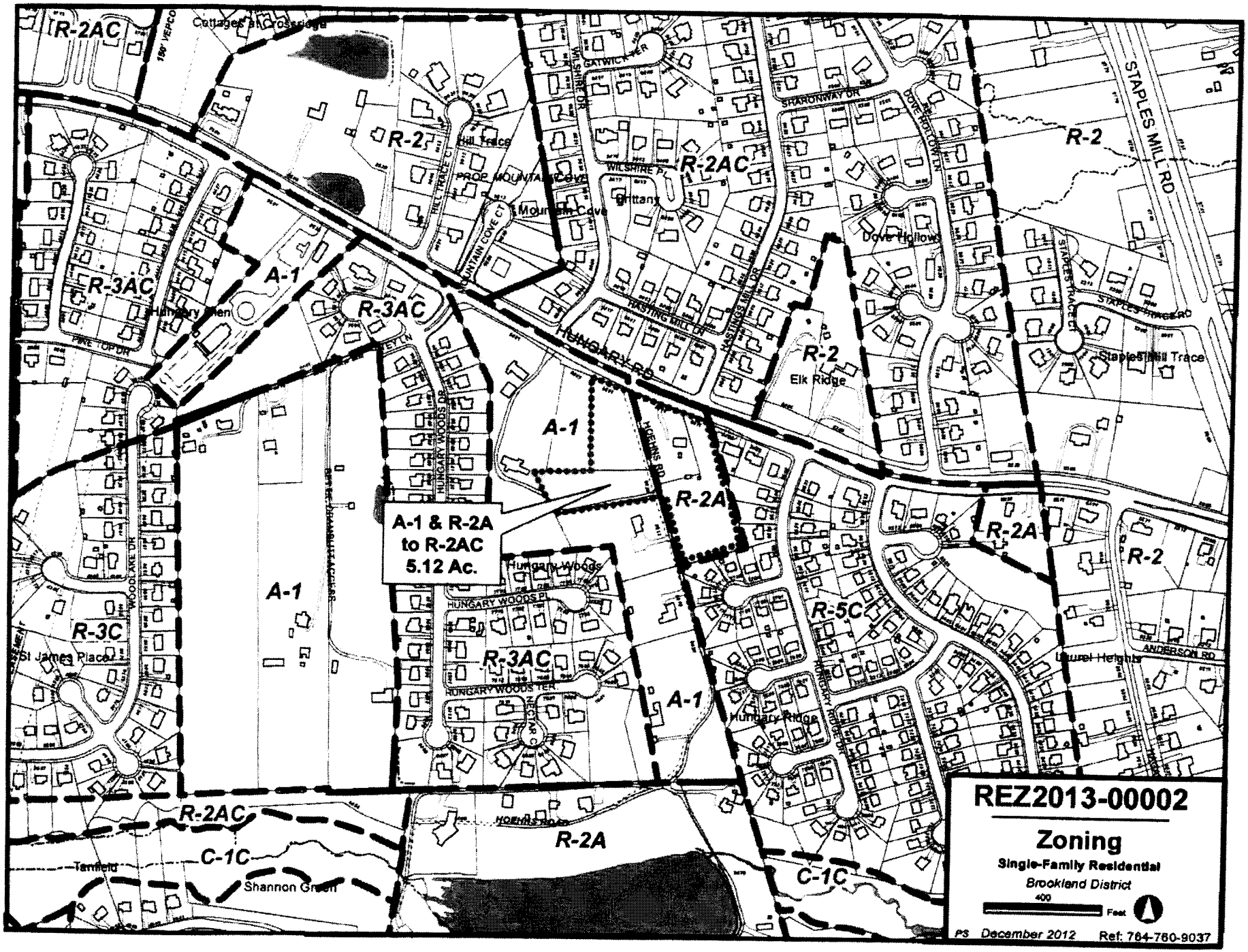
14. Driveways – All driveways on each individual subdivision lot shall be paved within six (6) months following receipt of a certificate of occupancy. The type of pavement may include asphalt, concrete, aggregate materials, and brick or stone pavers.

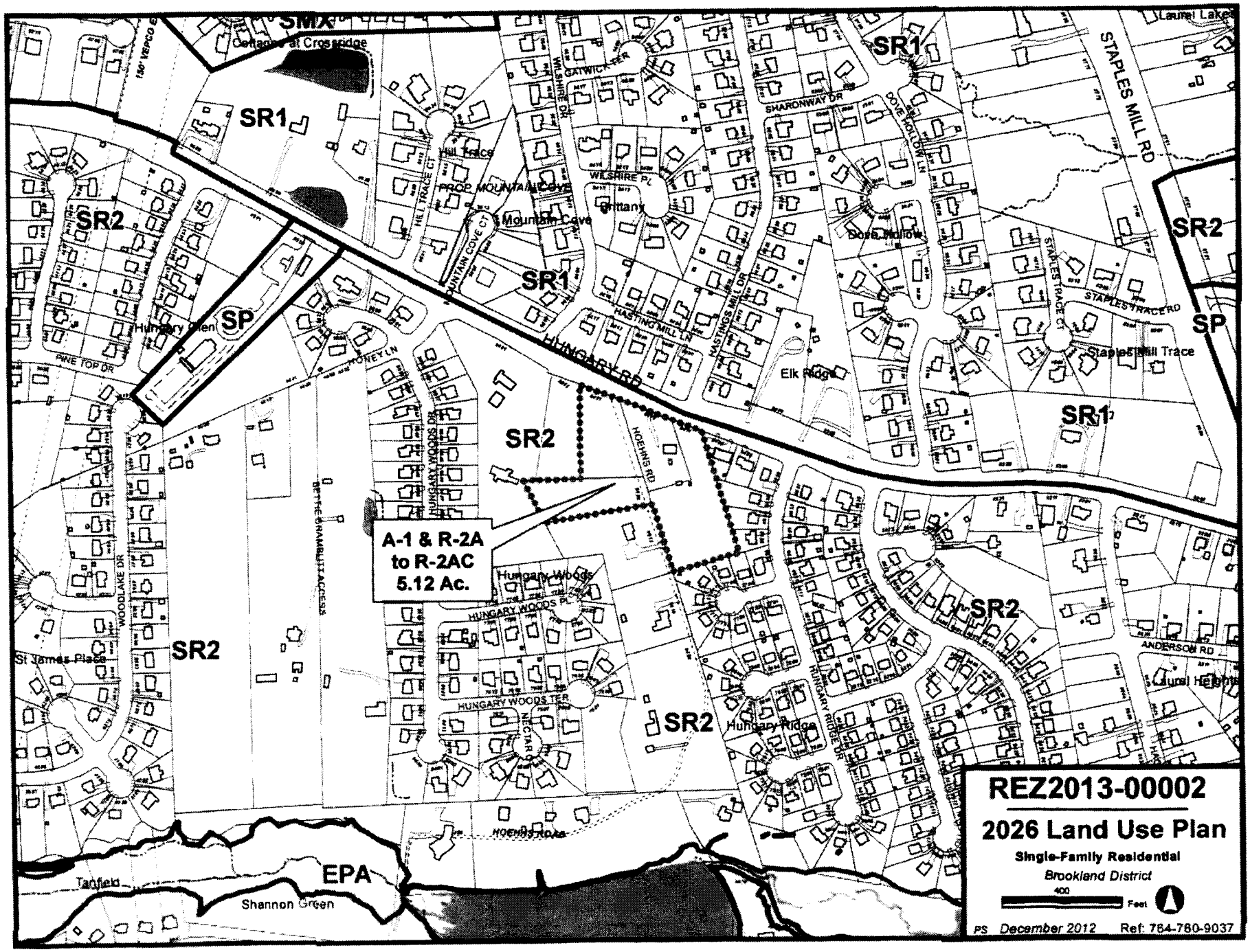
15. Landscaping – A twenty-five (25) foot planting strip easement shall be provided along Hungary Road. The area shall be planted per Transitional buffer 25 as defined in Sec. 24-106.2(e)(3)b of the Henrico Code

16. Severance – The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

Rez2003-00002


TO BE RE-ZONED
Scale 1" = 40'
HUNGARY ROAD VILLAGE
CONCEPTUAL PLAN
BROOKLAND DISTRICT
HENRICO COUNTY, VIRGINIA
C01
REZ2013-00002


REZ2013-00002
Zoning
Single-Family Residential
Brookland District
400
Feet
PS December 2012 Ref: 764-760-9037
A-1 & R-2A
to R-2AC
5.12 Ac.
R-2AC
R-2
R-3AC
A-1
R-2A
R-3C
R-5C
C-1C
HUNGARY RD
STAPLES MILL RD
ANDERSON RD
Cottages at Crossings
Hill Trace
Mountain Cove
Brittany
Dove Hollow
Elk Ridge
Staples Mill Trace
Hungary Glen
Hungary Woods
St James Place
Laurel Heights
Hungary Ridge
Tanfield
Shannon Green


