April __, 2017

MEMORANDUM

RE: Executive Order 13783: Promoting Energy Independence and Economic Growth

FROM: Administrator E. Scott Pruitt

TO: Acting Deputy Administrator
Acting General Counsel
Acting Assistant Administrators
Inspector General
Acting Chief Financial Officer
Chief of Staff
Associate Administrators
Acting Regional Administrators
Director, Office of Small and Disadvantaged Business Utilization

On March 28, 2017, the President signed Executive Order 13783, "Promoting Energy Independence and Economic Growth." The EO established a national policy to promote the clean and safe development of our energy resources while reducing unnecessary regulatory burdens, and directs federal agencies to undertake several actions to further this goal. EPA has already taken action towards implementing Sections 4 and 7 of the EO by issuing four Federal Register notices regarding rules specified in the EO. This memorandum serves to inform you of the next steps necessary to carry out additional requirements in the EO.

Section 2 of the EO directs EPA to review existing regulations, orders, guidance documents, and policies that potentially burden the development or use of domestically produced energy resources. The EO further requires EPA send a plan to carry out this review to the Director of the Office of Management and Budget by May 12, 2017, and submit a draft report with specific recommendations on deregulatory actions in the energy sector by July 26, 2017, followed by a final report due in September.

I have already communicated to all of you about the important work the agency's Regulatory Reform Task Force will be undertaking in response to EO 13777, "Enforcing the Regulatory Reform Agenda." That work includes making recommendations about regulations that could be repealed, replaced, or modified to make them less burdensome. In light of the similarities between EO 13783 and EO 13777 on regulatory review, I have asked the Task Force to lead the agency's efforts to implement Section 2 of EO 13783. Accordingly, the Task Force will consider regulations that might burden the development or use of domestically produced energy resources, and prepare the required plan and report.

As your offices conduct your planned outreach to the public regarding regulatory reform initiatives per EO 13777, I request that you also look for input regarding regulatory burdens on

domestically produced energy resources and identify relevant actions to the Task Force. Such information will greatly assist the Task Force and will bolster the draft report that is due in July.

Should it be needed, Samantha Dravis, Senior Counsel and Associate Administrator for Policy, who serves as the agency's Regulatory Reform Officer, will provide any additional information. Thank you for your help with our regulatory reform initiatives.

cc: Byron Brown
Brittany Bolen
Sarah Reese
William Nickerson

The Environmental Protection Agency is Seeking Feedback on Reducing Regulatory Burden

Consistent with Executive Order 13777, EPA is seeking public input on existing regulations that could be repealed, replaced or modified to make them less burdensome. As part of this effort, we will be accepting written public comments submitted through **May 15, 2017** at docket **EPA-HQ-OA-2017-0190**, which is accessible through regulations.gov. In addition, the Office of Air and Radiation (OAR), will host a public teleconference to obtain additional stakeholder feedback on air and radiation regulatory actions on **Monday, April 24, 2017, from 11:00am to 3:00pm EDT**.

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Background

On February 24, 2017, President Trump issued Executive Order 13777 on Enforcing the Regulatory Agenda. The Executive Order (EO) establishes the "policy of the United States to alleviate unnecessary regulatory burdens placed on the American people." Among other things, it requires each agency to create a Regulatory Reform Task Force (Task Force) to evaluate existing regulations and to identify regulations that should be repealed, replaced or modified.

In implementing the EO, on March 24, 2017, Administrator Pruitt advised several EPA offices, including OAR, to provide the Task Force recommendations regarding specific rules that could be repealed, replaced or modified to make them less burdensome by May 15, 2017. As part of the process, OAR is hosting a public meeting to solicit proposals for EPA air and radiation regulations that could be repealed, replaced or modified to make them less burdensome. . Please see https://www.epa.gov/aboutepa/about-office-air-and-radiation-oar for more information on statutes, EOs, and programs that OAR implements.

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Public Teleconference

OAR is holding a public meeting via teleconference on April 24, 2017 so that we can listen and learn from those directly impacted by our regulations. The focus of this teleconference will be on **air and radiation actions only**. We invite you to provide input on these rules during the public teleconference. Information on joining the teleconference and submitting comments through the docket are below. For questions about this process, please contact oaractions@epa.gov.

Date: April 24, 2017

Time: 11:00 a.m. – 3:00 p.m. EDT

Participant Dial-in Number:

Conference ID#:

OAR's public teleconference will be an operator assisted call. The call with start with brief remarks from EPA and the remainder of the call will be dedicated to listening to public input. ***Participants wishing to speak or listen do not need to register in advance for the teleconference.*** To hear the opening remarks, please dial in 10 minutes before the start time. You may call into the teleconference at any time during the five-hour period.

If you wish to speak, at any time, you may nominate yourself to speak by hitting *1 on your phone. Your name will be added to a queue. Speakers will be asked to deliver 3 minutes of remarks and will be called on a ***first come, first served basis***. OAR will do our best to hear from everyone who wishes to speak. The teleconference will be transcribed and will be added to the docket. If you do not have the opportunity to speak on the call, please submit your input to the EPA-wide docket (docket number: EPA-HQ-OA-2017-0190). OAR will give equal consideration to input provided through either of these methods.

For more information on OAR's public teleconference please visit: **INSERT URL**

For more information on upcoming public engagement opportunities offered by other EPA offices please visit: https://www.epa.gov/laws-regulations/regulatory-reform

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Submitting Comments and/or Proposals to the Docket

Comments can be submitted to the EPA-wide public docket, **EPA-HQ-OA-2017-0190**, which is available at www.regulations.gov. The docket will be open until May 15, 2017.

We ask that you clearly denote the subject area on which you are providing input at the beginning of your comment. The subject area could include, but is not limited to, a reference to any of the following:

- Code of Federal Regulations regulatory cite or Part/Subpart cite (e.g., 40 CFR part 1900, 40 CFR 1900.10(b), etc.);
- Federal Register citation;
- Regulatory program or rulemaking title;
- Title of guidance document.

Detailed instructions on how to submit comments to the docket are available at: https://www.regulations.gov/help. Also, EPA's Tips for Effective Comments can be found at: https://www.epa.gov/dockets/commenting-epa-dockets#tips.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Budget Hearing: Environmental Protection Agency
June 15, 2017

Questions for the Record – Administrator of the Environmental Protection Agency

Questions from Mr. Calvert

Rewriting Several Rules per Executive Orders: WOTUS, Clean Power Plan, and Methane

I was pleased to see two early actions from the President to issue:

- Executive Order 13778 on *Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" rule*, and

- Executive Order 13783 on *Promoting Energy Independence and Economic Growth.*

I have a number of concerns with the WOTUS rule's flawed history -- it was originally proposed before the scientific studies were complete, the Small Business Association believed EPA should have conducted a Small Business Advocacy Review Panel prior to releasing the rule, and in December 2016 the GAO determined that EPA had violated the law by expending funds on a social media campaign to promote rule.

In my opinion, the only clarity that the WOTUS rule offered was that more Federal permits would be required under an Administration that was not approving permit applications. It was a clear example of Federal overreach.

The FY17 Omnibus included language asking EPA (and the Department of the Interior) to keep the Committee apprised of actions to comply with the Executive Order to promote energy independence and economic growth. For EPA, there were a number of specific directives within the Executive Order related to the Clean Power Plan, the methane rule, and other regulations.

Calvert Q1: Please provide an update on what steps the Agency is taking to comply with these Executive orders.

Calvert Q2: Where is the agency in the process with respect to each of those rules?

Superfund and Brownfields: Budget Request vs. Needs *- OLEM*

The 2018 budget proposes a 31% reduction for the Superfund program, a $327 million decrease from the FY17 enacted level. This includes a $203 million decrease for direct Superfund cleanup activities, which would prevent new cleanups from starting and slow ongoing cleanups.

For Brownfields, the 2018 budget proposes an $11 million reduction for the project grants, and a $14 million reduction for the categorical grants.

Both of these programs support land cleanup, job creation and economic redevelopment. I understand the overall pressure that the targets in the President's budget put on your Agency, so I'm not going to hold your feet to the fire on this. Further, I think it's safe to say on behalf of our full committee Chairman that we will take this proposal in a much different direction.

I understand you've created a Task Force to review Superfund contracts and program implementation to identify efficiencies as a way to further your commitment "to accelerate the pace of cleanups". That is a goal that I know we both share as we have over 1,300 sites on the National Priority List that need to be cleaned up.

We often cite the needs associated with water infrastructure because those are well-documented (roughly $1 trillion).

Calvert Q3: Does EPA have similar estimates for what is required to cleanup all of the Superfund sites currently on the National Priority List?

Superfund Special Accounts -- $3.2 billion Waiting to Spend on Cleanups

EPA has roughly $3.2 billion in settlement agreements from responsible parties. These funds reside in Special Accounts for the cleanup of individual Superfund sites. That's nearly 5 times the budget request for the program.

Calvert Q4: What, if anything, is required to accelerate the use of these funds so that we can make progress cleaning up some of the most toxic sites?

Questions from Mr. Simpson:

TMDL - *OW*

I am pleased that you mentioned TMDL's in your opening statement and a commitment from EPA to work with states and localities. I have met with Mayor's and city council members, and there is real fear in regards to the financial stress around and how these communities can meet and/or pay for costly upgrades to facilities. For example, Twin Falls recently invested $38 million to upgrade their water treatment facility. However, the last Administration proposed lowering their TMDL for phosphorous by 98.5%. This would result in the city needing to upgrade their facilities again. The cost is estimated to be between $60 and $100 million.

Now, this is just the start of this issue. I met with Mayor's in the smaller towns near Twin Falls - Buhl, Jerome, Ammon, and Filer – and they surely can't afford these types of upgrades as these towns have smaller populations.

We did have success in Boise, Idaho, with a project called Dixie Drain that saved tens of millions of dollars by using a flexible innovative model to reduce phosphorous levels. This was a common sense approach that didn't hammer taxpayers with costly regulations. I hope this is a model we can use to help Twin Falls and other communities avoid massive rate increases.

Simpson Q1: Can we work together – along with Idaho Department of Environmental Quality - to review the TMDL process along the Mid-Snake and see what can be done to help these communities?

Simpson Q2: What are some of the approaches we can take to ensure these communities reach a solution that doesn't bankrupt ratepayers?

P.O. Box 1907 321 Second Avenue East Twin Falls, Idaho 83303-1907 Fax: (208) 736-2296

Office of the Mayor (208) 735-7287

September 16, 2016

Mr. Mike Simpson
US House of Representatives
2312 Rayburn Building
Washington, DC 20515

Re: SUMMARY OF THE CITY OF TWIN FALLS CONCERNS AS TO DRAFT NPDES PERMIT

Congressman Simpson:

The City of Twin Falls owns and operates a wastewater treatment plant that sends its treated effluent to the Middle Snake River. The Middle Snake River is not meeting water quality standards for nutrients. To address that issue, the State, working through its stakeholder Watershed Advisory Group, established a Total Maximum Daily Load (TMDL) for the river, which provided specific loading allocations for various discharging entities, including the City of Twin Falls. In the TMDL, the City is provided an allocation of 710 pounds of phosphorus per day. The TMDL was submitted to USEPA, and approved; the most recent version of the TMDL was approved by USEPA in 2005.

The TMDL allocation for the City was incorporated into the City's NPDES permit for the treatment plant. The most recent permit was issued in 2009. Since that permit was issued, the City has spent over $32 million to make major improvements in the treatment plant, resulting in substantial reductions in the plant's nutrient discharge. The plant has always complied with its TMDL allocation; in fact, the plant currently discharges at levels that are roughly half of that allocation. During this time period, there has been substantial progress in implementing the TMDL, with many dischargers reducing their phosphorus levels being sent into the river.

Now, EPA is moving to issue the next NPDES permit for the City. In doing so, EPA has indicated that even though the TMDL is still EPA-approved, it will disregard the TMDL allocation for the City of 710 lbs/day, and instead impose a new limit of only 10 lbs/day. This new restriction will impose new costs on the City of $60 to $100 million, in a situation where the City has no readily available means to obtain that funding. Moreover, this action by EPA has larger policy implications; it will severely damage the TMDL program, and undermine the stakeholder-led process that Idaho and other States have used to develop and implement TMDLs. The overall effect will be counterproductive for the environment, as well as to the residents of Twin Falls and any other community that suffers similar treatment.

The basis for EPA's action, according to Agency staff, is that the current EPA-approved TMDL is "flawed," and therefore, EPA cannot rely on the TMDL allocations to develop limits for the City's new permit. Logic would indicate that if the TMDL is indeed "flawed," that EPA would tell the Idaho DEQ that the TMDL needs to be redone. However, EPA staff has stated that the Agency lacks the legal authority under the Clean Water Act to require the State to redo a "flawed" TMDL. In fact, EPA has done exactly that in a similar situation. When the State of Vermont developed a TMDL for Lake Champlain, EPA initially approved the TMDL. Then, after an environmental group filed suit against EPA, challenging the approval of the TMDL, EPA reversed itself, and announced that it would now withdraw its approval. As a result, a new TMDL had to be performed. EPA could do the exact same thing here; if the Agency honestly believes that the TMDL is "flawed," then the proper action to take is to withdraw the 2005 approval of the TMDL, and require that the State reassess the TMDL and make any needed revisions.

In fact, though, EPA's claim that the TMDL is "flawed" is itself flawed. It appears that EPA has two reasons for stating that there are problems with the TMDL. The first is a claim that the reductions in loadings called for in the TMDL will not be sufficient to bring the Middle Snake into attainment of standards. However, that claim ignores the substantial progress that has already been made in moving toward that goal. It was always understood that reaching attainment would take time; that was part of the discussion when the TMDL was developed. So the fact that the Middle Snake is not yet in attainment is not relevant to whether the TMDL is adequate; nobody expected the waterbody to be in attainment by this point. Moreover, the kinds of testing that need to be done to assess the biological health of the stream is being done right now, by the State. Those results will help the stakeholders better evaluate progress and determine if something more needs to be done, beyond what is already called for in the TMDL. EPA's claim that the TMDL is inadequate is, at best, premature, and at worst, simply inconsistent with the extended timeline that was always going to be needed to bring the Middle Snake River into attainment.

EPA's other claim of "flaws" is even more questionable. The Agency now states that the river flow on which the TMDL was based is incorrect. EPA wants to reduce the river flow estimate substantially from the one that was used in the TMDL. This makes a major difference in the loading reductions that will be required from the City; in fact, it accounts for most of the reduction in the allowed loading from 710 lbs/day to 10 lbs/day. But this change is problematic, for several reasons. For one thing, EPA wants to move to a very low flow estimate, similar to those that are used in estimating impacts of toxic pollutants. Using that low flow is appropriate for toxics, which have more impact when there is little water in the steam, and can have very short-term, acute impacts in those situations. But that is completely wrong to do for nutrients, whose impacts are much more watershed-based and long-term. EPA itself has allowed use of annual averages to calculate permit limits for nutrients in waters such as Chesapeake Bay, so requiring a low-flow estimate in the Middle Snake River simply makes no sense. Moreover, this change in policy by EPA amounts to a radical change in the assumptions used to develop the EPA-approved TMDL, and changing it through an individual permit, rather than by reexamining the TMDL, is the wrong way to make such an important policy change.

Even if, as EPA argues, there are "flaws" in the TMDL that is no reason to discard the TMDL process and instead impose new requirements in the City's NPDES permit. As noted above, if EPA honestly believes that the TMDL needs to be redone, then the Agency can withdraw its approval of the TMDL and require that it be redone. That process could be done quickly, by Idaho DEQ and the Watershed Advisory Group for the Middle Snake – probably within 2 years. During that time, the City could continue to operate under its existing permit – and continue to implement actions to further reduce its nutrient discharges. To instead issue a new permit, with a drastically reduced loading limit of 10 lbs/day (forcing the City to appeal that permit to the EPA Environmental Appeals Board and, possibly, to Federal court) would be unnecessary, as well as unfair. The unfairness stems from the fact that, instead of involving the entire stakeholder group, and fully reevaluating all aspects of the TMDL with full public input, EPA would be redoing the TMDL's loading limits for one discharger, in a process that involves only that entity and whoever else is interested in filing comments on that individual permit. Any new approach mandated by EPA for the City would not be applied consistently to all dischargers - unless EPA issues similar mandates for all permits, in which case one wonders why it would not be better to reopen the TMDL and deal with all at once, in the same forum, open to all.

Even more than being unfair, though, EPA's new mandate on the City would be illegal – simply contrary to the Agency's own rules. Those regulations (in 40 CFR 122.44(d)) require that permit limits must be "consistent with" the "assumptions and requirements" in a TMDL. The limits that EPA is proposing for the City would be blatantly inconsistent with those assumptions and requirements. The Agency would be reducing the City's allocation by 98.5%. Moreover, it would be fundamentally altering the flow basis on which all of the TMDL's loading allocations were derived. It is hard to see how those decisions are "consistent" with the assumptions and requirements in the TMDL. EPA's only defense appears to be that in a case years ago, the Agency's own Environmental Appeals Board allowed EPA to give the town of Moscow, Idaho less than its full allocation, since the full allocation would not be needed until a future expansion. That case is completely different from the Twin Falls situation, where EPA is claiming the authority to completely depart from the TMDL allocations and fashion entirely new, much more stringent limits for the same treatment plant that received the original TMDL-based limits.

Beyond being illegal, EPA's action would also be extremely counterproductive as a policy matter, because it would do serious damage to the TMDL program itself. States and stakeholders invest substantial time and effort in studying waterbodies and then developing and implementing TMDLs to restore those waterbodies. All of those parties understand, and rely on, the fact that the allocations arrived at in the TMDL process will form the basis for binding, enforceable permit limits for point sources. Yet here, EPA is claiming the authority to blithely disregard the allocations in a TMDL – without ever taking action to withdraw its approval of that TMDL - and then develop new permit limits itself, imposing those new requirements directly on just one of the many sources in the watershed. If that is the way that EPA is going to run the permits program going forward, why would any parties participate in a TMDL process? It would be clear from the outset that the TMDL process is irrelevant, since EPA could disregard its results at any time – even right after issuing its approval of the TMDL. If EPA truly wants the TMDL program to continue, and to encourage stakeholders to participate in that process, then it needs to honor the results of that process – particularly when it has approved the TMDL itself.

For all of the reasons laid out above, EPA needs to move away from its current direction as to the Twin Falls permit. Instead of imposing new, drastically lower phosphorus limits in the City's permit, EPA should focus its attention on working with Idaho DEQ and the Watershed Advisory Group to consider the Agency's concerns as to the TMDL and to make any necessary revisions to that TMDL – and to the loading allocations that are contained there. Once that process is complete, it would be appropriate to reissue permits for the City and other sources in the Middle Snake watershed, incorporating any revisions in allocations that result from reevaluation (and, if necessary, revision) of the TMDL. That is the appropriate process to follow under the Clean Water Act, and the City would plan to be an active and positive participant in that process going forward.

Sincerely,

Shawn Barigar
Mayor
City of Twin Falls

cc: James Neill
Legislative Assistant to Congressman Simpson
James.Neill@mail.house.gov

Travis Rothweiler
City Manager
City of Twin Falls

CITY OF Ammon
2135 South Ammon Road, Ammon, Idaho 83406
(208) 612-4000 email: scoletti@cityofammon.us

May 9, 2017

Senator Mike Crapo
239 Dirksen Senate Office Building
Washington, D.C. 20510

Senator James E. Risch
483 Russell Senate Office Building
Washington, D.C. 20510

Congressman Mike Simpson
2084 Rayburn House Office Building
Washington, D.C. 20515

Dear Idaho Senators and Congressman,

I am writing on behalf of the Eastern Idaho Regional Waste Water Authority (EIRWWA), which operates the Oxbow Wastewater Treatment Plant located in Shelley, Idaho. There are four members of EIRWWA, namely, the City of Ammon, the City of Shelley, Bonneville County, and Bingham County. I serve on the board of EIRWWA associated with my role as a member of the Ammon City Council.

The purpose of this letter is to request that EIRWWA receive your assistance in working with the regional office of the Environmental Protection Agency (EPA), located in Seattle, Washington.

By way of quick background, EIRWWA obtained its discharge permit effective June 1, 2014. In that permit, EPA gave EIRWWA a phosphorus compliance schedule for cessation of discharge or partial cessation of discharge. The compliance schedule required certain actions to be taken according to a very strict timeline.

It is also important for you to understand that EIRWWA is a regional authority and not a taxing district, and therefore has no ability to obtain additional financing or incur debt to fulfill the requirements set by the EPA. Accordingly, EIRWWA is also considering a plan to become a sewer district, but the timeline and requirements for doing that are also very time consuming and will require much effort.

In 2015, EIRWWA came to the realization that it needed more time from EPA to satisfy its phosphorus requirements, given that it also needed to move toward a district. Representatives of EIRWWA contacted the EPA representative, John Drabek, on several occasions between May 1, 2015 and April 4, 2017, but the EPA has not been quick to respond or provide EIRWWA with any guidance. Mr. Drabek did call the EIRWWA engineer once in April of 2016 and said that he would speak with others in his agency about what they could do, but EIRWWA never heard anything back. In short, dealing with the EPA has been extremely difficult. A copy of the written correspondence to the EPA is enclosed with this letter, for your reference.

As a result, we felt that our only option was to request assistance from our elected representatives. We are asking for your assistance in helping us communicate with and come to some resolution with the EPA concerning this issue. As you are aware, sewer and septic systems are of critical importance to Idaho towns and cities. It is imperative that we are able to communicate effectively with the EPA to be able to serve those citizens we represent.

I am copying your regional office managers on this letter, as I spoke with them over the past two weeks and they requested that I write you this letter directly.

As this matter is of urgent importance, we ask for your quick assistance. Please contact me anytime at 208-520-9856, or at scoletti@cityofammon.us.

Very Truly Yours,

Sean J. Coletti

Cc: Kathryn Hitch, Amy Taylor, Ethan Huffman

Enclosures

CITY OF FILER

6 June 2017

Office of the Mayor

Dear Congressman Mike Simpson

We, the city council members, want to thank you for your help with arsenic issue for the City of Filer. Even though we will still need to build a plant, your help softened the impact it had on our citizens.

This letter is in response to your request at our last meeting 10th of May on the EPA and the current phosphorous rule . We need to get some realistic figures on the phosphorous issue.

Phosphorous is such a common naturally occurring element that any small amount of discharge from rural communities will have such a minimal effect on the overall scheme of things.

Even though time maximum daily limits (TMDL) have not been changed at this time, there is talk that the EPA is considering reducing the current TMDL by 95%. Our resources tell us that current technology isn't available to accomplish these levels.

No one wants to destroy the environment but in the future TMDL should be based only on facts.

Here are some thoughts on how to fix the out of control EPA.

1. Creating more Districts in smaller communities not just within large cities. The smaller communities under 40,000 people are impacted more financial than large cities.
2. Resend Executive Order 13693 dated March 19, 2015 as soon as possible that has just turned EPA loose to do what they want.
3. No rules should be made without at least a 20 yrs studies by independent research groups or universities on any type of environment study where there are cycles of nature involved .
4. New limits set will have to come before a panel of seven. For example, one member from the EPA, State Agency, local farmer, the Mayor, and/or other members that are involved with the issue. Both by health hazard and economical impact. Then forwarded to congress for a final judgment.
5. All limits set must be achievable by current technologies. The EPA shouldn't have the power to force unfunded mandates on cities.

The environment is important to people and shouldn't be destroyed, but real facts and understanding of issues should be considered before forcing cities with tasks that they aren't able to accomplish, either financially or physically.

Sincerely,
The City Council of Filer

Rick Dunn, Mayor | Ruby Allen, President Council | Bud Sheridan, Council Member

Christina Hatch, Council Member | Gary Deitrick, Council Member

300 MAIN ST. • P.O. BOX 140 • FILER, IDAHO 83328
(208) 326-5000 • FAX: (208) 326-5002

THE CITY OF FILER IS AN EQUAL OPPORTUNITY PROVIDER. TO FILE A COMPLAINT OF DISCRIMINATION WRITE USDA, DIRECTOR, OFFICE OF CIVIL RIGHTS, 1400 INDEPENDENCE AVENUES, S.W.WASHINGTON, DC 20250-9410 OR CALL (800) 795-3272 (VOICE) OR (202) 720-6382 (TDD).

Ecolabels - *OCSPP*

In the 2017 Consolidated Omnibus Appropriations Bill, we asked for the agency to provide a report on the Ecolabel program within 60 days of enactment, asking that as you develop the guidelines and evaluate ecolabels for federal purchasing in building construction that the process be fair, transparent, and consistent with other product requirements.

I'm most interested in the part of the process that looks at labels associated with forest management. I want to ensure that our federal government's procurement system includes recognition of forest products from the millions of acres of responsibly managed forests across the US. Unfortunately, as I understand it, the former administration's EPA issued 2015 procurement recommendations that excludes forest products from 83 million acres of private and state forestlands, as well as several hundred million acres of other private and public forestlands including the entire National Forest System, from participation in federal procurement efforts by discriminating against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS). And all this, despite the fact, that the only statutory authority any agency has is USDA, through its Bio-preferred Program authorized by Congress, which sets mandatory purchasing requirements for federal agencies and puts all certification programs on a level playing field. In December 2016, EPA said this recommendation was "under review". I remain concerned about further actions that EPA will take on its program.

Simpson Q3: Can you provide us with a status update on the report called for in the Consolidated Omnibus Bill?

Simpson Q4: What steps can you take to ensure your agency's efforts on the Ecolabel program avoids creating conflicting federal procurement policies and doesn't exclude US grown and manufactured forest products?

Questions from Mr. Stewart:

Serious Non-attainment Areas

Recently, much of Northern Utah was classified as a serious non-attainment area. As you know, once a region is designated as serious non-attainment it's almost impossible to shed that designation – even if air quality improves to meet minimum federal standards.

Stewart Q1: Under your leadership, will EPA demonstrate to the states how they can exit non-attainment and serious non-attainment?

Questions from Mr. Amodei:

State Obligation

Office of Budget

Amodei Q1: If the cuts to state grant funding contained in the EPA's FY18 budget proposal are adopted, does EPA also intend to proportionally adjust the required obligations on states to implement federal environmental programs?

Amodei Q2: If not, what is EPA's proposed solution for addressing this policy and funding the discrepancy? Does EPA expect state and local governments to make-up for the shortfall?

Comprehensive Environmental Response, Compensation and Liability Act *- OLEM*

Nevada is the U.S. leader in responsibly regulating mining activities that adequately protect the environment while supporting a thriving mining industry. This successful framework creates tangible opportunities for the EPA to demonstrate a commitment to cooperative federalism. A key near-term opportunity under this model is EPA's proposed regulations under CERCLA to ensure financial responsibility for operating hard rock mines. Nevada has outpaced the EPA in this area through the Nevada Division Environmental Protection comprehensive mining financial assurance program.

Amodei Q3: How does the EPA plan to recognize and ensure the continued success of Nevada's pre-existing state-based program?

Waters of the United States

Because states are primary implementers of federal rules, state input into rulemaking early in the process, well before a rule is formally proposed, is critical to an effective and efficient regulatory program. EPA's review of the Water of the United States rule is key example.

Amodei Q4: Does the EPA plan to include state environmental agencies as co-regulators in the development of a new WOTUS definition to ensure effective implementation if a final rule is pursued?

Renewable Fuel Standards

Regarding renewable fuel standards, there was a petition filed with the EPA to move the point of obligation for blending renewable fuel from refineries and importers to the marketers who operate the pumps. I've been informed from several marketers in my state, most of which are family-owned businesses, that this would severely impact their operations and cause significant job loss. I've also heard this effort is being led by one major refinery in particular.

Amodei Q5: Can you tell me how the EPA views this petition now that the comment period has closed, and if changing the obligated parties from big refiners to the mom-and-pop marketers is something the EPA is considering?

Amodei Q6: Under the same policy – RFS point of obligation – does EPA make a distinction between obligated parties and position holders?

I have seen estimates that there are currently 200 obligated parties under the RFS. Now, merchant refiners have suggested that we should expect about 1000 obligated parties were the point of obligation to be moved. Obviously, Nevada has terminal operators that could certainly become obligated parties. Some of those terminal operators also have multiple other "position holders" that would also become obligated parties under such a change. In my example, as far as EPA is concerned from a compliance standpoint: (1) unobligated terminal would become (4) new obligated parties because of the three "position holders" that use the terminal. If you multiply this across the country, instead of 1,000 points of obligation as merchant refiners contend, you could actually have 4,000 or more.

Amodei Q7: Given the President's budget proposal, can the EPA effectively and economically manage a program that could potentially become more complicated by a factor of x 10?

Renewable Fuel Standard (RFS) Blend Wall - *OAR*

There is scientific evidence showing ethanol blends above 10 percent can harm vehicles and is incompatible with the existing retail gasoline infrastructure.

Amodei Q8: What is EPA doing to ensure that the annual RFS-mandated volumes protect the current U.S. vehicle fleet and existing retail infrastructure?