REZ2013-00002
2026 Land Use Plan
Single-Family Residential
Brookland District
400
Feet
PS December 2012 Ref: 764-780-9037
A-1 & R-2A
to R-2AC
5.12 Ac.
SR1
SR2
SP
SMX
EPA
Cottages at Crossridge
Hill Trace
Mountain Cove
Brittany
Dove Hollow
Elk Ridge
Staples Mill Trace
Hungary Glen
Hungary Woods
Hungary Ridge
St James Place
Shannon Green
Tanfield
Laurel Lake
Laurel Heights
STAPLES MILL RD
HUNGARY RD
HOEHNS RD
ANDERSON RD
SHARONWAY DR
WILSHIRE DR
GATWICK TER
HASTINGS MILL DR
HASTING MILL LN
STAPLES TRACE RD
STAPLES TRACE CT
DOVE HOLLOW LN
HILL TRACE CT
MOUNTAIN COVE CT
PROP. MOUNTAIN COVE
HONEYLN
HUNGARY WOODS DR
HUNGARY WOODS PL
HUNGARY WOODS TER
NECTAR CT
HUNGARY RIDGE DR
WOODLAKE DR
PINE TOP DR
BETTE GRAMBLIN ACCESS
150' VEPCO E

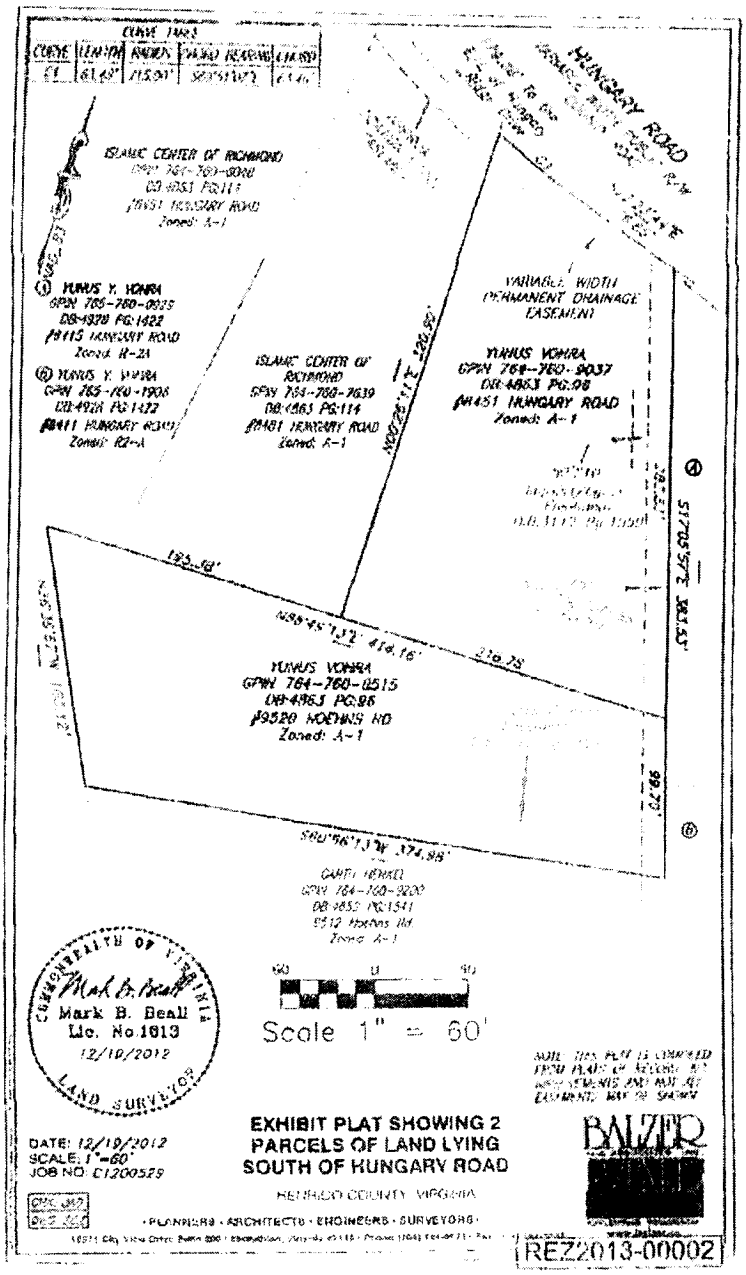
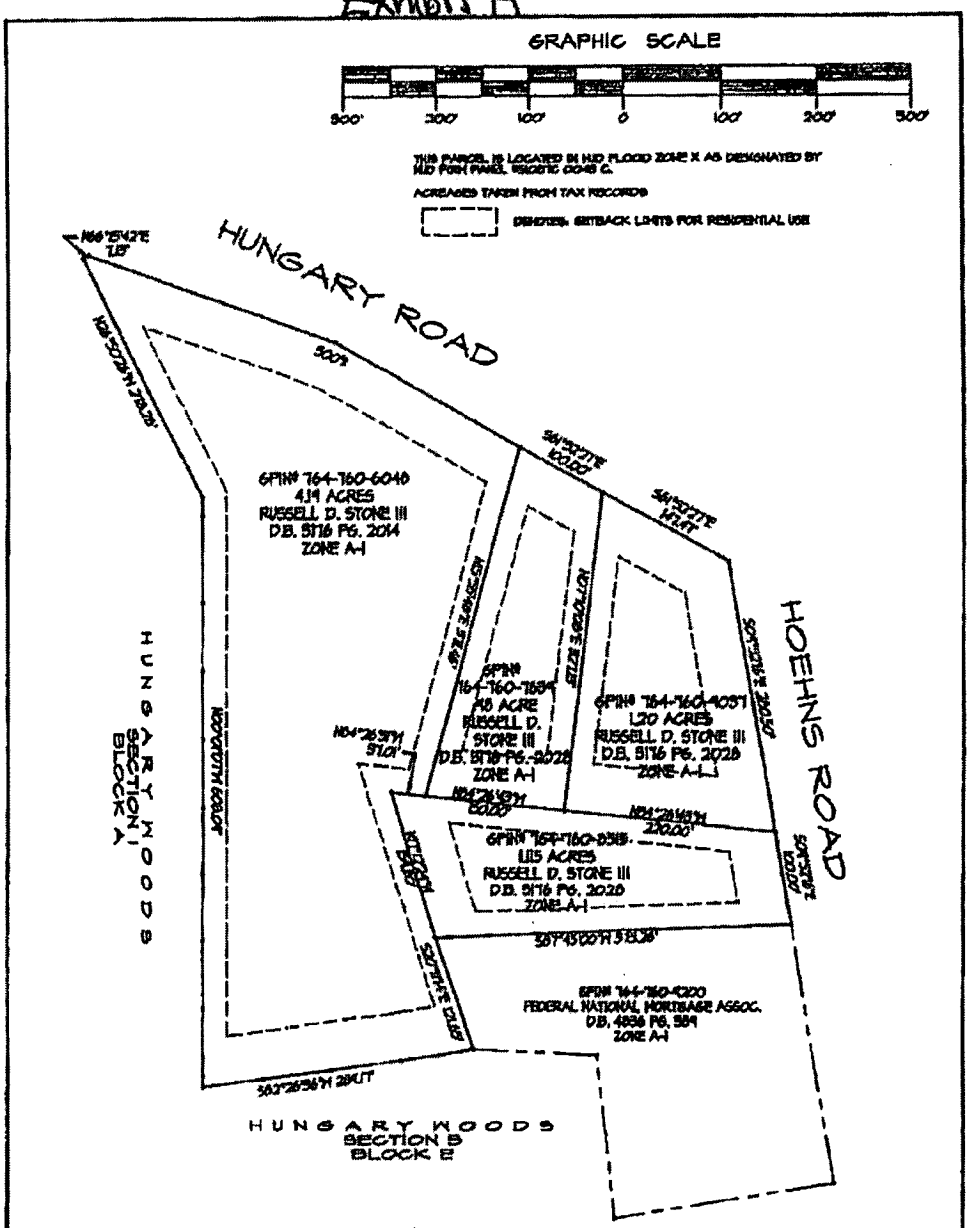

HUNGARY ROAD
ISLAMIC CENTER OF RICHMOND
YUNUS Y. VOHRA
GPIN 785-760-0935
DB 4979 PG 1422
#9115 HUNGARY ROAD
Zoned: R-2A
YUNUS Y. VOHRA
GPIN 785-760-1906
DB 4928 PG 1372
#9411 HUNGARY ROAD
Zoned: R2-A
ISLAMIC CENTER OF RICHMOND
GPIN 764-760-7639
DB 4863 PG 114
#9401 HUNGARY ROAD
Zoned: A-1
VARIABLE WIDTH PERMANENT DRAINAGE EASEMENT
YUNUS VOHRA
GPIN 764-760-9037
DB 4863 PG 98
#9451 HUNGARY ROAD
Zoned: A-1
YUNUS VOHRA
GPIN 764-760-0515
DB 4863 PG 98
#9520 HOEHNS RD
Zoned: A-1
S17°05'52"E 383.53'
N89°45'13"E 414.16'
S89°56'13"W 374.98'
Scale 1" = 60'
Mark B. Beall
Lic. No. 1613
12/10/2012
LAND SURVEYOR
EXHIBIT PLAT SHOWING 2 PARCELS OF LAND LYING SOUTH OF HUNGARY ROAD
DATE: 12/10/2012
SCALE: 1"=60'
JOB NO: C1200525
HENRICO COUNTY, VIRGINIA
BALZER
REZ2013-00002