ENERGY STAR Program - *OAR*

The FY18 President's Budget proposes eliminating the ENERGY STAR program from the EPA's budget and states these types of programs can be administered by the private sector. Privatizing the program would increase the cost and scope of the program and reduce its credibility to the public. For example, multiple organizations could manage the brand for differing products and have differing objectives. These private organizations also would not be cost conscious because there would be no competition. They could force manufacturers to pay high fees and require burdensome and expensive testing. For home appliances, ENERGY STAR is effectively mandatory in the marketplace. Instead of privatizing the program, we should reform it, right size it and make it more efficient. The first way you can do this is to move home appliances, which are regulated by DOE for the minimum energy standards, back to DOE for the ENERGY STAR program. DOE has historically managed most of the ENERGY STAR program for home appliances because this agency has the expertise and knowledge of the products. However, in 2009, the ENERGY STAR program for home appliances were transferred from

DOE to EPA to be managed, while DOE continued to manage the test procedures.

Amodei Q9: Will you work with the committee on this matter and commit to moving the entire ENERGY STAR program home appliances to DOE immediately?

Refrigerator Refrigerant Charge Size

On December 20, 2011, the EPA's Significant New Alternatives Policy (SNAP) program allowed the use of Isobutane in household refrigerators. The final rule included a use condition that limits the refrigerant charge to 57 grams or less for each sealed refrigeration system (i.e., compressor, condenser, evaporator, and refrigerant piping). The charge size is the amount of refrigerant that is allowed in each sealed refrigerant system within a refrigerator. The SNAP rule based the charge size amount on the Underwriters Laboratories safety standard for household refrigeration end-use, which limited the quantity of the refrigerant (i.e., ''charge size'') in a refrigerator or freezer to 57 grams. In EPA's final rule, the agency stated that they do not have sufficient information to support a charge size limit different from one based on UL 250, such as the 150-gram limit in IEC 60335–2–24. The final rule stated EPA understands that the limit in UL 250 may change in the future. If that occurs, and if the appropriate safety testing data is submitted to EPA supporting safe use of a larger charge, EPA stated it would consider modifying the use conditions.

Based on testing and lengthy analysis, on April 28, 2017, the maximum charge size allowance in the UL standard was changed and increased from 57 grams to 150 grams. During the approval process of this update, the Consumer Product Safety Commission (CPSC) staff stated that they do not oppose the proposal to increase the maximum flammable refrigerant charge size in household refrigerators to 150 grams from 57 grams. They stated that standards in Latin America, Europe, and other countries allow household refrigerators to use up to 150 grams of flammable refrigerant.

It is my understanding that EPA has sent the rule to OMB to update the SNAP use condition to increase the allowable charge size to match the most recent safety standard, which is 150 grams. I am appreciative of your quick action on this important matter; however, we need to make sure it gets out of OMB quickly. I wanted to be sure that you were aware of the importance of this matter to expedite this technical change. Appliance manufacturers need certainty in this area to start planning and designing their products to meet the EPA required date of 2021 when HFCs are banned for use in refrigerators.

OAR

Amodei Q10: Can you please continue to make sure this is a high priority action for OMB to complete?

Questions from Mr. Jenkins:

National Ambient Air Quality Standards

Recently, EPA announced it would be extending the timeline for the 2015 ozone standards. In making that decision, the EPA cited several issues in need of further review.

Thank you for this action and your consideration of these issues.

All counties in West Virginia now meet the 2015 standards, and we are proud of that progress. Despite this fact, potential EPA actions threaten affordable, reliable energy in West Virginia.

It is my understanding that the decision does not change several other implementation steps and actions that states must still undertake.

Petitions from other states would require West Virginia electricity generators to address nonattainment areas in those states or join the Ozone Transport Commission, despite the fact EPA does not require those areas to address their contributions first.

States like West Virginia, while meeting the standard, would still submit a state plan to address its "Good Neighbor" obligations by October 2018.

Jenkins Q1: What actions will EPA be taking to address state concerns regarding these interstate modeling results?

Jenkins Q2: Do you agree that States, through the State Implementation Plan process, should be able to address interstate pollution?

The budget calls for approximately $100.4 million for NAAQS.

OAR

Jenkins Q3: How much of that funding is to assist counties with achieving 2015 standards?

Jenkins Q4: How much is being proposed to assist with State Implementation Plans and other administrative efforts?

Questions from Ms. McCollum:

Implementation of FY 2017 Enacted Budget - *OARM*

It has come to the Committees attention that EPA notified unions representing Agency employees that EPA is halting funding for fitness subsidies during FY 2017.

The FY 2017 budget request did not propose such a reduction. Rather, the FY 2018 budget proposes to cut "support for employee wellness and worklife initiatives, such as federal cost sharing for fitness centers, health wellness and CPR/AED training services and libraries."

It is wholly inappropriate for EPA to execute new FY 2018 budget proposals before Congress has had the opportunity to act on them.

Congress provided funding for these programs in the FY 2017 enacted bill. Bill language states that rescissions to the Science and Technology and Environmental Programs and Management account were to be applied to program project areas to, "to reflect changes to funding projections due to routine attrition during fiscal year 2017." Therefore, it was not the intent of Congress to terminate funding for employee wellness and worklife initiatives.

McCollum Q1: The Reprogramming Guidelines for programs and activities funded in our bill specify that agencies should notify Congress of any significant departure from what has been described in the agency's budget justification. The FY 2017 enacted anticipated fitness subsidies would be provided as part of the employees wellness package. If your intent is to do otherwise, why wasn't Congress notified?

McCollum Q2: The leading causes of death and disability in the United States are not only preventable but also responsive to workplace interventions. Worksite health and wellness programs help employees move toward an optimal state of wellness, and the U.S. Office of Personnel Management, in accordance with the authorization under 5 U.S.C. 7901, encourages agencies to develop and sustain programs that address the current and future needs of their employees to produce the healthiest possible workforce. What is the justification for eliminating the funding for fitness subsidies halfway through the fiscal year?

McCollum Q3: How does halting the funding for fitness subsidies impact the collective bargaining agreement reached with unions representing EPA employees? What response have you received from the unions from your notification?

McCollum Q4: How will EPA spend the funds that would have otherwise been used for fitness subsidies?

McCollum Q5: What other reductions proposed in the FY 2018 budget request is EPA implementing in FY 2017?

Administrator Pruitt's Undisclosed Email Accounts

When I referred to a recently discovered official email address – esp@oag.ok.gov – that Administrator Pruitt used while Attorney General of Oklahoma but did not disclose despite repeated requests during his confirmation process, he volunteered this explanation "If I may, both in my oral testimony, as well as there's a letter actually that I submitted to the EPW Committee in May that recognized multiple state email accounts… so we've informed Committee, that was consistent with my oral testimony."

McCollum Q6: Please provide the relevant excerpt(s) from Administrator Pruitt's oral testimony and the letter he referenced. Additionally, please provide the relevant questions for the record and his responses.

McCollum Q7: Administrator Pruitt committed to provide our committee with the email addresses and information about other forms of electronic communication that he is using as EPA Administrator. Please provide those details.

Congressional Inquiries

McCollum Q8: What is the policy at the Department with regard to responses to congressional inquiries?

McCollum Q9: More specifically, is there a policy or guidance that would prohibit or delay responses to Ranking Members of Congressional Committees or Subcommittees of jurisdiction?

McCollum Q10: Is there a policy or guidance that would prohibit or delay responses to Democratic Members of Congress?

McCollum Q11: If such policies or guidance are in place to prohibit or delay responses to Ranking Members or all Democratic Members, was such developed in consultation with the White House or the Office of Management and Budget?

Overview

The FY 2018 Budget request for the Environmental Protection Agency is $5.66 billion, a reduction of $2.4 billion or 30% below the FY 2017 enacted level as well as reduction of one quarter of the staff. These cuts address almost every program for clean air and water and threaten the health of children and the elderly.

Office of Budget

McCollum Q12: Administrator Pruitt has stated he wants EPA to go back to the basics of protecting our air, water, and land, but the budget makes major cuts in air, water, waste, chemical safety, pesticides, enforcement, and research, not to mention the reductions you propose in categorical grants to states. How can a budget like this not jeopardize the health and well-being of Americans as well as all who inhabit the Earth?

McCollum Q13: Can Administrator Pruitt assure the Committee that he does not want to see this Nation's environmental progress rolled back?

McCollum Q14: What analysis did EPA do to determine the impact of the proposed reductions on health and environmental protection?

McCollum Q15: How many more deaths, heart attacks, hospitalizations and lost work days Americans will suffer as a result of these reductions?

McCollum Q16: If no specific analysis was done on these metrics of these reductions, what basis does the Agency have for saying EPA and states can adequately protect public health and the environment?

The budget also proposes to cut categorical grants to states by either 30% or zero them out completely, and eliminate 46 programs. EPA and the states together have made major progress in improving public health and environmental quality over the years.

McCollum Q17: On what basis did EPA decide what is and is not a core statutory responsibility, and how do the Agency reconcile such drastic cuts in core programs with Administrator Pruitt's previous statements about the mission of EPA?

McCollum Q18: What type of analysis did EPA conduct on the 46 programs it proposes to eliminate?

McCollum Q19: Please provide that analysis to the Committee, specifically the data on the impact to the health of families and communities across this country that will result from these eliminations.

McCollum Q20: Please include information on the other agencies or programs will do this work in the absence of federal funding.

McCollum Q21: If the Agency has not done any detailed analysis, on what basis does EPA justify its decision to eliminate these programs?

McCollum Q22: What is Administrator Pruitt's view about how science should inform policy?

McCollum Q23: Does Administrator Pruitt see himself as the arbiter of what science is

acceptable and if so, on what basis and with what training?

McCollum Q24: If not, why is the Administrator choosing to dismiss the science of his own agency in regards to climate change?

ORD

McCollum Q25: Can Administrator Pruitt assure the Committee that he will uphold scientific integrity policies at the EPA, allow EPA scientists to do their work unimpeded and guarantee that Americans will have access to the research and information they have paid for?

McCollum Q26: What assurance can EPA give the Committee that the EPA Office of Research and Development and EPA's science labs will be fully supported to conduct critical independent science that is the basis for protecting the public?

McCollum Q27: With EPA's current hiring freeze are key technical positions at the agency currently filled with qualified scientists free from conflict of interest?

McCollum Q28: Since 1970, EPA and states, working in partnership, have achieved major improvements in human health and environmental protection, but threats such as contaminated runoff that pollutes our waters, endocrine disruptors, and new emerging threats need to be addressed. How can EPA possibly have the necessary resources and staff to protect human health, the environment, and our economy?

McCollum Q29: EPA is obligated to uphold specific statutory responsibilities to protect human health and the environment, how can EPA assure this Committee that with the draconian cuts proposed in this budget that it can meet those mandates, especially with more than a third fewer scientists and a 30% reduction in funding?

McCollum Q30: In 2007 the Supreme Court ruled in Massachusetts v. Environmental Protection Agency that harms associated with climate change are serious and well recognized. How does the Agency interpret this ruling and EPA's role in regulating greenhouse gases that drive global warming, including carbon dioxide and methane?

McCollum Q31: How does the budget reflect EPA's obligation as outlined by the court?

McCollum Q32: Does the Agency recognize that EPA is legally required to regulate emissions of CO2 based on this ruling? If so, what is its plan to do so expeditiously, especially in light of stopping the implementation of the Clean Power Plan and methane regulations?

McCollum Q33: Looking at the landscape of reductions this budget proposes why shouldn't one conclude this budget is an attempt to cut industry compliance costs by crippling the ability of EPA and states to develop scientific information and issue and enforce regulations regardless of the likely damage to public health and environmental protection?

Administrator's Schedule and Travel Budget

With OA and OECA for specifics on costs

McCollum Q34: Does the EPA plan to regularly release the Administrator's schedule to the public?

McCollum Q35: To date, what are the total travel costs incurred by the Administrator including all support staff? What was the total travel costs per year for the Administrator for the last four years?

McCollum Q36: How many times has Administrator Pruitt traveled to Oklahoma since becoming Administrator? For each trip made to Oklahoma using federal funds, provide the purpose of the trip and the purpose for any meetings the Administrator attended.

McCollum Q37: From what program projects is protection of the Administrator funded and what are the FY 2017 and FY 2018 requested levels? Provide the costs of the security detail provided to Administrator Pruitt and provide the last four years of security costs for Administrator protection.

McCollum Q38: Does Administrator Pruitt fly first class at the federal tax payers' expense? If so, what is the justification for the upgraded travel? Did prior Administrators use this justification and, if so, which ones?

Voluntary Programs

McCollum Q39: The budget calls for eliminating all of the voluntary partnership programs for reducing greenhouse gases and other air pollution. These programs, which have bi-partisan and industry support, are proven to lower emissions. How will you make up for the emission benefits that are lost?

Hydrofluorocarbons

McCollum Q40: The budget states that the EPM account for the GHG Reporting Program is being cut to "streamline", among other things, the use and emissions of the greenhouse gases, hydrofluorocarbons, under the Clean Air Act SNAP program. What does EPA mean by "streamlining" the program? What would change about the very important work this program does?

U.S. Global Change Research Program

McCollum Q41: Also being "streamlined" as part of the budget cuts to the GHG Reporting Program is the technical support EPA provides to the U.S. Global Change Research Program. What do is meant by "streamlining" that support? Describe what support has EPA provided to date and how will that support change.

Water pollution -

OW

McCollum Q42: The budget proposes to eliminate state grants for non-point source pollution programs, when contaminated runoff and other non-point pollution is a principle cause of water quality problems. It also proposes to cut other state water grants, surface water and marine protection funding for EPA, and eliminate the national estuaries program. How is cutting EPA and state capacity consistent with improving the quality of our nation's waters?

OLEM

McCollum Q43: In April, Administrator Pruitt paused clean water protections against coal plants dumping toxic metals such as arsenic and mercury from power plants into public waterways that can infiltrate community drinking water intakes. How much of this coal ash sludge is safe in the drinking water supply?

McCollum Q44: EPA's postponement is being challenged in a federal court and Administrator Pruitt has been criticized for only focusing on the potential costs of the rule while ignoring its benefits and endangering wildlife and exposing families that live near coal plants to heavy metals that can cause problems with cognitive development in children. Why did EPA disregard years of peer-reviewed studies, input from health experts and public comments supporting these protections?

McCollum Q45: How is the Agency reconciling the difference in the impacts on jobs associated with compliance as estimated by EPA with the impact purported by the industry's analysis?