Exhibit "A" BK4863PG0103



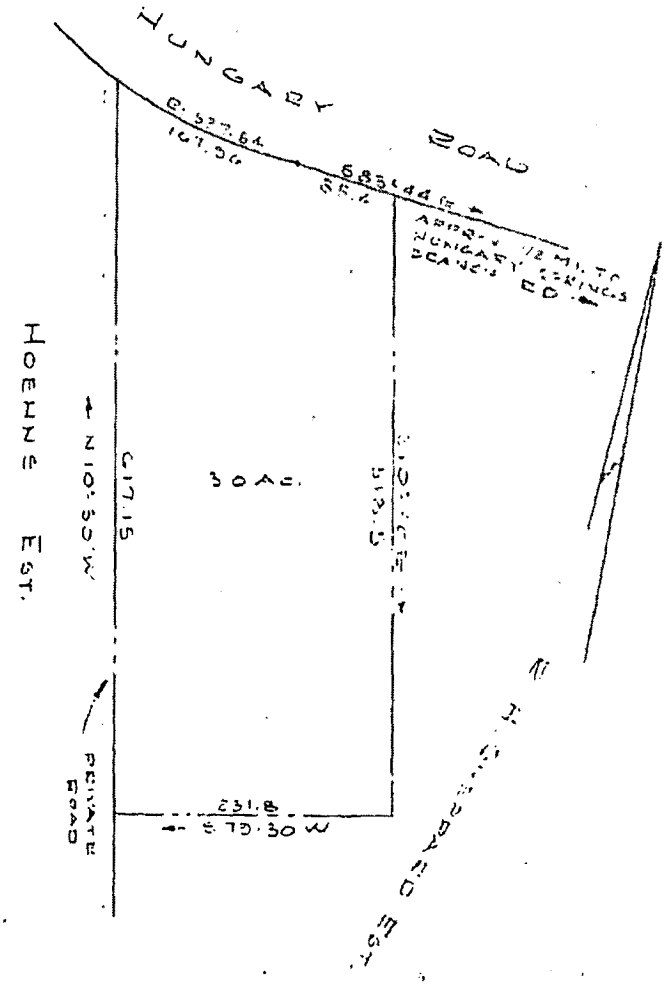
COMPOSITE SKETCH OF 4 PARCELS
SITUATED ON HUNGARY ROAD &
HOEHNS ROAD CONTAINING 7.485 ACRES
IN THE
BROOKLAND DISTRICT OF HENRICO COUNTY, VIRGINIA

JN: 10108	SCALE: 1" = 100'	DATE: 01-20-2011	FBK:

DOWNING SURVEYS, INC.
305 S. WASHINGTON HWY SUITE "K" ASHLAND, VA. 23005
(PH) 798-6795 & 748-3609 (FAX) 798-3546

N W E S

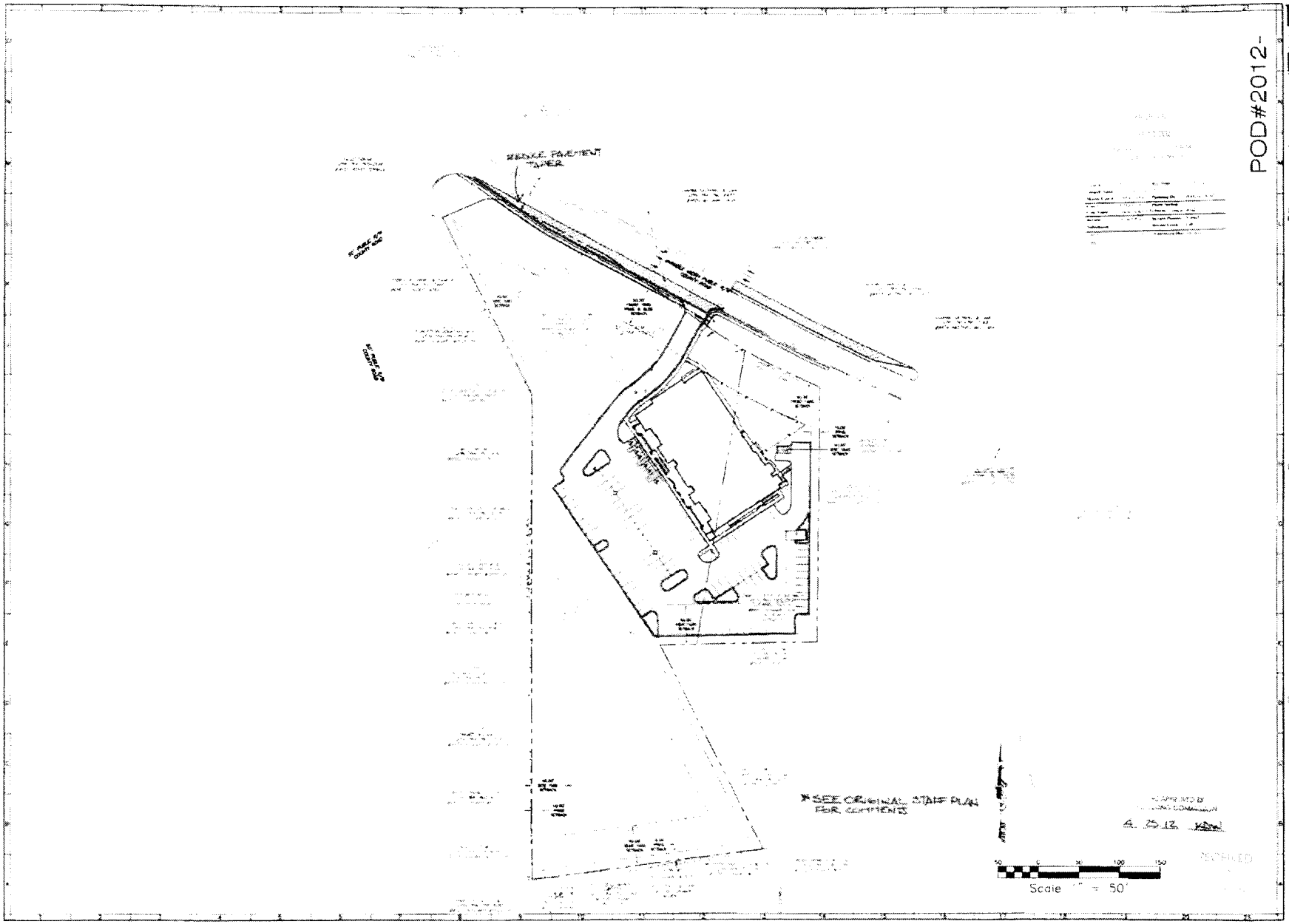
Note
COMPILED FROM
MAP MADE BY
T. CRAWFORD [illegible]
MAR 17 1950



MAP OF 3.0 ACRES OF
LAND SITUATED ON THE
SOUTH LINE OF HUNGARY
RD. BEING A PORTION OF
R. H. SHEPPARD EST.
HENRICO CO. VA.
MAY 25 1955 SCALE 1" = 100'
Geo M. Stephens JC.
C. L. S.

VIRGINIA: IN THE OFFICE OF CLERK OF THE CIRCUIT COURT OF THE COUNTY OF HENRICO, [redacted] 1955
THIS DEED WAS PRESENTED, AND WITH THE CERTIFICATE [redacted] ANNEXED, ADMITTED TO RECORD AT [redacted] O'CLOCK [redacted] M.
TESTE:
TAX PAID: $[redacted] Helen D. Clevenger, CLERK.