Office of Water - *OW*

McCollum Q46: The FY 2018 budget cuts clean drinking water programs by 18% for Human Health and 16% for Water Quality. Why should American's be subjected to decreases in Water Quality due to lack of investment?

Air Pollution - *OAR*

The Administration budget calls for steep cuts in two accounts that fund activities at the heart of Clean Air Act implementation. One account funds EPA's work to review and update national air quality standards and national emissions standards. The second account funds a multitude of EPA activities to support state and tribal air programs for meeting national air quality standards, reducing toxic air pollution, assuring that new sources have state-of-the-art controls, and protecting visibility.

McCollum Q47: How can the huge cuts in these two key air program accounts be achieved

while meeting EPA's responsibilities under the Clean Air Act?

McCollum Q48: Has EPA identified what specific activities would be eliminated or reduced by the proposed reductions? If so, please provide an accounting that explains for each of these budget categories (federal stationary source regulations, federal support for air quality management) the activities that will be cut back, and the savings in dollars and personnel from each one.

McCollum Q49: How will the proposed budget reductions impact EPA's ability to meet its existing obligations under the Clean Air Act and take on the new work required to carry out the January 24 Presidential Memorandum, "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," Executive Order 13777, "Enforcing the Regulatory Reform Agenda," and Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs."?

Accessibility to Data and Data Acquisition -- *OA/ OPA*

McCollum Q50: Is all the scientific data associated with climate change that was available under the Obama Administration on the EPA website still accessible today?

McCollum Q51: Since taking office, what guidelines has Administrator Pruitt issued for determining what information will be available?

McCollum Q52: Will there be any data loss as a result of the budget's proposed program eliminations in FY 2018? If so, what date and how will this impact EPA's ability to have the continuity of data necessary to make projections into the future with a high degree of confidence?

Science Advisory Board

Outside scientific advisory boards provide feedback and evaluation of the science used by the EPA to develop guidance, regulations, and make important management decisions.

McCollum Q53: What timeframe has Administrator Pruitt set to make his determination about the appropriateness of these boards and committees and their membership?

McCollum Q54: While every administration reviews the composition of these advisory bodies, what percentage of current members has Administrator Pruitt decided to terminate?

McCollum Q55: What is the basis for Administrator Pruitt's decision to not renew the appointments of nine Board of Scientific Counselors (BOSC)?

McCollum Q56: It has come to the Committee's attention that you are asking all members of the BOSC to reapply for their positions as their first terms expire. Has the Agency changed the long

standing practice of renewing BOSC members for a second term if they are willing to serve? If so, is the Agency concerned about the loss of institutional knowledge and decreased familiarity with the structure and operation of the boards that would come if all members serve only one term? What criteria does the Agency intend to use to evaluate the members' application to serve an additional term if they do reapply?

McCollum Q57: On May 8, 2017, Administrator Pruitt's spokesman said "EPA received hundreds of nominations to serve on the board and we want to ensure fair consideration of all the nominees." His office also stated ""EPA received hundreds of nominations to serve on the board, and instead of reappointing nine people who have already served their three-year term, we want to ensure fair consideration of the other nominees and a carry-out a competitive nomination process," This was misleading, as it sounds as if hundreds of people are lined up, hoping to get on this board. In fact, nominations are only received when there is a call for nominations made in the Federal Register, and the "hundreds of nominations" referred to by Administrator Pruitt's office in these two statements in fact were from an FRN notice in 2013 (so nominations on this list are more than 4 years old). Is Administrator Pruitt planning to select from this old list? Is he going to add the "old list" to the list of nominations he receives from his recent FRN call-for-nominations (FRN 5/25/17)? Or just select from his new list?

McCollum Q58: The BOSC does not review or advise or comment on regulations, and only advises on the basic science conducted within the Office of Research and Development yet Administrator Pruitt has stated he believes people on this board should understand the impact of regulations on the regulated community. What kind of expertise are is Administrator Pruitt looking for that does not reside with the current membership?

McCollum Q59: Does Administrator Pruitt want to replace these scientists with more members from regulated industry and would these people be active researchers or managers with a science degree?

McCollum Q60: Why isn't Administrator Pruitt concerned this will marginalize the future role for objective, knowledgeable science advisors that aren't influenced by politics?

McCollum Q61: The BOSC is an 18 member advisory committee. What is the current membership?

McCollum Q62: BOSC was initially designed, and has been administered, as an advisory committee that reports to the Assistant Administrator of ORD, not to the Administrator. Why did Administrator Pruitt's office get involved in the membership process of BOSC? Is he planning on having the Administrator's Office take a direct, hands-on approach to selecting the new members of BOSC?

McCollum Q63: Why has Administrator Pruitt not named an Assistant Administrator for ORD (or most of the other Program Offices)? Does he plan to name a qualified scientist, as has been the case throughout EPA history? Why has Administrator Pruitt not named a Science Advisor? Does he plan, as previous administrators have done (both democratic and republican), to have the AA for ORD also serve as Science Advisor to the Administrator?

McCollum Q64: The budget proposes to cut the ORD scientific staff by 42%. Who will replace this void in generating science information for the Agency, given that ORD is doing the research that it does because no one else is doing it? Is EPA indicating that science evidence is not important, not needed for the Agency to meet its mission? How will EPA meet state needs, given that much of ORD's research is requested by the Regional Offices to help states? Does EPA intend to not assist the states with scientific information in the future?

McCollum Q65: Congress established the Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC) to provide independent scientific and technical advice to the Administrator. They provide this important advice on a very modest budget ($646,000). By law, both of these independent advisory groups hold public meetings to deliberate and take public comments. The FY 2018 budget proposes to cut these two critical groups by about 20% and severely limit both the SAB and CASAC in their meetings, despite all the many complex scientific issues they must advise you on. How does EPA reconcile this cut with the CASAC's legal responsibility under the Clean Air Act to review the science EPA uses to reassess National Ambient Air Quality Standards every 5 years?

McCollum Q66: The SAB and CASAC are Federal Advisory Committee Act (FACA) EPA advisory boards. Will it be Administrator Pruitt's policy to not renew members of science boards such as this for a second term? In other words, will your policy be for all appointees to only serve one term? Will this apply to the new members you appoint?

McCollum Q67: Without this science review, how will EPA ensure it is keeping air standards current and up to date?

McCollum Q68: Specifically, how will EPA see that it completes a major scientific review for particulate matter that was scheduled for 2017, and other criteria pollutants that are overdue for their review?

McCollum Q69: How does EPA propose the SAB provide scientifically sound advice and peer review on health assessments for high-priority chemicals, that state environmental programs, not just EPA, rely on to inform clean-up decisions, permits, and regulatory actions? How will the SAB meet its legal responsibility under the Environmental Research and Development Demonstration Authorization Act to advise EPA on its plans for research and development (R&D)?

McCollum Q70: The SAB and BOSC have different purposes. Will Administrator Pruitt be using different criteria for appointing members to the BOSC than to the SAB, and how will those criteria differ?

McCollum Q71: How will EPA ensure key technical positions at the agency are filled with qualified scientists free from conflict of interest?

McCollum Q72: How can EPA maximize and effectively target its limited research dollars, if these groups of outside scientists cannot meet to advise EPA, share research results, and identify

strategies to reduce redundancy and costs?

McCollum Q73: About one third of the terms of SAB and CASAC members, experts in their respective technical fields, will expire this fall. Each April for the past nine years, the SAB Staff Office has published a Federal Register notice seeking nominations for new scientists, economists and other technical experts to join the SAB and CASAC. This begins a multi-month process, resulting in recommendations for qualified nominees to submit to the EPA Administrator. Why has no Federal Register notice yet been published this year seeking nominations for the SAB and CASAC?

McCollum Q74: How will EPA ensure that there will continue to be the necessary quorum of members with the appropriate qualifications to serve on the committees? Will EPA commit to continued public involvement in the membership process?

Categorical Grants for States and Tribes

The budget proposes to cut the categorical grants to states and tribes by 44 percent. States rely heavily on these grants. According to a report from the Environmental Council of the States, federal funds account for, on average, 27 percent of state environmental budgets. Congress designed Federal environmental programs so that they would be administered at the states and local levels where possible. But EPA has a responsibility to provide national environmental leadership by establishing minimum national pollution standards and providing technical support to states.

Office of Budget

McCollum Q75: How will these proposed cuts affect the states' abilities to implement environmental programs? Will it have consequences for their staffing levels?

McCollum Q76: How will this affect EPA's ability to conduct appropriate oversight and provide technical assistance to ensure that states have good environmental management practices?

McCollum Q77: How is this consistent with improving the quality of our nation's waters or protecting the air we breathe?

McCollum Q78: How does EPA recommend that states make up for this funding shortfall?

Staffing and Employee Morale

The March 2017 Executive Order directs the reorganization of the Executive Branch.

Office of Budget **with OARM**

McCollum Q79: In light of the 30% reduction in EPA's FY 2018 Budget request and the proposal to reduce approximately 3,800 FTEs from the FY 2017 enacted level, how is EPA approaching developing such a plan and how will the Agency be transparent and keep employees informed?

McCollum Q80: EPA's proposed workforce, the smallest since 1984, is still task with administering 7 major congressionally mandated programs including new workload such as the Toxic Substances Control Act. How will a reduction of this many staff not affect productivity?

McCollum Q81: In FY 2017, Congress provided funding to maintain staff capacity to conduct work necessary to meet EPA's mandated responsibilities. The FY 2018 budget reduces funding for those very programs. Can EPA assure Congress that none of the actions it is taking in FY 2017 violate the Impoundment Act?

McCollum Q82: The budget proposes to cut support for employee wellness and worklife initiatives, such as federal cost share for fitness centers, health wellness, and CPR/ AED training services and libraries.

Staff Reductions

EPA has carved out $12 million in staff buyouts for the current fiscal year.

McCollum Q83: Will a Reduction in Force be necessary to reach EPA's proposed staffing level? If so, for how many positions and will EPA apply the Reduction in Force equally across both headquarters and regional offices? If not, what formula will the Agency use to do this?

McCollum Q84: When a person loses their job thru a RIF they are entitled to severance pay, which can, depending on age and service time, easily be a full year's salary. How has the Agency calculated that cost?

McCollum Q85: The FY 2018 budget proposes a new program project titled Workforce Reshaping which includes $11 million in Science and Technology and $47 million in Environmental Program and Management to support organization restructuring.

McCollum Q86: How does EPA propose to spend this money?

McCollum Q87: What programs did you cut in FY 2018 budget to find the resources for this new program project?

McCollum Q88: If Congress agrees with the Administration's proposal for these significant staff reductions, how will EPA prioritize cuts in personnel so that the Agency can still fulfill its important charge to safeguard human health?

McCollum Q89: Will EPA consider the risks to human health and the environment from staff reductions in particular program areas?

McCollum Q90: How will EPA maintain the scientific and technical expertise needed to do this essential human health work when so many seasoned professionals opt to retire early?

McCollum Q91: How will EPA enforce our environmental laws if EPA regional offices, who have primary responsibility for enforcement, are closed?

Regulation Review

Executive Order 13783 on Promoting Energy Independence and Economic Growth requires a review of all regulations.

McCollum Q92: How is EPA going about conducting this review and what scientific evidence and economic assumptions or models is the Agency relying on for the basis of its decisions?

McCollum Q93: Environmental regulations already undergo a rigorous analysis of costs and benefits as they move through the regulatory process. In its annual accounting to Congress last year, OMB found that benefits of major rules EPA officially adopted from 2005-2015 exceed their costs by up to 13 times (OMB 2016). A 2011 peer-reviewed EPA assessment of the long term benefits and costs of the Clean Air Act and its implementing regulations found that its middle estimate of annual benefits exceeds costs by 30 to one--that's $2 trillion in net benefits vs. $65 billion in costs. Which specific EPA regulations does EPA believe are overly stringent and in need of scaling back?

McCollum Q94: Administrator Pruitt has expressed concern about the compliance costs of particular industries, please provide an estimate of the change in net benefits to the American public from rolling any regulations back.

McCollum Q95: Has the Agency considered the additional cost to industry of facing a patchwork quilt of different state requirements instead of one federal standard?

McCollum Q96: What steps has the EPA taken to implement President Trump's Executive Order on Reducing Regulation and Controlling Regulatory Costs?

McCollum Q97: How is EPA choosing which two regulations to repeal for every new regulation promulgated?

McCollum Q98: In EPA's regulation review has the Agency consistently adhered to the requirements of the Administrative Procedures Act, specifically the notice-and-comment period that gives the public time to respond to any proposed changes by the government?

McCollum Q99: How does EPA justify delaying the effective date for the companion rule for Pesticide Applicator Protection for an additional year to May 22, 2018?

OCSPP

McCollum Q100: Is EPA proposing any changes to its plans for assessing the risk of pesticides for endangered species?

McCollum Q101: Does the FY 2018 budget provide the staff and resources needed to adequately assess the risk of pesticides for these species?

McCollum Q102: EPA extended the effective date for emissions standards, record keeping, and labeling provisions for formaldehyde emissions until March 22, 2018. How is this not creating an unfair advantage for foreign imports over North American manufacturing of composite wood products?

McCollum Q103: How does EPA plan to defend the many inevitable lawsuits it will face from rolling back environmental regulations? Is this really the most effective way for EPA to fulfill its mission?

McCollum Q104: Executive Order 13777 required the head of each agency to designate a Regulatory Reform Officer to oversee the implementation of regulatory reform initiatives and policies to ensure agencies effectively carry out regulatory reforms, consistent with applicable law.

McCollum Q105: Who have you appointed as the Regulatory Reform Officer for EPA and what are their credentials?

Chesapeake Bay - *OW*

Chesapeake Bay is the nation's largest estuary in which 18 million people live and work; there are 3,600 types of fish, wildlife and plant life that underpin the economic value of the ecosystem; and where in a voluntary partnership with other federal, State, local, and NGOs, academic institutions, private businesses and individual citizens, 10 Goals for restoring the ecosystem have been set to be met by 2025.

McCollum Q106: Just when the Chesapeake Bay is beginning to show improvement the FY 2018 budget cuts the funding across for all Geographic Programs, including the $73 million for the Chesapeake Bay. Who will step into the role EPA has played of coordinating all the partners in this exemplary effort?

McCollum Q107: Efforts to restore the Chesapeake Bay are seen as a national and international model for sustainable use of coastal regions. What message are we sending about our leadership and commitment when we reduce funding to such an exemplary project from which recovery lessons can be duplicated in coastal regions worldwide?

Environmental Justice *– OECA and OA*

The budget eliminates all resources for the Environmental Justice program. The budget claims

that EPA will incorporate EJ work within the Integrated Environmental Strategy program within the Office of the Administrator; however, no there is no associated funding requested.
The budget also eliminates the lead program, which works to reduce disparities in blood lead levels between low income children and non-low income children.

McCollum Q108: What Environmental Justice work will be discontinued as a result of the elimination?

McCollum Q109: How much funding in the FY 2018 budget is dedicated for Environmental Justice work in the Integrated Environmental Strategy program?

McCollum Q110: How many staff will be reassigned or terminated due to the elimination?

McCollum Q111: How will EPA identify and track low income and minority communities that are disproportionately burdened by pollution?

McCollum Q112: The recent tragedy in Flint, Michigan, in which low income minority children were poisoned by lead in their drinking water, reminded the country of the danger of lead poisoning. How will EPA ensure that all children are protected, even in states that do not have their own lead program?

Enforcement

Office of Budget

McCollum Q113: Thanks to the work of this office, settlements were negotiated from EPA actions with Volkswagen AG and BP PLC spill that have resulted in funds going to states and communities. Given the proven success of this office, why does the FY 2018 budget propose to cut Enforcement by 23%?

McCollum Q114: The budget justification states that EPA will focus the civil enforcement program's resources on "programs that are not delegable [to states] or where a state has not sought or obtained the authority to implement a particular program." Does this mean that EPA will no longer take any enforcement actions against polluters violating federal environmental rules that a state has authority to enforce? Under EPA's approach, what would happen if a state -- due to lack of resources or political pressure -- fails to enforce a federal environmental rule against a violating polluter?

OECA

McCollum Q115: What will be the impact of the proposed cuts to enforcement on the number of state and federal facility inspections, the amount of compliance assistance, and the number of enforcement actions that states and EPA have the capacity to pursue?

Energy Star and Water Sense – ***OAR and OW***

Through EPA's Energy Star and Water Sense programs, Consumers can save money by reducing their energy and water use while helping to protect the environment. These programs have motivated private sector investments, and moved the goal post on efficient technologies in the market place.

McCollum Q116: With a history of bipartisan support and immense value-added for businesses and consumers alike, what is EPA's rationale for throwing out 25 years of investment in these programs in the coming fiscal year? Isn't it a good thing when Americans can lower their energy bills and drinking water costs, reduce pollution, and help implement EPA's statutory mandates for clean air and water, all at the same time?

McCollum Q117: Does Administrator Pruitt believe these programs represent an appropriate role for a federal agency? If not, how does he envision that the private sector will continue to develop product guidelines in partnership with a patchwork of state and local governments and competing businesses?

McCollum Q118: What private organization might take on the breadth and complexity of these programs, is unbiased, can hire and gear up quickly to set up the networks and infrastructure necessary to manage these programs? If none currently exist, isn't it premature to cut the budget of respected and valued programs with great consumer and environmental results?

Toxics and peer review

Many state and local governments rely heavily on US EPA's office of research and development's assessments of hazardous chemicals like the Integrated Science Assessments under the Clean Air Act or the IRIS program for toxics to set their clean up levels for hazardous pollutants like known neurotoxins such as lead and carcinogens such as benzene. The current president's budget targets these scientific functions for large cuts.

McCollum Q119: How will EPA increase its support to state and local agencies to perform those scientific assessments on a case-by-case basis?

McCollum Q120: How will EPA ensure that adequate health protection that follows the health evidence results for all Americans including vulnerable populations like pregnant women, infants, children, and seniors to protect them from these known and emerging hazards?

Hazardous Substance: Superfund Account\

OAR

McCollum Q121: The budget eliminates funding for Radiation: Protection and states that the EPA will explore alternatives to manage potential radiation risks at Superfund and hazardous waste sites to meet requirements and will explore alternatives to meet its statutory obligation, as

mandated by Congress, to implement regulatory oversight responsibilities for Department of Energy activities at the Waste Isolation Pilot Plant facility. Where is this work funded in FY 2018? If there is no funding proposed in the budget, how will EPA meet its regulatory responsibilities?

McCollum Q122: What is the impact of this work not being done in FY 2018? What are the risks to human health if this work is not done?

OECA

McCollum Q123: The budget states that the Superfund: Enforcement program protects communities by ensuring that responsible parties conduct cleanups. What will be the impact of this cut? How many responsible parties and cleanup sites does the Superfund: Enforcement program identify each year?

OCFO

McCollum Q124: The budget states that the timeline for modernization of the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) is extended as a result of the budget cut. What is the revised date of completion as a result of the funding cut? How long is the delay? What is the total cost of this project and how much has been funded to date?

OECA

McCollum Q125: The budget eliminates EPA's financial support to the Department of Justice to assist EPA in prosecuting remediation cases. What is the amount of associated funding that will be eliminated? Will DOJ continue this work without EPA's financial support? How many matters related to remediation cases is DOJ involved with on an annual basis. How many cases of this nature is DOJ currently involved in and what will be the impact of the funding elimination on those cases?

OLEM

McCollum Q126: The budget states that there are 174 federal facility Superfund sites, which include many of the Nation's largest and most complex cleanup projects, yet this program is eliminated. How will EPA ensure that appropriate oversight is conducted at these sites? Will the funding elimination affect the timeline of the cleanups and, if so, by how long?

McCollum Q127: How much funding does the budget cut for support for the headquarters and regional Emergency Operations Centers? What is the specific impact of these cuts? Will the EOCs be staffed by fewer employees? Will the Agency's operational readiness be affected by the resulting impacts to the EOCs and, if so, how?

McCollum Q128: The budget states that the proposed reduction to the Homeland Security: Preparedness, Response, and Recovery program project will cause the Agency to have to reevaluate the need to use PHILIS and ASPECT for emergency response activities. ASPECT is

the nation's only airborne real-time chemical and radiological detection, infrared and photographic imagery platform and it is available to assist local, national, and international agencies supporting hazardous substance response radiological incidents, and situational awareness in the US. PHILIS is the EPA's mobile laboratory asset for the on-site analysis of chemical warfare agent and toxic industrial compound contaminated environmental samples Is EPA considering discontinuing ASPECT and PHILIS? Does the budget request impact operation of ASPECT and PHILIS? If discontinued, how would EPA fill this gap, what platform would conduct this work? How would states and local governments obtain these services?

McCollum Q129: How will this affect workplace morale? Is discontinuing these services consistent with the rest of the federal government?

McCollum Q130: The budget cuts $34 million from the Superfund: Emergency Response and Removal program project. How will this cut affect EPA's ability to respond to emergency response actions, removal assessments, and time critical response actions? What won't get done as a result of this reduction?

McCollum Q131: The budget proposes to cut $167 million or 33% from the Superfund: Remedial program and as a result will have to prioritize resources on NPL sites that present the highest risk to human health. How many NPL sites will not receive funding as a result of the cut? How many new sites will not be listed or have the cleanup process initiated as a result of the cuts?

Leaking Underground Storage Tanks - OLEM

McCollum Q132: The budget request cuts $16 million from LUST Cooperative Agreements, which support states in managing, overseeing, and enforcing cleanups at LUST sites. The budget request also eliminates fund for LUST Prevention. What will be the resulting cut to each state? How many fewer LUST cleanups will occur due to the cuts? How much of a states' budget for LUST cleanups does this funding represent? How many fewer inspections will occur?

Pollution Prevention - OCSPP

The budget proposes to eliminate work in several EPA offices authorized under the Pollution Prevention Act, which was enacted in 1990 to focus industry, government and public attention on reducing the amount of pollution through cost effective changes. It also eliminates EPA's pollution prevention work under the Clean Air Act, Section 7401(c), of which the "primary goal is to encourage or otherwise promote … actions…for pollution prevention."

McCollum Q133: The budget justifies significant reductions and program eliminations as the Agency refocusing on core work. Under Administrator Pruitt's leadership, does EPA consider pollution prevention part of EPA's core statutory work?

Marine Pollution

The budget proposes to eliminate the Marine Pollution Program. EPA is responsible for managing, along with the Army Corps, ocean disposal of sediments dredged from our ports, harbors and shipping channels to maintain the safe passage of military, commercial, and recreational vessels. EPA helps to ensure that radioactive waste, toxic chemicals, and sewage sludge that directly affect human health are not dumped into our coastal and ocean waters.

McCollum Q134: What is the impact of this proposed elimination on the health of the marine ecosystem? By how much will the percent decline of active dredged material ocean dumping sites achieving environmentally acceptable conditions?

McCollum Q135: How will the proposed cuts affect data collection and maintenance?

McCollum Q136: State and local governments will be directly impacted by degradation of their coastal resources, however, these entities do not have authority over ocean dumping in marine waters. If the marine program is eliminated as requested, how will EPA prevent, monitor, and control pollution in those waters?

Drinking Water - OW

Just last year we had a public health disaster in Flint, Michigan, where local residents were exposed to dangerously high levels of lead in their drinking water. Yet, the budget proposes to cut the drinking water program funding by 17 percent and the Public Water System Supervision Categorical Grant program by 30 percent.

McCollum Q137: How will these proposed reductions impact the States' abilities to provide technical assistance to owners of public water systems?

McCollum Q138: How will the proposed cuts affect data collection and maintenance?

McCollum Q139: What will be the impact of the reductions on laboratory certification and sample analysis?

McCollum Q140: How will the proposed cut impact EPA's training and technical assistance to States, tribes, and public water systems for compliance with Safe Drinking Water Act regulations?

McCollum Q141: According to the budget request, in FY 2016, nearly ten percent of the population served by Community Water Systems received drinking water that did not meet all applicable health-based drinking water standards. How will these proposed cuts affect EPA's ability to address on-going compliance challenges? What activities will be reduced?

Research and Development - ORD

The EPA laboratories are resources for EPA as well as states, tribes, municipalities, and other federal agencies.

McCollum Q142: At the proposed funding levels in the FY 2018 budget request, how will EPA retain the expertise of the scientists at these laboratories? Does the Agency intend to close any of the labs?

National Vehicle and Fuels Emission Laboratory

The National Vehicle and Fuel Emissions Laboratory (NVFEL), located in Ann Arbor, Michigan, is an integral part of the EPA Office of Transportation and Air Quality. Through this program EPA develops, implements, and ensures compliance with national emission standards to reduce mobile source related pollution and ensure air quality benefits and fair competition in the marketplace.

McCollum Q143: The budget request notes that there is an increased demand for the outcomes from this program, but proposes reducing the program by $17 million. Has EPA analyzed the resultant economic impact on manufacturers or the health and economic impact on consumers' from this proposed reduction of work?

OAR

McCollum Q144: The Lab's work also protects industry by ensuring all automakers play by the same rules and to hold companies accountable that gain an unfair and illegal competitive advantage. Engineers at this Lab were instrumental in uncovering evidence on Clean Air Act violations that led to Volkswagen paying billions of dollars to their customers and to mitigate for pollution emitted from their cars and the current lawsuit against Fiat Chrysler and discrepancies in its auxiliary emission control devices. How would the proposed reduction impede the oversight that results from the work of this Lab?

McCollum Q145: In order to meet the demand from the auto industry, how will EPA fill the funding gap that would result from the proposed reduction? Does EPA intend to create new user fees for the lab above the ones that the industry already pay?

McCollum Q146: In March, EPA issued a notice of intent to reconsider the final determination on the appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards. At the proposed budget levels, how does EPA intend to conduct the analysis that this reconsideration will entail?

McCollum Q147: What are the next steps in the process?

McCollum Q148: Will EPA officially withdraw the final determination? If so, when?

McCollum Q149: Will there be another proposed determination and public comment period?

McCollum Q150: Will EPA and NHTSA produce another Technical Assessment Report? If so, does the proposed FY18 EPA budget provide enough resources to ensure a robust assessment?

Eliminating Programs
Great Lakes - OW

The Great Lakes support a $7B annual fishing industry and over 40 million people in this region depend on the Lakes for drinking water. Ecologically healthy lakes are necessary for the lakefront and recreational opportunities the Lakes provide for millions of people which contributes to local economies. Yet the FY 2018 budget shortsightedly proposes to eliminate $300 million for the Great Lakes Restoration Initiative. This reduction will impact cleaning up toxic algae, phosphorus from sewage treatment plants, and other pollutants that threaten water supplies and make it dangerous to eat the Lakes' fish. It is will also jeopardize the work of Federal agencies, states and stakeholders to address invasive species like Asian carp.

McCollum Q151: How does EPA justify eliminating this program, and the many other geographic programs like it that are critical for healthy regional ecosystems?

McCollum Q152: Why aren't protecting these irreplaceable resources considered a basic function of EPA?

McCollum Q153: The Great Lakes effort is a multi-state effort which benefits from federal funding and staff support. Absent federal participation which encourages a collaborative effort to clean up ecosystems that span more than one state, what does EPA envision these efforts will look like moving forward?

McCollum Q154: If funding is eliminated as proposed, how will EPA handle projects which are and could be in the middle of sediment remediation? Is there any risk that halting work could result in an environment hazard more dangerous than if the work had not been initiated?

McCollum Q155: What would happen to projects which are recently completed but may be in the warranty work phase where habitat restoration or continued treatment for invasive species is being carried out? Sometimes these activities continue for 2-3 years. If this work is stopped, wouldn't the full benefit of the investment be lost?

McCollum Q156: How would EPA manage the internal support contacts and the contract with Cetacean Marine associated with the maintenance and operation of the research vessels Lake Guardian and Mudpuppy II?

McCollum Q157: What would be the associated costs of ceasing operations of the Lake Guardian and Mudpuppy II? Would the vessel be put into dry dock or would EPA dispose of it?

Managing Environmental Protection

Merging Regional Offices

Office of Budget with OARM, OLEM

It has been reported that EPA is conducting an analysis regarding merging regional offices that is due to the Office of Management and Budget on June 15, 2017.

McCollum Q158: How would EPA plan to continue the Agency's close working relationship with states, with less regional staff and more distance involved?

McCollum Q159: What are the specific health impacts and environmental impacts of closing regional offices? How will these closures affect EPA's mission to enforce environmental laws and otherwise protect the environment and human health?

McCollum Q160: Please outline in detail the costs to close these facilities and how EPA expects to absorb these costs within the proposed budget, including both the real estate costs of facility closure and the costs of personnel separations.

McCollum Q161: How would EPA manage an immediate disaster response to a natural disaster, industrial accident, or terrorist attack affecting our environment that adequately and rapidly coordinates federal, state and local first responders, environmental agencies, law enforcement and others, in the total absence of a nearby regional EPA office?

McCollum Q162: How would EPA replace the on-the-ground knowledge, technical expertise and leadership in these regions, so essential to developing an acceptable resolution when a company is charged with a violation, to ensure that environmental compliance?