POD#2012-



BALZER

www.balzer.cc

Richmond
New River Valley
Roanoke
Shenandoah Valley

Balzer and Associates, Inc.
15871 City View Drive
Suite 200
Midlothian, VA 23113
804-794-0571
FAX 804-794-2635

ISLAMIC CENTER OF RICHMOND - HUNGARY ROAD

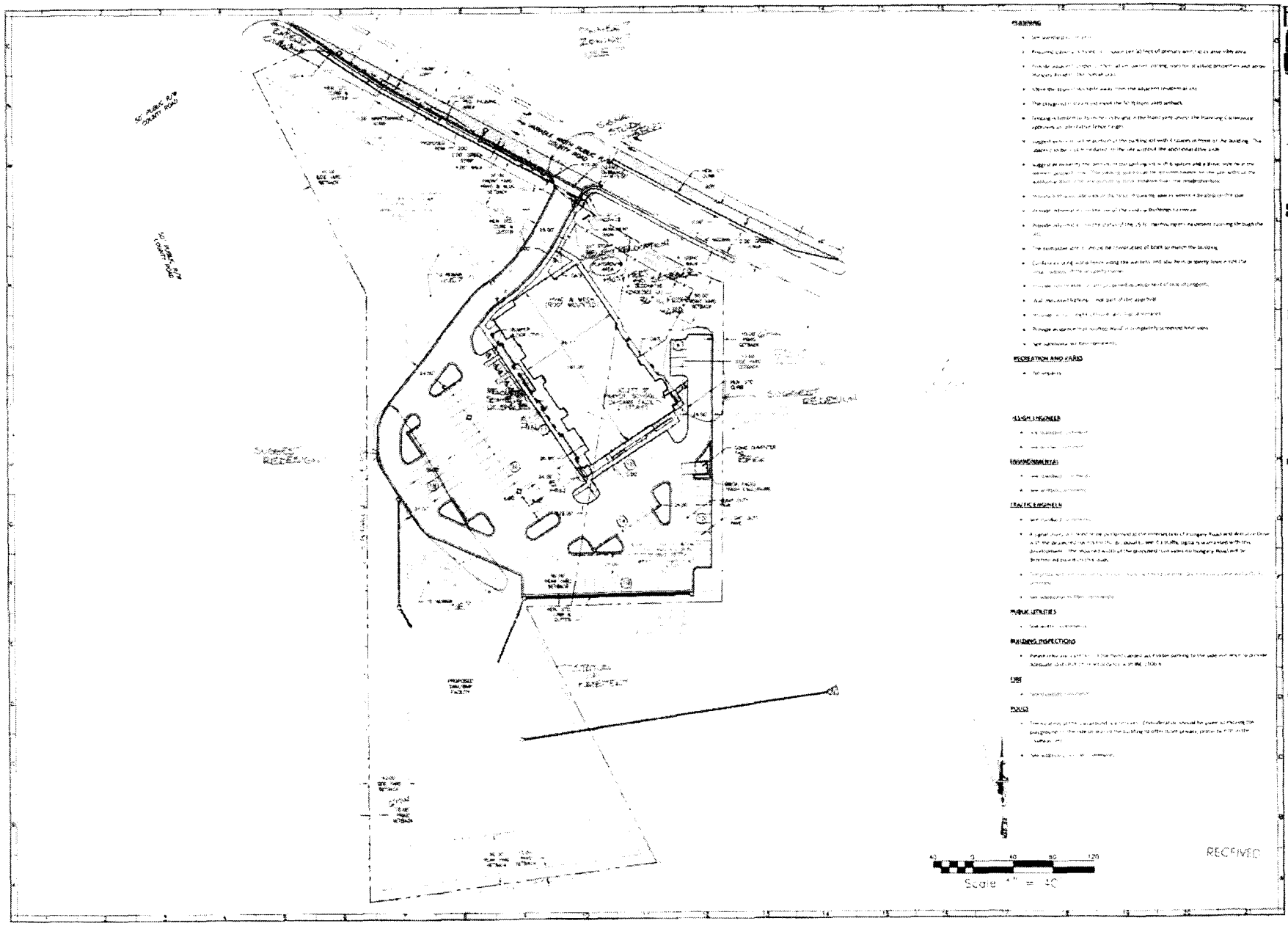
OVERALL PLAN

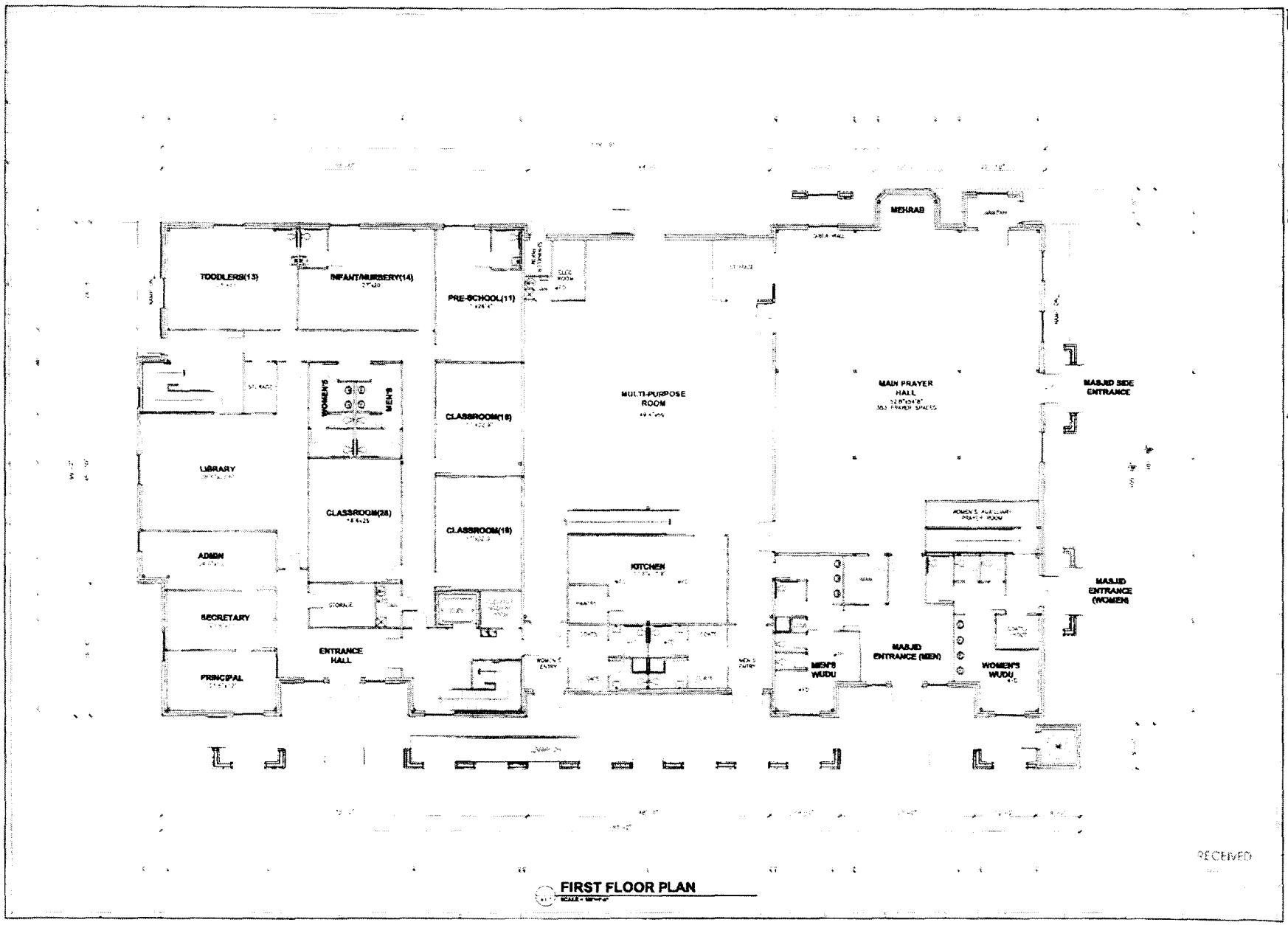
BRODPLAND DISTRICT
HENRICO COUNTY, VIRGINIA

DRAWN BY EPS
DESIGNED BY BPD
CHECKED BY CMS
DATE 1/9/2012
SCALE 1"=50'
REVISIONS

SHEET NO. C02

REV. STAFF PLAN 4/25/13


PLANNING
RECREATION AND PARKS
HIGHWAY ENGINEER
ENVIRONMENTAL
TRAFFIC ENGINEER
PUBLIC UTILITIES
BUILDING INSPECTIONS
FIRE
POLICE
RECEIVED
Scale 1" = 40'
BALZER
Balzer and Associates, Inc.
15877 City View Drive
Suite 200
Midlothian, VA 23113
ISLAMIC CENTER OF RICHMOND - HUNGARY ROAD
OVERALL PLAN
BROOKLAND DISTRICT
HENRICO COUNTY, VIRGINIA
DRAWN BY
DESIGNED BY
CHECKED BY
DATE
SCALE
REVISIONS
SHEET NO.
C02



RECEIVED

FIRST FLOOR PLAN

BALZER

www.balzer.cc

Balzer and Associates, Inc.
15571 City View Drive
Suite 200
Midlothian, VA 23113
804-794-0571
FAX 804-794-3696