Combined Heat and Power Partnership - OAR

The Combined Heat and Power Partnership provides technical support, makes business-to-business connections, and issues achievement awards to its roughly 400 partners. Since its launch, the Partnership has been credited with supporting roughly one-third of CHP installations. These projects slash energy use and costs, making their hosts more competitive and cutting carbon emissions. They also make our energy infrastructure more reliable, since CHP projects can keep the lights on when the grid goes down.

More than 100 businesses, advocates and associations – including Ameresco, Siemens and Solar Turbines – have joined a letter reaffirming the great value of the CHP Partnership and of CHP itself.

McCollum Q163: Given the Administration's commitment to improving our industrial competitiveness compared to our international competitors – and the great support that the CHP Partnership has provided since 2002, why does the Administration want to eliminate it?

Environmental Monitoring - OAR

The EPA tracks changes in nitrogen deposition and sulfur deposition to assess the effectiveness of the Acid Rain Program and related programs. The agency also tracks changes in surface water acidity in lakes and streams in acid sensitive regions to assess the change in the number of chronically acidic water bodies. The Administration budget proposes that EPA close seven of 59 EPA-sponsored CASTNET monitoring sites (six on Tribal lands) and seven of EPA's 32 National Atmospheric Deposition Program sites.

McCollum Q164: How will this reduce EPA's ability to measure the results of the Acid Rain Program and related programs?

Elimination of Alternative Dispute Resolution - OGC

McCollum Q165: What are the benefits of EPA's use of alternative dispute resolution, and what analysis has EPA done that indicates program offices are able to conduct ADR on their own, without support?

Climate Change: GAO High Risk Area

McCollum Q166: According to EPA's budget, in 2013, the Government Accountability Organization designated climate change as a "High Risk" area, noting that climate change poses management challenges for the federal government at large, and that the EPA will play a role in addressing this challenge. Since the budget request eliminates 91% of the climate change funding, what role will the Agency play in addressing this challenge?

Clean Power Plan

McCollum Q167: What is EPA's plan to provide the same level of greenhouse gas emissions reductions as the Clean Power Plan and other rules the Agency plans to reexamine?

McCollum Q168: When does EPA anticipate its review of the Clean Power Plan will be completed as every passing month delays the important emission reductions this plan was designed to achieve?

McCollum Q169: Is EPA planning to extend the administrative stays of any other regulations that reduce greenhouse gases from stationary sources which it is currently reviewing?

Ozone - OAR

McCollum Q170: Ozone is the main component in smog and has been scientifically proven to

aggravate lung diseases, increase the frequency and severity of asthma attacks, and reduce lung function. EPA estimated that the benefit of an updated standard of 70 parts per billion will yield health benefits of $13 billion each year. However, Administrator Pruitt has delayed the compliance deadline by a year. What will be the health impact and additional cost to the public of this delay?

Chlorpyrifos

Administrator Pruitt, during your testimony to our subcommittee you stated that the USDA had a differing opinion from the EPA's scientists on the dangers of chlorpyrifos. You sided with the USDA in that disagreement when you rejected the petition to revoke food tolerances of chlorpyrifos.

McCollum Q171: What scientific evidence and peer-reviewed studies were the basis of the USDA's conclusions? Do they have data that shows there is a safe level of exposure to chlorpyrifos, particularly for children and pregnant women? Who determined that the USDA's science is more reliable or valid than the EPA's, and what process or standards did they use to come to that conclusion?

McCollum Q172: The EPA has historically consulted with the USDA on pesticide related issues, but your testimony indicated that the USDA now has the power to overturn the conclusions of the Agency's own scientists. Has the USDA been elevated to the role of overseeing any decisions on pesticides under the Trump Administration? If so, who issued and approved of this guidance.

OCSPP

McCollum Q173: The mission of the USDA is very different from the mission of the EPA. The USDA's mission is to provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues. The EPA's mission is to protect human health and the environment. Is the protection of human health and the environment still the mission that is guiding decisions on pesticide use under your leadership?

Environmental Impact on Children's Health

It is estimated that 88% of the existing global burden of disease attributable to climate change occurs in children younger than 5 years old in both industrialized and developing countries. Climate change is currently affecting child health through increased heat stress, decreased air quality, altered disease patterns of some climate-sensitive infections, physical and mental health effects of extreme weather events, and food insecurity in vulnerable regions. Outdoor air pollution is linked to respiratory problems in children, including decreased lung function, coughing, wheezing, frequent respiratory illness, and asthma exacerbation. Children bear the burden of negative health outcomes resulting from exposure to pollutants across their lifespan.

McCollum Q174: The EPA has put a hold on efforts to make our air cleaner by pausing work on

the ozone standard and the Clean Power Plan. Is the EPA calculating the costs to children and their families from all of the health effects of polluted air and accelerated climate change?

McCollum Q175: As the EPA Administrator overseeing this regulatory review, are you consulting with pediatric associations, patient organizations, or other representatives for children's health to determine the cost burdens that rolling back these regulations would place on impacted families and our health care system as a whole?

McCollum Q176: How will the benefits to children of strong environmental regulations be weighed in comparison to the costs to some businesses of meeting those regulations in any final decisions?

Tribal Treaty Rights and Tribal Consultation - OITA

In February 2016, the Agency finalized the "EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights". That Guidance begins with the statement that, "EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so."

McCollum Q177: Does the Agency intend to continue to implement this Guidance under your leadership? Does the Agency continue to stand by the conclusion that you have an obligation to protect treaty rights and consult with tribal nations if those rights may be impacted by a proposed EPA action?

McCollum Q178: The Guidance states that, "As part of its commitment, EPA will emphasize staff training and knowledge-sharing on the importance of respecting tribal treaty rights in order to better implement this Guidance". What training has been done for staff on this topic since you were confirmed as Administrator? Does the Agency intend to provide such training in the future?

McCollum Q179: Is the Agency engaging in formal tribal consultation during the review of regulations that you are currently undertaking? What efforts is the Agency undertaking to evaluate the impact that any changes to existing regulations may have on tribal treaty rights throughout the nation?

McCollum Q180: Tribal nations rely on many EPA grants and programs to protect their treaty rights and maintain the environmental health of the ecosystems that support their hunting, fishing, and gathering rights. Has the Agency engaged with tribal nations following the release of the Fiscal Year 2018 budget about the decision to cut funding for programs across the Agency that tribes rely on such as the Indian General Assistance Program, the State and Tribal Assistance Grants, the Great Lakes Restoration and Puget Sound geographic programs, and others? Are you consulting with tribal leaders around planning for implementation of this budget? Are you seeking tribal input on investments needed to protect tribal treaty rights as you develop your Fiscal Year 2019 budget?

McCollum Q181: Please provide the Committee with a detailed list of all efforts to engage in tribal consultation. Additionally, please provide the Committee with a detailed analysis of the current funding that the EPA distributes to tribal nations across all accounts and grants, and how the cuts proposed in the Trump Administration FY18 budget would affect it.

Questions from Ms. Pingree:

Brownfields - OLEM

An EPA program that is of vital importance to the communities of New England and Maine in particular, is the Brownfields program. The capital raised through Brownfields investments has been extremely effective in turning community liabilities into assets throughout the state. And EPA itself has told us that brownfields leverage $17 dollars for each dollar spent.

Pingree Q1: When you have publically supported the work of this program, why would this Administration turn away from the Brownfields program that leverages its funds so efficiently with a $17 to $1 return on investment?

National Estuary Program - OW

One of the programs that you have at EPA that is relatively small in the scope of your budget, but that brings critical funds to coastal communities is the National Estuary Program. The work that they are doing on the ground in habitat restoration and protection helps in the 28 watersheds nationwide.

One of those critical watersheds is in Maine, the Casco Bay Estuary. They work with partners across Southern Maine to monitor our watershed in the Casco Bay and to use the data they find to help our fishermen, and our communities. But under your budget proposal, the program is proposed for elimination and the funds are not repurposed elsewhere but the work of this program will be entirely gone. On average, the NEPs raise $18 for every $1 provided by EPA.

Pingree Q2: Why does the FY 2018 budget propose to eliminate the NEP which provides such a clear benefit to the American taxpayer?

Wood Heater Standards - OAR

Pingree Q3: Can you provide for the record information and status of the EPA's New Source Performance Standards for New Residential Wood Heaters given that there is a May 2020 effective date for Step 2 of this rule?

EPA Water Sense Program - OW

Pingree Q4: Given that fact that many business and citizens were affected by drought and water supply shortages in recent years, and given the proposed cuts to programs at EPA such as Energy Star and Water Sense, how will the EPA continue to support economic development that is based on significant water savings in drought stricken areas?

Toxics Funding - ORD

Pingree Q5: Given the 31 % cut to the Chemical Safety for Sustainability research program, what are the potential impacts on the research and evaluation of human health effects of chemicals?

Questions from Mr. Kilmer:

EPA Ecolabel Program - OCSPP

In 2015, the EPA issued procurement recommendations for forest products that discriminated against two recognized and credible forest certification standards - the Sustainable Forestry Initiative (SFI) and the American Tree Farm System (ATFS) – thereby excluding forest products produced from hundreds of millions acres of private, state, and federal forestlands. These recommendations were also inconsistent with the USDA's Biopreferred Program, which puts all forest certification programs on a level playing field. The Fiscal Year (FY) 2017 Consolidated Appropriations Act directed EPA to provide a report to the Committee within 60 days regarding the current state of the agency's Ecolabel program. The Committee also recommended that in developing the guidelines to evaluate eco labels that are used in Federal purchasing for building construction and other uses, the EPA should be fair, transparent, and consistent with other product requirements.

Kilmer Q1: What is the anticipated timing for the completion of the report called for in the FY 2017 Consolidated Appropriations Act?

Kilmer Q2: Please outline the steps EPA will take to ensure that guidelines for the Ecolabel program will be developed in a transparent manner, inclusive to all certified sustainable US grown and manufactured forest products, and consistent with existing federal procurement policies like the USDA's Biopreffered program.

Energy Star - OAR

EPA has a voluntary, non-regulatory, partnership program with private and public property owners called ENERGY STAR for buildings. Foundational to the program is an energy management and tracking tool developed and maintained by EPA called "Portfolio Manager" that enables properties to measure utility performance over time. Forty-four billion square feet of commercial space including school, office and apartments buildings – roughly half the commercial real estate market in the United States – use Portfolio Manager to measure and track how much energy and water is consumed by building occupants. This tool has become the trusted standard for building owners to identify opportunities for more efficient operation and achieve utility cost savings. Moreover, without Portfolio Manager, the real estate industry would be left without its key compliance tool to meet the increasing number of state and local regulations that require buildings to measure and report their energy use in a transparent manner.

Kilmer Q3: Is Administrator Pruitt aware of the important role that the buildings branch of ENERGY STAR and the Portfolio Manager tool play in supporting the private real estate industry?

Kilmer Q4: Without funding, how does the EPA plan to continue supporting Portfolio Manager?

Puget Sound - OW

Puget Sound, Washington, is among the most important estuary ecosystems in the United States, providing critical human and ecological values. The ecosystem supports more than 4. 7 million people, including 19 federally recognized tribal governments; 211 fish species; l00 sea bird species; and 13 marine mammal species, including endemic orca whales. It also annually handles over $77 billion in imports and exports, $10 billion in outdoor recreation, and $2 billion in agriculture revenue. Decades of human activity and development have degraded the ecological function of Puget Sound, and the EPA has numerous statutory obligations to support Puget Sound recovery efforts.

Kilmer Q5: Please provide a list of all federal laws that mandate EPA's role in Puget Sound recovery efforts.

Kilmer Q6: Please provide a summary of the total amount spent by EPA towards meeting its statutory obligations with respect to Puget Sound recovery over the past 5 years broken out by individual programs including State and Tribal Assistance Grants.

Kilmer Q7: Please provide a list and brief description of all the current actions carried out by the EPA (including those supported through grants/cooperative agreements with the state and tribes) that would be terminated if the Puget Sound Geographic program is eliminated.

Tribal Programs - OITA

EPA's Region 10 office serves 271 federally recognized tribes in Alaska, Idaho, Oregon, and Washington. The EPA is responsible for upholding federal trust responsibility to protect treaty rights that fall within its jurisdiction.

Kilmer Q8: Is the Administrator committed to upholding EPA's trust responsibility to all federally recognized tribes?

Kilmer Q9: What legal consequences would the EPA face if it fails to meet these obligations as a result of inadequate funding?

Questions from Ms. Kaptur:

CWA: Impaired water of Lake Erie - OW

Two years ago, Toledo's fresh water supply was shut down over an entire weekend due to toxic algal blooms from Lake Erie that crept into the water treatment facility. The algal bloom was a result of the overwhelming nutrient pollution running into the Lake. The amount of money required to fix this tri-state/binational environmental threat is enormous, and the responsibility for purifying the water should not simply rest with the City of Toledo, a community of 250,000 inside a watershed of over 2 million people and 10 million livestock. Further, Michigan has declared Lake Erie impaired; Ohio has not.

Kaptur Q1: During our hearing, you stated that Ohio had not assessed the waters of Lake Erie. However, under Section 305(b) of the Clean Water Act, states are required to assess all waters. Do you not agree that Ohio is required to assess those waters? Based on what authority did you defer to the state of Ohio's decision not to assess those waters? How can you approve an incomplete assessment?

Kaptur Q2: By default, by accepting Ohio's non-assessment, USEPA is declaring the open waters of Lake Erie not impaired. How can waters which are clearly comingled across state lines be considered clean on one side and impaired on the other?

Kaptur Q3: Can you please answer my question from the hearing: is not a tri-state watershed draining into a binational body of water with disputes over the water quality status precisely where EPA is statutorily mandated to take action?

Kaptur Q4: In their letter to USEPA on September 30, 2016, Ohio EPA indicated that USEPA should lead efforts to assess the nutrients and algae problems, as well as to develop a coordinated response, in Lake Erie. Do you disagree with their interpretation?

Kaptur Q5: Are you committed to upholding the 40% reduction of nutrient loading as agreed to in the Great Lakes Water Quality Agreement Annex 4, and supported by the Great Lakes Governors and Canada?

Kaptur Q6: What is EPA doing to assist the states in developing criteria to address harmful algal blooms and nutrient pollution? How much funding is provided for this work in FY 2017? How much is proposed in the FY 2018 budget request?

Funding for Water Infrastructure - OW

USDA's budget proposes to eliminate the entire $500 million Rural Water and Wastewater loan program with the expectation that rural communities will compete for the limited Drinking Water SRF funds. The Drinking Water SRF does not increase by the $500 million lost in the Rural Water and Wastewater loan program.

Kaptur Q7: How will rural water systems struggling to provide clean water to their neighbors find funding for clean water if the Drinking Water SRF is already woefully underfunded and now has to absorb a $500 million program for rural communities?

Kaptur Q8: How will these small communities compete with the medium and large systems that will also be applying for SRF funds?

Funding to States

Ohio EPA Director Craig Butler said that these cuts in your budget would result in a 30% cut to their budget, forcing major cuts to the state Superfund program and to Clean Water and Clean Air initiatives. If Ohio is not provided with adequate funding to implement those programs there will be significant problems. The Agency will not be able to process permit applications, conduct inspections/reviews, and will likely reduce staff.

Kaptur Q9: How do you imagine that reality lines up with your priority of growing the economy and protecting the environment?

Budget Cuts

Kaptur Q10: If the agency staff and funding levels are substantially cut, as the administration has proposed, and if the agency pursues all of the reconsideration and similar actions it has

already announced, can you assure us that the agency will not miss any mandatory statutory deadlines for action?

Enforcement - OECA

Kaptur Q11: You talk about returning EPA to basics, but compliance levels with environmental laws in some sectors is dangerously low. How will you increase compliance with laws that protect our health, when your enforcement staff does not have any money to conduct casework?

Environmental Justice

Kaptur Q12: The Administration's proposed budget would do away with the office of Environmental Justice altogether. Do you believe that environmental costs and degradation has fallen disproportionately heavily on people of color, individuals in low-income neighborhoods, and those who have the least voice in the process? Does your plan to eradicate the office that is specifically tasked with addressing this issue indicate that you do not take it seriously? How do you propose to address environmental racism and environmental justice while your agency cuts staff, enforcement, and the entire office tasked with tackling these problems?

Budget for Science and Research - ORD

The President's proposed budget request for FY2018 lays out a reduction in staffing at the EPA by almost 25% over the FY2017 Annualized Continuing Resolution Full-Time Equivalent (FTE) levels. This proposed staffing cut hits the Science and Technology Appropriation, which houses EPA's Office of Research and Development, by 32.5%.

Kaptur Q13: Can you justify the budget reduction of the only Appropriation within the Agency that is responsible for providing robust scientific evidence to guide the EPA in developing its regulatory decisions?

Kaptur Q14: With states relying on the scientific and technical expertise that the EPA retains in-house to assist them in meeting their statutory requirements for environmental protection, how will the Agency be able to continue to meet the expectations of their state partners with such a substantial reduction in staff?

The mission and purpose of the EPA is to protect human health and the environment by relying on the best scientific knowledge. By cutting the funding for the Office of Research and Development by almost 50%, the EPA's ability to conduct cutting edge research internally and through external grants, such as the Science to Achieve Results (STAR) grants, is completely gutted.

Kaptur Q15: How can you justify such a dramatic cut that would seriously jeopardize the Agency's ability to use the best available science to protect human health and the environment?

We hope that EPA getting "back to basics" means that EPA will continue its mission to protect human health and the environment. However, recent activity at the Agency has provided some cause for concern, specifically, the decision to not renew the terms of several members of the Board of Scientific Counselors for EPA's Office of Research and Development, with the stated intention of replacing those members with industry representatives.

Kaptur Q16: How do you reassure the American people that the quality of their air and water will not be compromised by the very same billion dollar industries you have spent decades representing, who now have a bigger seat at the table, and a greater ability to influence Agency decisions to improve their bottom line at the expense of the taxpayers health and well-being?

Questions from Ms. Lowey:

Climate Change

According to EPA's own information on Climate Change Indicators, between 1901-2015:

- Average surface temperature across the contiguous 48 states have risen more quickly since the late 1970s;
- Eight of the top 10 warmest years on record have occurred since 1998, with 2012 and 2015 being the two warmest years on record;
- 2006-2015 was the warmest decade on record; and
- Since the late 1970s the United States has warmed faster than the global rate.
- In addition, temperature is only one indicator of climate change, we could look at other indicators such as precipitation or extreme weather events.

Judging from your history as a climate change skeptic, I suspect you have little respect for these figures. But let's be outright with it.

Lowey Q1: Yes or no - is human activity a contributor to climate change?

OAR

Lowey Q2: With the drastic reductions in your FY 2018 budget request, how will EPA continue to study and address the impacts of climate change?

Addressing the impacts of climate change/Paris Accord

I am deeply concerned by the Administration's decision to withdraw from the Paris Agreement. Coupled with the budget's elimination of any funding to combat climate change, the Administration is ignoring changes in our environment that threaten food security, biodiversity, business interests, and even our coastal cities like New York. It is irresponsible to think we are putting America first by ignoring these global threats. Nicaragua and Syria are the only other nations not participating, though I should note that even Nicaragua declined to participate because they felt the agreement did not go far enough. International backlash to the U.S. pulling out has been unprecedented and appears to have undermined U.S. global leadership. You recently made the statement that you had not spoken with President Trump about whether he believes that climate change is real and whether humans impact it. You further stated that the focus of your discussions with the President has been on the merits and demerits of the Paris Agreement. Because the Paris Agreement's central aim is to strengthen the global response to the threat of climate change, it baffles me that you two would not have discussed climate change.

Lowey Q3: To date, have you still not asked the President what his beliefs are regarding climate change?

Lowey Q4: You were in Italy this week for the G7 Meeting on the Environment. What has been the response from our international partners about President Trump's decision to withdraw from the Paris Agreement?

Lowey Q5: Who will fill the void of U.S. leadership on climate issues?

American Energy Jobs

Pulling out of the Paris Agreement prioritizes jobs in the fossil fuel industry over renewable energy jobs. There are more than 678,000 jobs in renewable energy, more than the 515,000 jobs in oil/petroleum.

Lowey Q5: All jobs matter, so why are you arguing that protecting renewable energy jobs is bad for America?

Lowey Q6: While we are discussing energy jobs, would you like to clarify the statement you made on Meet the Press on June 4 that since the fourth quarter of last year, 50,000 jobs in the coal sector have been added, and almost 7,000 in the month of May alone? Do you still believe those numbers to be accurate?

Lowey Q7: It's important to get the facts right. According the U.S. Bureau of Labor Statistics, there were 51,000 total jobs as of May in coal mining, and 400 coal mining jobs were added in May.

National Institute of Environmental Health Sciences

The National Institute of Environmental Health Sciences discusses how as global temperatures rise and extreme heat events increase in frequency due to climate change, we can expect to see more heat-related illnesses and mortality. Socioeconomic factors, such as economically disadvantaged individuals are at greater risk from heat-related burdens.

Lowey Q8: This Administration states it is concerned about the "forgotten men and women," but how does pulling out of the Paris agreement not forget about the men, women and children that will now suffer more heat-related illnesses because we have abandoned efforts to reduce greenhouse gas emissions, while at the same time working to pull back regulations on carbon emissions?

Superfund – Hudson River PCBs - OLEM

I understand you are a strong supporter of the Superfund program and have made commitments to support clean-ups. Yet, your budget proposes to cut the Superfund program by 30%, diminishing EPA's ability to compel responsible parties to pay for site cleanups, which leaves taxpayers on the hook. You also cut EPA's direct funding for clean-up.

Lowey Q9: As a result, doesn't this mean hazardous sites won't get cleaned up? Does that include the eight in Oklahoma?

Lowey Q10: Can you specify which Superfund site cleanups will not be completed, and which will slow down from their currently planned time tables as a result of these proposed cuts?

Lowey Q11: Can you specify which potential Superfund sites will not be thoroughly investigated as a result of these cuts?

Lowey Q12: Can you estimate how much money from potentially responsible parties will be lost to the federal government from your reductions to this program?

The Hudson River is classified by EPA as a Superfund site and, at 200 miles, is one of the largest in the country. For a 30-year period, two General Electric manufacturing plants discharged Polychlorinated biphenyls (PCBs) into the Hudson River. GE only stopped this practice when EPA banned the production of PCBs in 1977. The PCBs in the Hudson mixed with the river's sediment and deposited on the river bottom and along the shoreline in the floodplain. Since 1977 there has been a fishing ban due to the health risk associated with the accumulation of PCBs in the human body by consuming contaminated fish. EPA just released a draft of its second five-

year review of the Hudson River Superfund site that recommends following the plan outlined more than a decade ago.

Lowey Q13: How do you respond to those who feel this is not sufficient and that cleanup should be expanded?

Lowey Q14: How can you in good conscience propose not providing families in New York with clean water and accomplishing the task of cleaning up the PCBs in the Hudson River?

Long Island Sound - OW

The FY 2018 budget proposes to eliminate the Geographic programs. This includes $8 million for Long Island Sound. These programs directly benefit the vast majority of our country's residents and businesses, and are focused on cleaning up pollution and promoting healthy ecosystems which benefit the economy.

Lowey Q15: Why do you feel it is prudent to eliminate funding when you are making progress in cleaning up these ecosystems?

Lowey Q16: Can you guarantee that stakeholders are ready to step in to fill the void left by the elimination of federal funding?

Lowey Q17: What discussions have you had with Governors, cities, and communities that have been active partners and will be affected by this proposed approach?

EPA IN ACTION: ACCOMPLISHMENTS WITH PRUITT'S LEADERSHIP

Updated June 20, 2017

FIRST 100 DAYS:

- Since being sworn in, I have spearheaded nearly two dozen significant regulatory reform actions and have taken meaningful steps to restore our relationship with state and local partners in the name of cooperative federalism.
- I am implementing President Trump's executive orders to protect the environment, save manufacturing jobs, streamline our permitting processes, and promote American energy independence.

TOP JOB NUMBERS:

- Jobs: Over 1.4 million jobs threatened by the actions of the Obama administration.
- Overall Regulatory Impact: $204 billion from the Obama EPA's regulatory actions.
- CAFE standards: 1.1 million jobs
- Clean Power Plan: 400,000 jobs threatened.
- ELG Rule: 100 jobs saved at a chemical processing plant in Florida.

EXAMPLES:

- **ELG** – Costs about $480 million annually, $1.2 billion per year in the first five years.
- **Hard Rock Mining** – Could cost American businesses $171 million annually.
- **CCR rule** – Costs power plants between $500 and $745 million – per year.
- **CAFE** –$200 billion by 2025 to comply.
- **WOTUS** – Between $600 million and $1.2 billion.
- **Methane ICR** – Compliance costs exceeding $37 million.
- **RMP Rule** – Costs about $131.8 million annually, $1.3 billion over ten years.

DETAILS on KEY REGULATORY REFORM ACTIONS:

- ✓ **TSCA Implementation:** Clearing the backlog of new chemicals that were waiting for approval from EPA, so they can go to market, and companies can create jobs and continue to innovate. We also are on track to meet the deadlines outlined in the Lautenberg Chemical Safety Act. Our significant rules on prioritizing chemicals that need to be reviewed for safety as well as a companion final rule that establishes the Agency's TSCA Risk Evaluation Process are currently under OMB review.
- ✓ **WOTUS:** EPA is restoring states' important role in the regulation of water by reviewing the "Waters of the U.S." or WOTUS. A rule with a regulatory impact analysis of between $600 million and $1.2 billion. Our draft to rescind the WOTUS rule is currently under OMB review.
- ✓ **CPP:** Launched a review of the so-called Clean Power Plan that threatens over 125,000 U.S. jobs. Our draft to rescind the CPP is currently under OMB review.
- ✓ **Oil and Gas Methane NSPS:** EPA announced a decision to reconsider the Oil and Gas Methane New Source Performance Standards for new and modified sources, delaying a costly compliance requirement. On June 2, 2017, we issued a 90-day administrative stay on the rule's compliance deadlines. Our proposed long-term delay of the rule has been

published in the Federal Register and is currently open for public comment.

- ✓ **ELG Rule:** EPA announced a decision to reconsider the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule), which costs an estimated $480 million annually, and about $1.2 billion per year in the first five years of compliance. We issued a 90-day administrative stay on the rule's compliance. Our proposed long-term delay of the rule has been published in the Federal Register and is currently open for public comment.
- ✓ **Coal Combustion Residuals (CCR Rule):** CCR rule is estimated to cost power plants between $500 and $745 million – per year. We developed draft guidance for the states on the CCR rule that is currently under OMB review.
- ✓ **Landfill Methane Rules:** EPA announced a decision to review the New Source Performance Standards and Emission Guidelines for Landfills. On May 5, EPA convened a proceeding for reconsideration of the rules and issued a 90-day stay of the effectiveness of these rules. Our proposed long-term stay of the rules is currently under OMB review.
- ✓ **Methane ICR:** We rescinded the overly burdensome, unnecessary information collection request to more than 15,000 owners and operators in the oil and gas industry. This rescission saved an estimated $37 million.
- ✓ **CAFE Standards:** EPA rescinded an unjustified, premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards. According to the Auto Alliance, "no agency has ever set emission limits so far into the future," and the previous administration's determination would have put 1.1 million jobs at risk and cost the industry $200 billion by 2025.
- ✓ **New Source Performance Standards for EGUs:** Reviewing the New Source Performance Standards for coal-fired power plants, which prevents companies from building new plants.
- ✓ **GHG Federal Plan/Trading Rules for EGUs:** On March 28, EPA signed a notice withdrawing these proposed rules.
- ✓ **Ozone Standard:** Requested delay of oral arguments on the ozone standard. We also sent letters to governors announcing a one-year delay of designations under the 2015 standard.
- ✓ **Hard Rock Mining:** EPA extended the comment period on the Hard Rock Mining proposed rule that could cost American businesses $171 million annually.
- ✓ **Energy Independence EO:** Following the President's Energy Independence Executive Order, Administrator Pruitt signed four notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued. Per the EO, EPA submitted a draft regulatory review plan to OMB on May 12. We are on schedule to provide OMB a draft report due in July.
- ✓ **Flint, Michigan:** The Agency is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing $100 million to upgrade drinking water infrastructure in Flint, Michigan.
- ✓ **Chlorpyrifos:** EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was seeking a ban on a pesticides used on 40,000 farms and 50 different crops because there was never enough science to justify the ban.
- ✓ **Certified Pesticide Applicators Rule:** EPA extended the effectiveness of this rule and initiated a review.