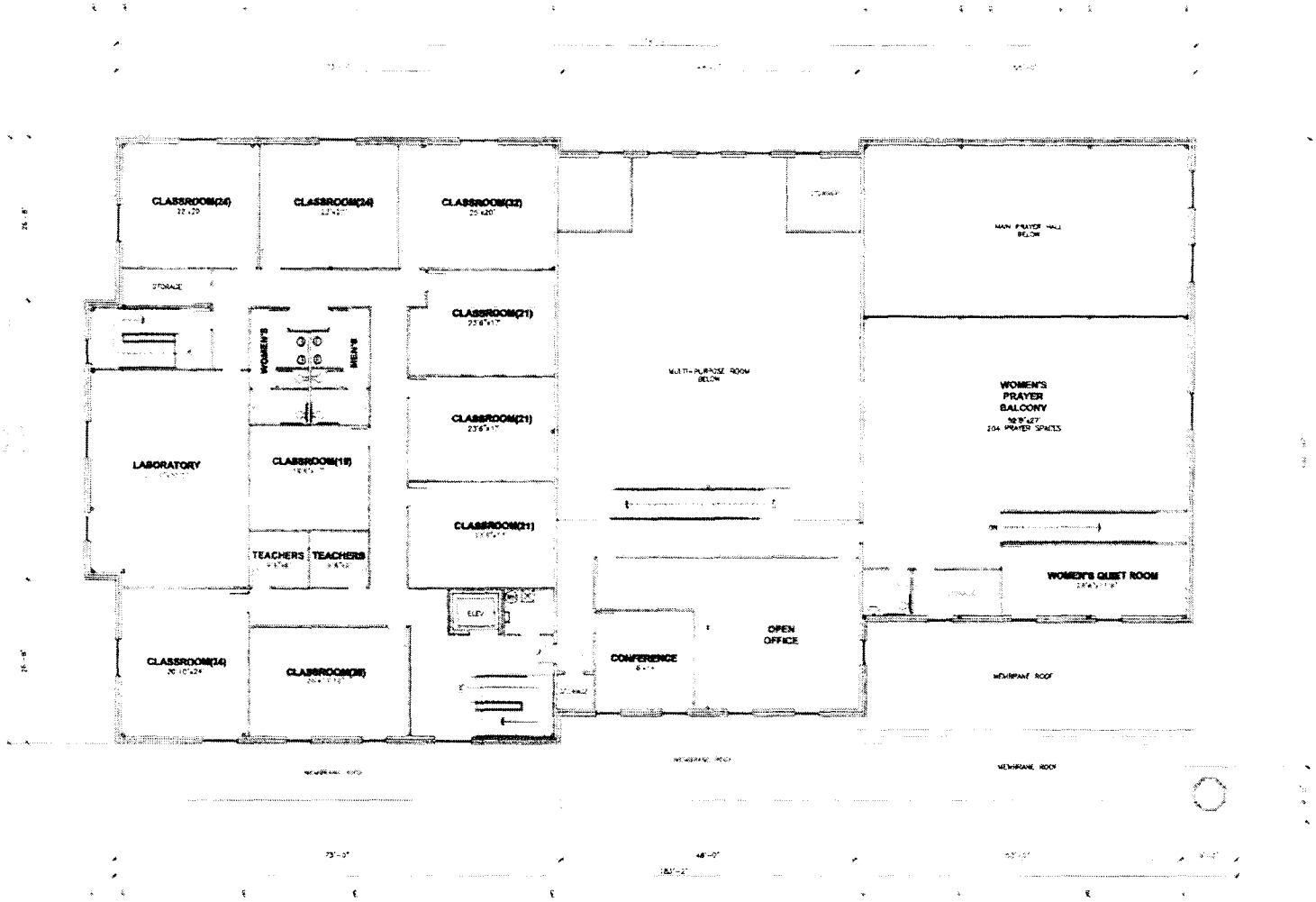
PRELIMINARY
NOT FOR CONSTRUCTION

ISLAMIC CENTER OF RICHMOND
ISLAMIC PRAYER CENTER/SCHOOL-HUNGARY RD

FIRST FLOOR PLAN

A1.1

Feb 2012 - 6010



SECOND FLOOR PLAN

RECEIVED

BALZER

www.balzer.net

Balzer and Associates, Inc.
13571 City View Drive
Suite 200
Midlothian, VA 23113
804-794-0571
FAX 804-794-2035

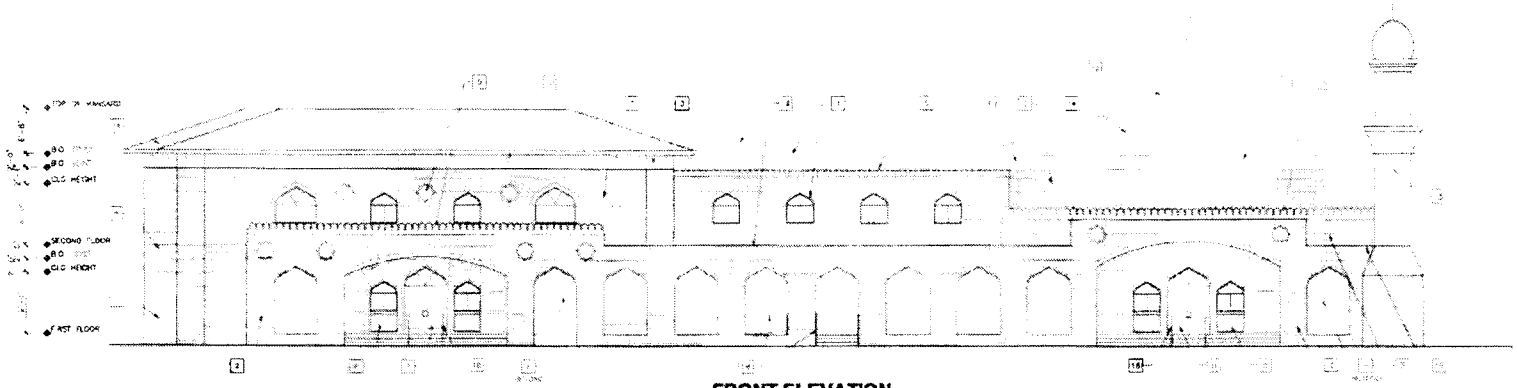
PRELIMINARY
NOT FOR CONSTRUCTION

ISLAMIC CENTER OF RICHMOND
ISLAMIC PRAYER CENTER/SCHOOL-HUNGARY RD
SECOND FLOOR PLAN
6400 HUNGARY ROAD
HENRICO COUNTY, VA 23228

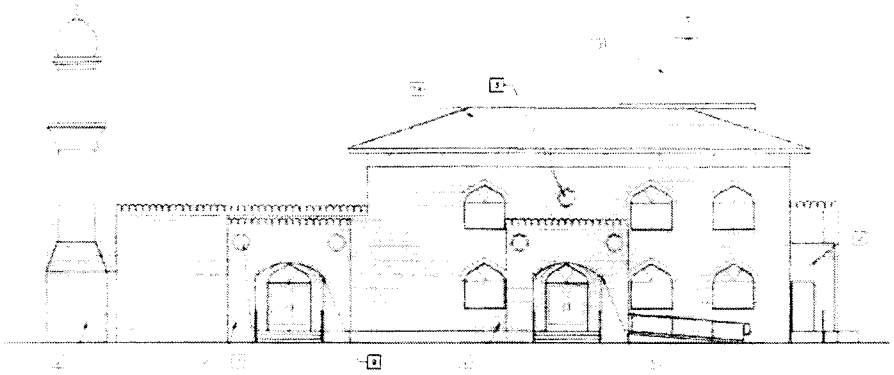
A1.2

JOB NO. 01200121.00

3



FRONT ELEVATION



RIGHT ELEVATION

EXTERIOR FINISH SCHEDULE

#	MATERIAL	MATERIAL COLOR/FINISH	MFR. / MODEL
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	MORTAR	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	MORTAR	[illegible]	[illegible]
[illegible]	[illegible]	TAN	[illegible]
[illegible]	[illegible]	WHITE	[illegible]
[illegible]	[illegible]	BLUE-GREEN	[illegible]
[illegible]	STOREFRONT WINDOW	CHAMPAGNE	KAWNEER [illegible]
[illegible]	STOREFRONT ENTRY DOOR	ANODIZED ALUMINUM	KAWNEER [illegible]
[illegible]	[illegible] ENTRY DOOR	[illegible]	
[illegible]	STEEL ENTRY DOOR	PAINTED TO MATCH SURROUNDING MATERIALS	
[illegible]	DECORATIVE BRACKET	TAN	
[illegible]	DECORATIVE BRACKET	YELLOW	
[illegible]	[illegible]	BLUE-GREEN	[illegible]
[illegible]	[illegible]	WHITE	[illegible]
[illegible]	[illegible]	[illegible]	
[illegible]	GUTTERS/DOWNSPOUTS	MATCH ADJACENT BRICK	
[illegible]	[illegible] LIGHT	MATTE BLACK	
[illegible]	[illegible]	MATTE BLACK	
[illegible]	STEEL PIPE HANDRAIL	PAINTED	
[illegible]	METAL CAP FLASHING	MATCH ADJACENT BRICK	

NOTES:
1. SEALANTS TO MATCH ADJACENT MATERIAL COLOR

RECEIVED

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www.balzer.cc

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15871 City View Drive
Suite 200
Midlothian, VA 23113
804-794-0571
FAX 804-794-2635

PRELIMINARY
NOT FOR CONSTRUCTION

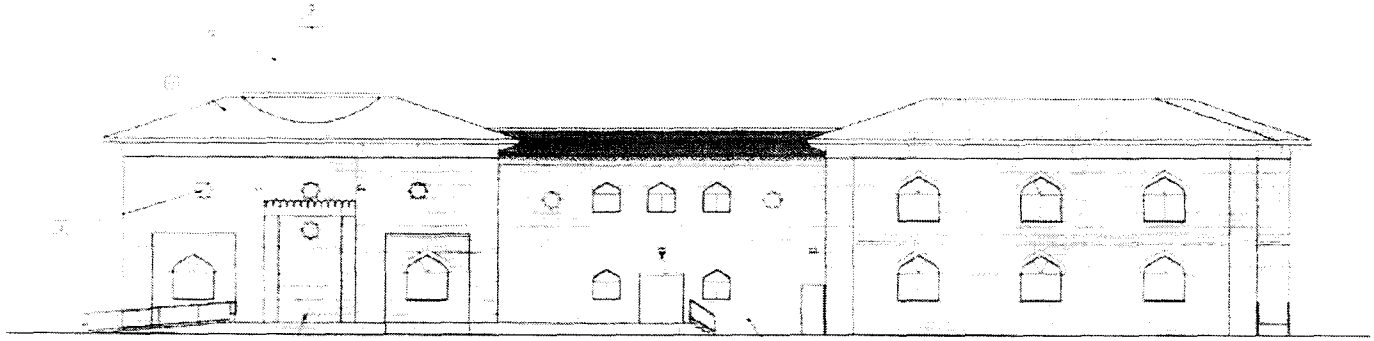
ISLAMIC CENTER OF RICHMOND
ISLAMIC PRAYER CENTER/SCHOOL-HUNGARY RD

ELEVATIONS

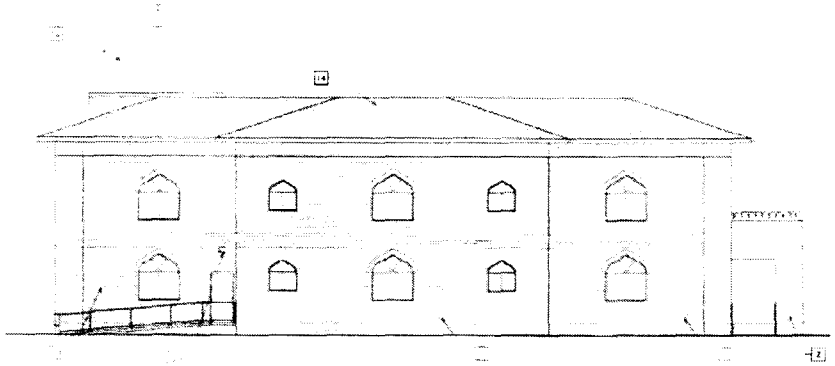
9401 HUNGARY ROAD
HENRICO COUNTY, VA 23060

A2.1

Ⓔ



REAR ELEVATION



LEFT ELEVATION

EXTERIOR FINISH SCHEDULE

NO.	MATERIAL	MATERIAL COLOR FINISH	MFR / MODEL
[illegible]	[illegible]	[illegible]	[illegible]

NOTES:
* SEALANTS TO MATCH ADJACENT MATERIAL COLOR.

RECEIVED

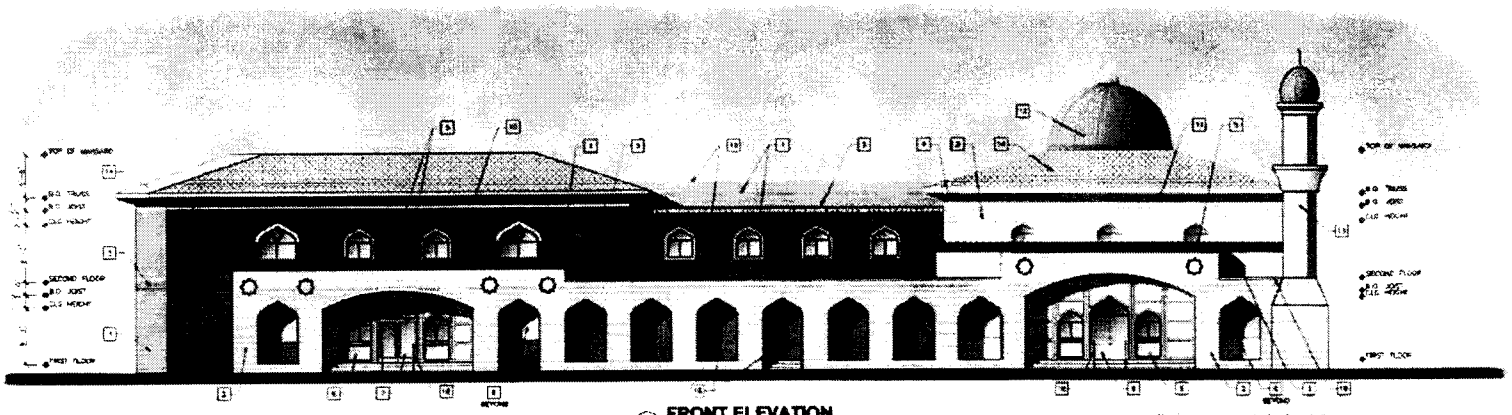
BALZER

PRELIMINARY
NOT FOR CONSTRUCTION

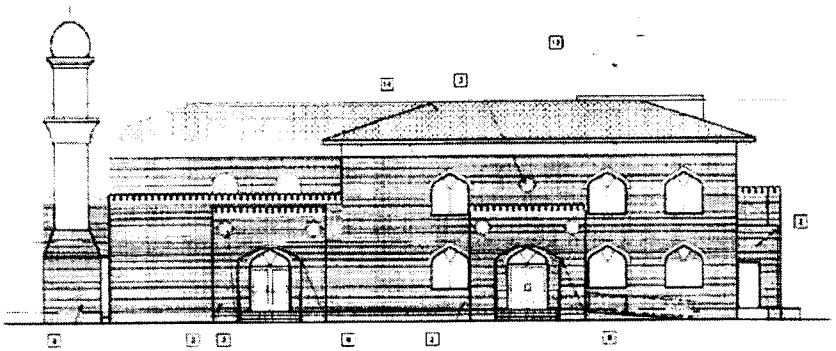
ISLAMIC CENTER OF RICHMOND
19 ISLAMIC PRAYER CENTER/SCHOOL-HUNGARY RD

ELEVATIONS

A2.2



FRONT ELEVATION



RIGHT ELEVATION

Project Name:
Master Case #: Planning ID:
Case #: Phase Section:
Case Name:
Revision: Review Process:
Submission: Review Level:
GPIN: Magisterial Dist.:
Address:

EXTERIOR FINISH SCHEDULE

#	MATERIAL	MATERIAL COLOR/FINISH	MFR / MODEL
1	TAN BRICK	WHITE AGE VELVET	BLDG CORP
2	MORTAR	TAN (BASE)	FLAMINGO
2a	MORTAR	TAN	FLAMINGO
2b	MORTAR	TAN (WHITE)	FLAMINGO
3	TAN CAPS	TAN	STD CLASSIC MORT
4	WHITE BRICK	WHITE	STD CLASSIC MORT
5	BLUE-GREEN BRICK	BLUE-GREEN	STD CLASSIC MORT
6	STOREFRONT WINDOW	CLEAR/BRONZE	ALUMINUM WINDOW
7	STOREFRONT ENTRY DOOR	ANODIZED ALUMINUM	ALUMINUM WINDOW
8	FIBERGLASS CLERY DOOR	TEXTURED BLACK	
9	STEEL BARRY BEAM	PAINTED TO MATCH SURROUNDING MATERIALS	
10	DECORATIVE BRACKET	TAN	
11	DECORATIVE BRACKET	YELLOW	
12	FIBERGLASS DOME	BLUE-GREEN	TBD
13	FIBERGLASS PANEL	WHITE	TBD
14	CUPOLA SHINGLES	GOLD LEAF	
15	DECORATIVE BRACKETS	MATCH ADJACENT BRICK	
16	SHIELDED LONG BALLASTED LIGHT	WHITE BLACK	
17	SCONCE LIGHT	WHITE BLACK	
18	TOWER TOP ADDITIONS	PAINTED	
19	METAL TOP ADDITIONS	MATCH ADJACENT BRICK	

NOTES:
1 SEALANTS TO MATCH ADJACENT MATERIAL COLOR

BALZER

PRELIMINARY
NOT FOR CONSTRUCTION

ISLAMIC CENTER OF RICHMOND
ISLAMIC PRAYER CENTER/SCHOOL-HUNGARY RD
ELEVATIONS

A2.1

6

6

Williams, Zachary

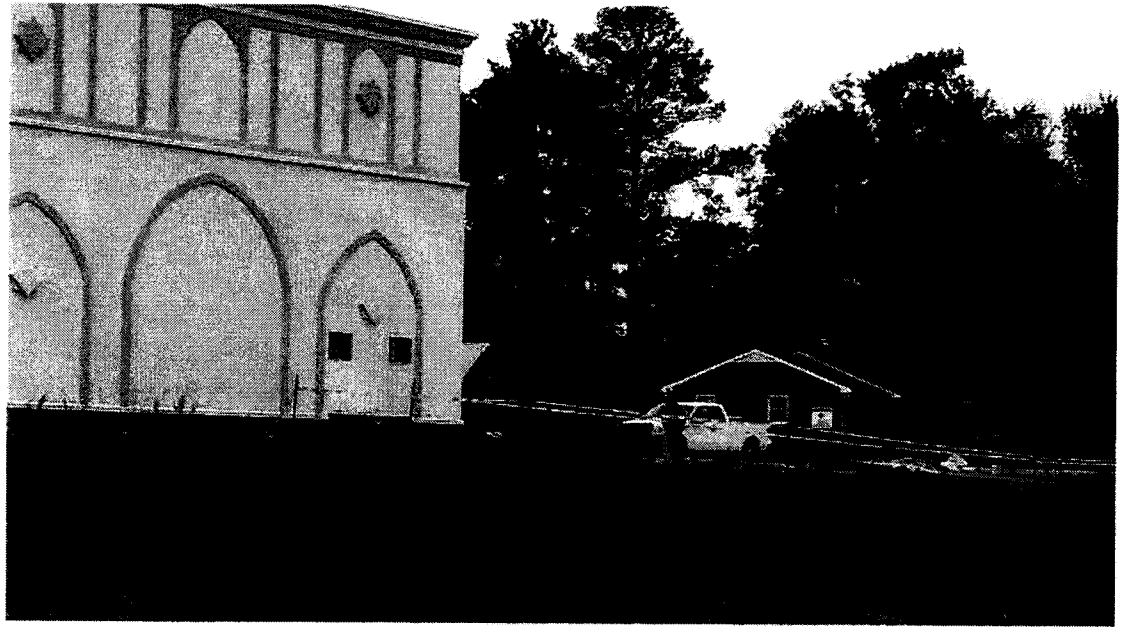
From: (b) (6) [redacted]
Sent: Thursday, May 24, 2018 11:54 AM
To: Williams, Zachary
Cc: Kyle, Lisa; Kelly, Mark
Subject: trench dug at 8481 construction site without benefit of EPA soil water runoff fencing
Attachments: 20171107_093356.jpg; 20171107_093358.jpg; 20171107_093401.jpg

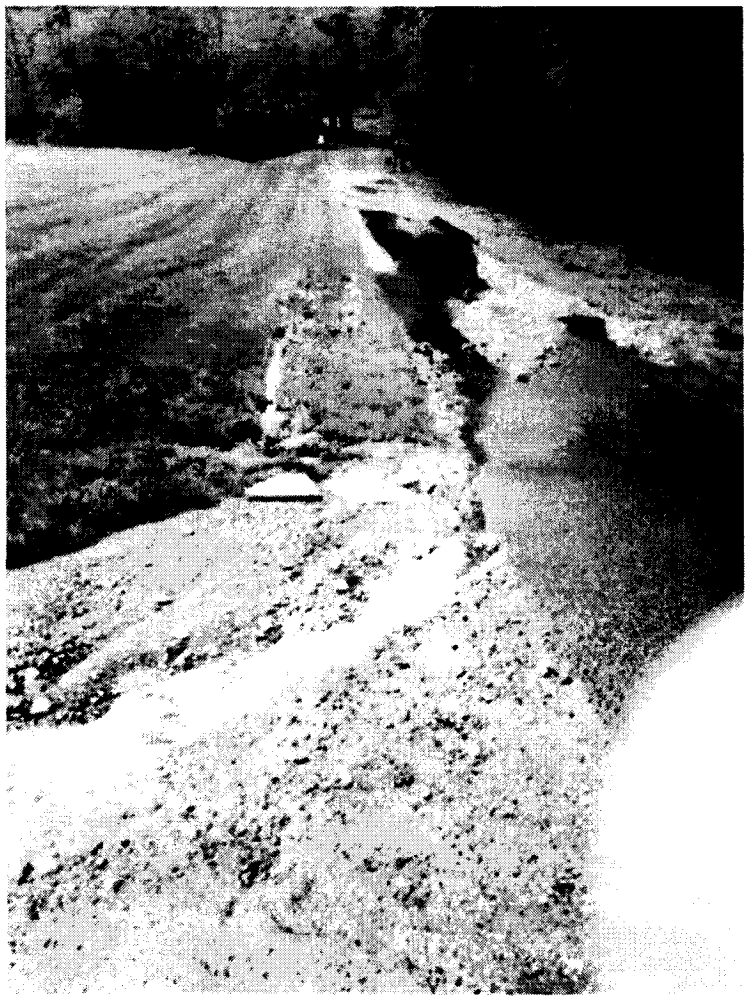
Categories: Green Category

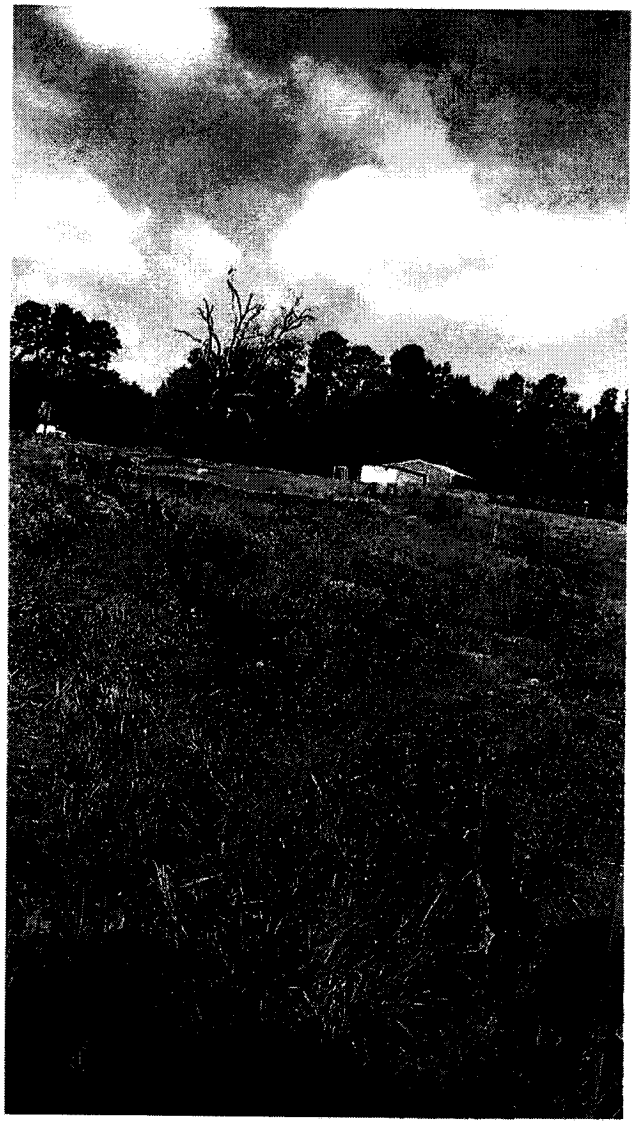
This incident occur November 2017 - I have no idea why the trench was dug. It was dug on a late Friday afternoon with workers using lights after dark. It stayed in the pictured format for a week and was then, filled back in the following late Friday afternoon again with workers using lights after dark.

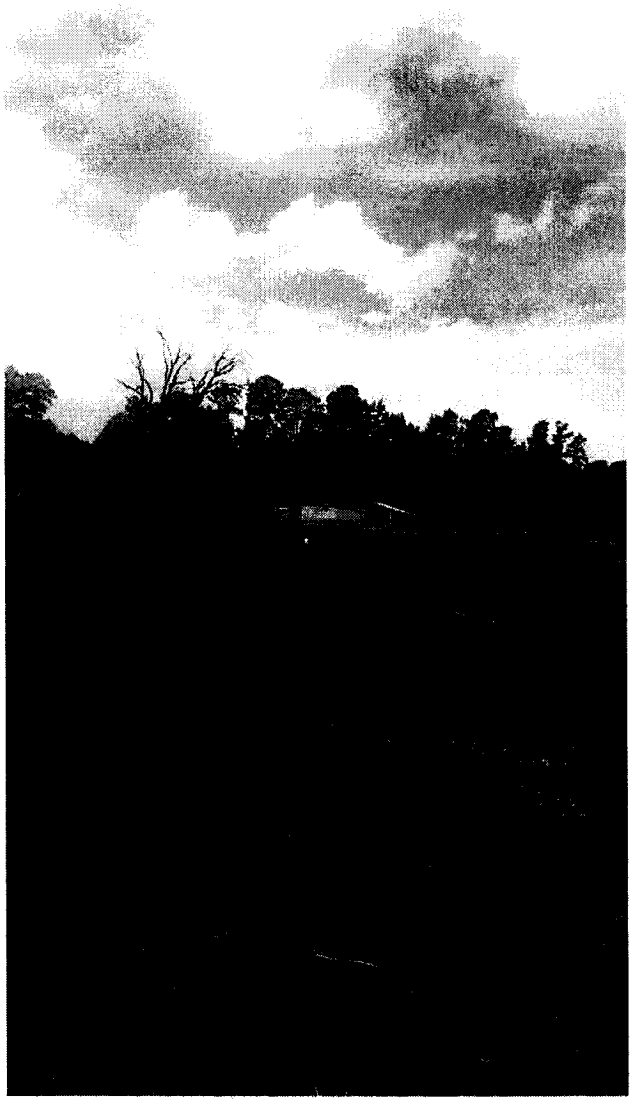
At no time during this process was a EPA water soil fence installed and it rain numerous times during the week the incident occured. The water soil water runoff follows the path of across the field, down the ditch of our private road and into a drain that empties into Hungary Ridge subdivision. The issue was reported to the County and in fact, one of the pictures captures an inspector who is visiting the violation site.

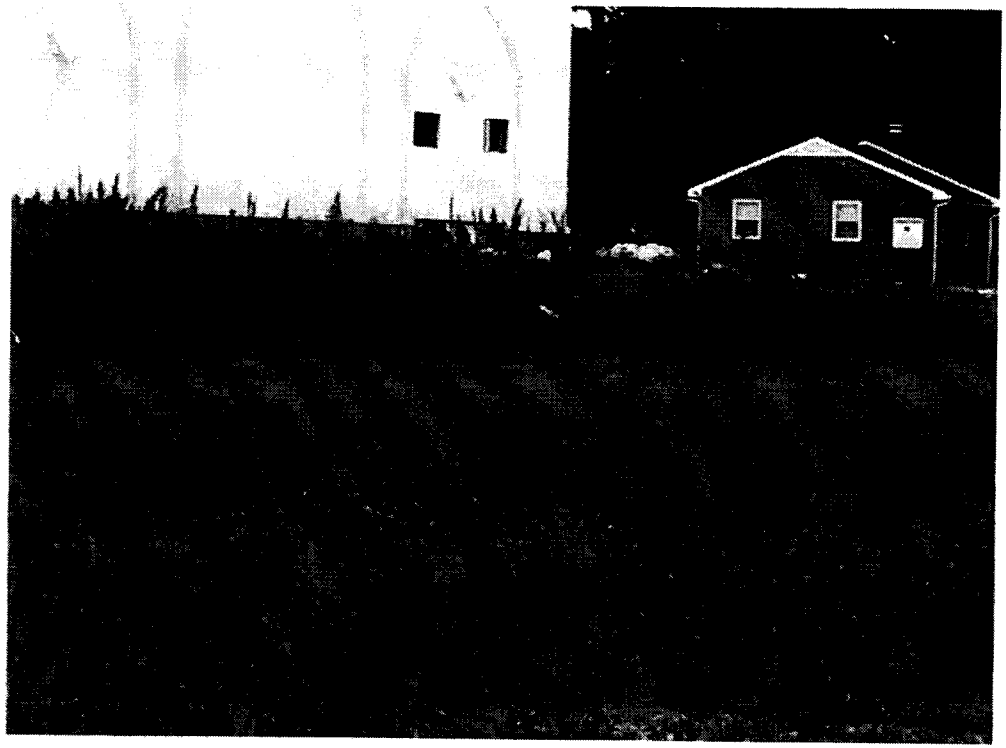
I have numerous pictures and pix that illustrate ongoing soil water runoff from this construction site. If you want more, advise. Regards, (b) (6) [redacted]

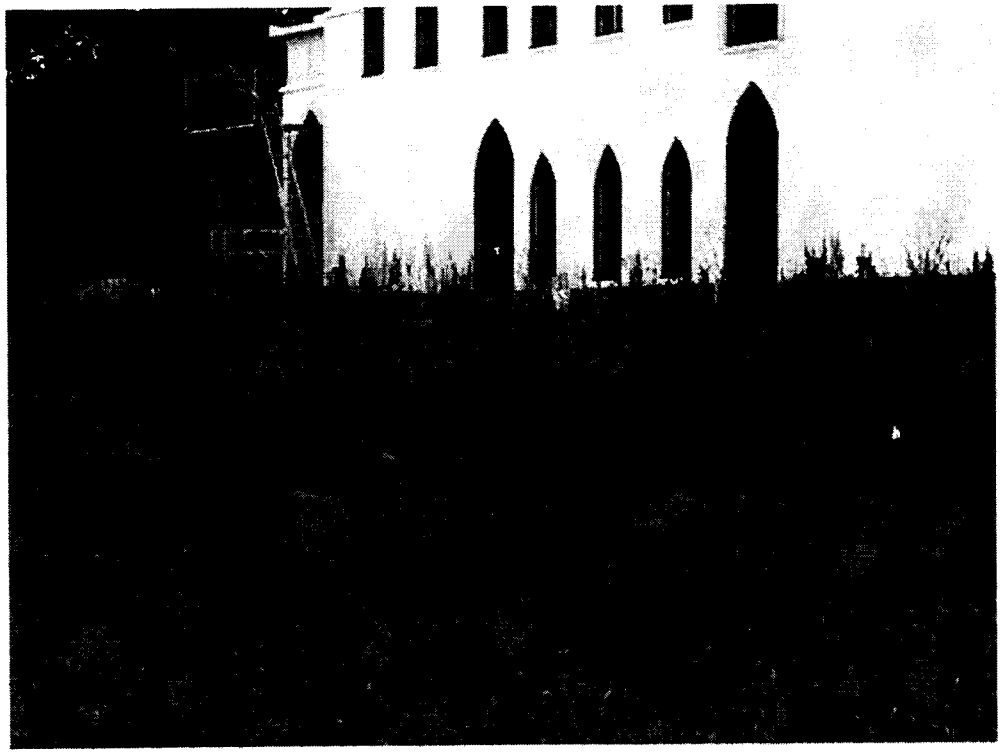












United States Senate
WASHINGTON, DC 20510

June 4, 2018

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

We write to urge you to send the Kigali Amendment to the Montreal Protocol to the Senate for its advice and consent. The Kigali Amendment is intended to foster a smooth transition to commercially available next generation technologies developed by American industry. By sending this amendment to the Senate, you will help secure America's place as the global leader in several manufacturing industries, and in turn give American workers an advantage against their competitors in the international marketplace.

Under the framework of the Montreal Protocol, U.S. industry has for years positioned itself as a leader in the effort to develop beneficial technology transitions relating to the use of fluorocarbon technologies, including air conditioning and refrigeration technologies. In fact, the Montreal Protocol has its roots in the Reagan Administration and has enjoyed bipartisan support since its inception. This leadership is due in part to the active participation of U.S. industry members with the government over the 30-year history of the treaty and can only continue through Senate ratification of the Kigali Amendment.

Right now, American companies and their 589,000 employees are poised to significantly benefit from the transitions contemplated by the Kigali Amendment, transitions that other countries already have in place. The Kigali Amendment is projected to increase U.S. manufacturing jobs by 33,000, increase exports by $4.8 billion, and improve the heating, ventilation, air-conditioning, and refrigeration industry (HVACR) balance of trade. The failure to ratify this amendment could transfer our American advantage to other countries, including China, which have been dumping outdated products into the global marketplace and our backyard. Thankfully, there is a clear path forward to protect American interests.

We urge you to send this amendment to the Senate for its consideration. The impacted industries in our country played a major role in shaping this amendment and are supportive of its ratification and implementation. The Kigali Amendment will protect American workers, grow our economy, and improve our trade balance all while encouraging further innovation to strengthen America's leadership role. We look forward to working with you on this important effort to support American jobs and technology.

Sincerely,

John Kennedy
United States Senator

Susan M. Collins
United States Senator

Bill Cassidy, M.D.
United States Senator

Lindsey O. Graham
United States Senator

Lisa Murkowski
United States Senator

Johnny Isakson
United States Senator

Lamar Alexander
United States Senator

Marco Rubio
United States Senator

Jerry Moran
United States Senator

Tim Scott
United States Senator

Roy Blunt
United States Senator

John Boozman
United States Senator

Todd Young
United States Senator