- ✓ **Formaldehyde Emission Standards for Composite Wood Products:** EPA extended the compliance deadlines and a direct final rule to address key issues with the rule.
- ✓ **Regulatory Reform:** Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions from the past administration, and opened a public comment period to get public feedback on opportunities to rescind or revise existing regulations. Per the President's Executive Order 13771, EPA's Task Force also delivered a 90-day progress report to the Administrator on May 25.
- ✓ **Risk Management Rule (RMP Rule):** EPA estimates the RMP rule to cost $131.8 million annually, or $1.3 billion over ten years. EPA finalized its delay of the rule while the Agency reviews the comments raised by petitions for reconsideration.
- ✓ **Superfund Sites:** We are getting real results at cleaning up Superfund sites, including: East Chicago (IN), West Oakland (CA) and Pompton Lake (NJ). First EPA Administrator to visit East Chicago site.
- ✓ **Superfund Plan:** We announced new plans to get better results at Superfunds, including a new task force and a new authority for the Administrator to decide remedies that cost over $50 million.
- ✓ **Water Infrastructure:** Opened the application process for EPA's WIFIA program; a low-risk loan for businesses that will provide $1 billion in credit to finance over $2 billion in water infrastructure investments.
- ✓ **Meetings with National/International Leaders:** EPA Administrator Scott Pruitt has consulted 22 bipartisan governors, 25 bipartisan members of congress, three foreign leaders, four state agriculture departments, and over a dozen bipartisan organizations.
- ✓ **EPA Originalism:** EPA Administrator Pruitt launched a "Back-to-Basics" Agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated "Superfund" site in E. Chicago, to discuss how EPA is refocusing the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local and tribal partners.
- ✓ **MATS Rule:** DoJ has obtained abeyance of a challenge to the rule to allow time for policy review. Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it complies with our statutory mandate, abides by sound regulatory principles, and is in line with the pro-jobs, pro-growth directives of this Administration.
- ✓ **Clean Air Act/SSM SIP:** Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans.
- ✓ **Pebble Mine:** Entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. This will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation.
- ✓ **Presidential Directive on Permit Streamlining and Reducing Regulatory Burdens for Domestic Manufacturers:** Per this Presidential memorandum, EPA submitted to the Department of Commerce a detailed account of the Agency's permitting programs and identified opportunities for reducing regulatory burdens on domestic manufacturers. EPA is currently working with the Department of Commerce to finalize its report to the President.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bolen, Brittany
Sent: Mon 8/14/2017 4:00:08 PM
Subject: RE: Reg Reform Handouts
Reg Reform 1-page_8.14.2017.docx

Ryan – I hadn't heard back from you on this last week, but wanted to provide a refined one-pager with reg reform TPs he could reference. Please let me know if you need anything else.

Thanks,

Brittany

From: Bolen, Brittany
Sent: Monday, August 7, 2017 9:16 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Reg Reform Handouts

Ryan –

As requested after today's staff meeting, I've attached a couple reg reform handouts for you–

1. Short table providing a summary of the presidential directives on reg reform and EPA actions taken in response.

2. More detailed 2-pager of our reg reform efforts.

3. Handy table on key regs, recommendations, and corresponding commenter per our review under the energy independence EO.

Let me know if this is *not* what you were looking for, I can always work on a more high-level handout on reg reform if that would be helpful.

Thanks,

Brittany

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

To: Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
From: Bolen, Brittany
Sent: Tue 5/16/2017 3:52:26 PM
Subject: FW: RRTF submissions
Transcript of EPA Office of Air and Radiation Stakeholder Conference Call (held 4.24.2017).pdf
OAR Memo Executive Order 13777 FINAL_5_15_17.pdf
OW response May 15 EO 13777.docx
EPA-HQ-OW-5-2-2017UPDATED_for_docket_May_15.docx
OLEM Outreach and Meeting Summaries EO 13777_May_15_2017.docx
OLEM Stakeholder Comments EO 13777_May_15_2017.xlsx
RegulatoryReformOptions-OCSPP_2070-05-15.pdf
OSDBU Regulatory Reform Recommendations 5.15.17.docx
OSDBU Executive Order 13777 Public Feedback Matrix1.xlsx
EO13777OCIR.DOCX

Reg Task Force: feedback from program offices per the Administrator's March 27 memorandum attached. Please note these are deliberative, pre-decisional for the Task Force and should not be distributed outside the Agency.

From: Nickerson, William
Sent: Tuesday, May 16, 2017 10:11 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RRTF submissions

I haven't seen one yet from OEI or regional comments compiled by OCIR.

Attached are

OAR (RRTF submittal and transcript of the meeting)

OW (RRTF submittal and transcript of the meeting)

OLEM (RRTF submittal and summary of comments from their meeting)

OCSPP (RRTF submittal)

OSDBU (RRTF submittal and summary of comments from their meeting)

OCIR (summary of the Big 10 and NGA meetings)

To: Shaw, Nena[Shaw.Nena@epa.gov]; Sachs, Robert[Sachs.Robert@epa.gov]
From: Bolen, Brittany
Sent: Fri 4/21/2017 4:17:42 PM
Subject: FW: EPA Letter to Commerce April 17
EPA Letter to Commerce April 17_SD.docx

From: Dravis, Samantha
Sent: Thursday, April 20, 2017 9:32 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: EPA Letter to Commerce April 17

I made a bunch of edits, mostly just striking out a lot of stuff in there.. I accepted most of them already so I could read it and make sure it flowed.. let me know your thoughts. Don't worry about getting back to me tonight.

From: Bolen, Brittany
Sent: Thursday, April 20, 2017 5:37 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: FW: EPA Letter to Commerce April 17

From: Shaw, Nena
Sent: Wednesday, April 19, 2017 3:48 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Sachs, Robert <Sachs.Robert@epa.gov>
Subject: EPA Letter to Commerce April 17

Brittany – Here is the letter as well. Bob, whom I have cc'd here, can put it on Agency letterhead electronically. Please let me know if that would be helpful. Again, I will be here for anything needed. Currently I am in Shannon's office, but will go back to mine when I am done. Best, Nena

Mr. Earl Comstock
Director of Policy and Strategic Planning
Office of the Secretary
U.S. Department of Commerce
1401 Constitution Avenue
Washington, DC 20230

RE: EPA's Input to the Department of Commerce's Plan to Streamline Permitting and Reduce Regulatory Burdens for Domestic Manufacturing

Dear Mr. Comstock:

Thank you for your leadership on the January 24, 2017 Presidential Memorandum on "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing." At the interagency coordinating meeting on March 28, 2017, participating agencies were asked to provide to the Department of Commerce responses to the following four requests: (1) Briefly describe any of your agency's reforms in progress now that pertain to this effort; (2) Provide specific regulatory reform targets regarding your Agency; (3) Provide a brief description of permitting processes related to manufacturing and describe ways they may be simplified; and (4) Other advice and input as desired.

Environmental permitting can be a complex and burdensome system for domestic manufacturers to navigate as they seek to expand and create economic growth, and delays result in negative impacts for new projects and improvements manufacturers seek to make. The costs associated with environmental permitting are not well documented. The "hidden cost of environmental regulation" includes plants that are never built and jobs never created because of environmental permitting.

We can and need to do better to streamline these processes while continuing to protect human health and the environment. The process started by this Presidential Memorandum is just the beginning. In the attached Executive Summary and the body of EPA's response, we are proposing a range of reforms including modernizing the NPDES regulatory requirements consistent with CWA amendments and recent case law, as well as revising Title V regulations to streamline and clarify processes related to the submission and review of Title V petitions. These and other streamlining efforts will help provide the certainty and timeliness important for fostering an environment for economic growth. The Administrator is committed to bringing EPA back-to-basics, streamlining our permitting processes to create economic and job growth in the manufacturing sector is crucial to that effort.

I sincerely hope EPA's submission assists the Department of Commerce in developing a comprehensive Permit Streamlining Action Plan (Action Plan). If you have any questions, please feel free to contact me or Nena Shaw at shaw.nena@epa.gov.

Sincerely,

Samantha Dravis
Senior Counsel/Associate Administrator, Office of Policy
U.S. Environmental Protection Agency

Enclosures

cc: Ryan Jackson, EPA
Byron Brown, EPA
Brittany Bolen, EPA
Acting Assistant Administrators, EPA
Shannon Kenny, EPA
Nena Shaw, EPA
Carter Halfman, DOC

DRAFT

Cc: Dravis, Samantha[dravis.samantha@epa.gov]
To: Kime, Robin[Kime.Robin@epa.gov]
From: Bolen, Brittany
Sent: Mon 7/24/2017 2:08:07 PM
Subject: Fwd: AAPCA Meeting
image003.jpg
ATT00001.htm
Dravis Invite - AAPCA 2017 Fall Meeting - 6-30-2017.pdf
ATT00002.htm
Bolen Invite - AAPCA 2017 Fall Meeting - 6-30-2017.pdf
ATT00003.htm

Robin - can you please confirm with Clint today that Samantha and I will both attend the panel referenced below for the morning of Sept 22nd. Please have Carolyn work on our flights and accommodations, too.
Thanks,
Brittany

Sent from my iPhone

Begin forwarded message:

From: Clint Woods <cwoods@csg.org>
Date: June 30, 2017 at 2:34:59 PM EDT
To: "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: RE: AAPCA Meeting

Samantha and Brittany,

Just wanted to follow up on this front - Attached are more detailed invites from Sean Alteri, AAPCA's 2017 President and Director of the Kentucky Division for Air Quality, for our 2017 Fall Meeting, to be held September 20 - 22, 2017 in Raleigh, North Carolina.

If you all would be interested in/available for a brief presentation during the morning or afternoon of Thursday, September 21 (open session) or a session limited to local, state, and federal personnel on the morning of September 22, our members would particularly benefit from hearing about the Office of Policy's role in carrying out the Administrator's priorities related to regulatory review, cost-benefit analysis, and cooperative federalism, as well as any updates related to the Regulatory

Reform Task Force. The meeting is closed to the press. We expect strong participation from senior officials representing more than a geographically diverse group state and local air agencies as well as U.S. EPA and other federal agencies. The meeting will be held at the Doubletree by Hilton Hotel - Brownstone - University (1707 Hillsborough Street, Raleigh, North Carolina 27605).

Please let me know if you have any questions or if there is anything I can do to help facilitate this request.

Thanks so much for your consideration, and have a great weekend!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

http://www.cleanairact.org

From: Clint Woods
Sent: Tuesday, June 20, 2017 11:45 AM
To: 'Dravis, Samantha'
Cc: Bolen, Brittany
Subject: RE: AAPCA Meeting

Samantha,

Thanks so much, and sorry for the delay in getting back to you. That sounds great – Depending on the timing and interest, our state & local members would be very interested in discussing any updates related to Clean Air Act issues and regulatory reform during the open session (September 21) or closed session limited to our members & EPA personnel (morning of September 22). In addition to making sure to send more information to Ken, Tate, and OCIR, we were planning to extend an invite to acting or confirmed leadership at a few program offices of interest (OAR, OECA, and ORD), as well as the air directors from regions where we expect to have several members in attendance, including Regions 3, 4, 5, 6, 8, and 9. We usually have more detailed technical updates provided by the Office of Air Quality Planning & Standards and the Clean Air Markets Division at OAR on monitoring, modeling, NAAQS, SIP, and permitting issues and, based on the location, expect good turnout from the career staff in these offices.

Happy to discuss further if a different direction makes sense – Thanks!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

http://www.cleanairact.org

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Friday, June 16, 2017 4:11 PM
To: Clint Woods
Cc: Bolen, Brittany
Subject: RE: AAPCA Meeting

Hi Clint! Good to hear from you. I would definitely be interested in seeing who you are hoping to invite from EPA HQ and the regions and having a chance to weigh in on that. From our office, I think Mandy Gunasekara, Brittany Bolen (whom you know well) and myself would have an interest in attending.

Look forward to talking soon.

Samantha

From: Clint Woods [mailto:cwoods@csg.org]
Sent: Friday, June 16, 2017 11:28 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: AAPCA Meeting

Samantha,

I hope all is well – Our leadership was hoping to send some targeted invitations to regional and HQ EPA personnel next week, and I wanted to check to see if we needed to coordinate the outreach to staff in the Administrator's Office? We realize this a busy time and there are many competing requests - Thanks in advance!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

http://www.cleanairact.org

To: Carrie Jenks[cjenks@mjbradley.com]; Dravis, Samantha[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Bolen, Brittany
Sent: Tue 5/16/2017 2:28:49 PM
Subject: RE: MJBA Permitting and Infrastructure - EPA Letter and White Paper

Thanks, Carrie.

From: Carrie Jenks [mailto:cjenks@mjbradley.com]
Sent: Tuesday, May 16, 2017 9:46 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: MJBA Permitting and Infrastructure - EPA Letter and White Paper

Thank you for taking the time to meet with us last week. We submitted the attached comments to EPA's Regulatory Reform Docket yesterday and posted a white paper with more detailed principles for a WOTUS rulemaking here:

http://www.mjbradley.com/sites/default/files/MJBAPermittingInfrastructure_WOTUSPrinciples_WhitePaper.pdf

Please let us know if you have any questions.

Thank you,

Carrie

Carrie F. Jenks
Senior Vice President
M.J. Bradley & Associates LLC
47 Junction Square Drive
Concord, MA 01742
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Direct: (978) 405-1265

Cell: (202) 236-0353
Fax: (978) 369-7712

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To: Brown, Byron[brown.byron@epa.gov]
From: Bolen, Brittany
Sent: Tue 6/27/2017 1:30:58 PM
Subject: FW: SMG Materials
170627_SMG_BP.docx
SMG EPA Letter to WH_April 2017.pdf
SMG EPA Letter to WH - Labels April 2017.pdf

Byron, this meeting includes former EPA Administrator Steve Johnson. Would you like to sit in on it, too?

From: Lovell, William
Sent: Monday, June 26, 2017 7:42 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Lopez, George <lopez.george@epa.gov>
Subject: SMG Materials

Please find attached the materials for tomorrow's meeting with **Scotts Miracle-Gro**.

I inserted these materials into your schedules.

Will Lovell

Policy Assistant, Office of Policy

U.S. Environmental Protection Agency

(202) 564-5713

Lovell.William@epa.gov

Briefing Paper

Meeting: Scotts Miracle-Gro
Date: Tuesday, June 27, 2017
Time: 4:15 – 4:45 pm
Location: Room 3500
Staff: Samantha Dravis, Brittany Bolen, Nancy Beck

Participants

- Steve Johnson, Former EPA Administrator, Member of the Board of Directors, Scotts Miracle-Gro Company
- Jim King, Senior Vice President of Corporate Affairs, Scotts Miracle-Gro Company
- Ann Aquillo, Vice President of Corporate Affairs, Scotts Miracle-Gro Company

Purpose

To introduce the company and discuss FIFRA 24(c) and regulatory reform. In particular, they will focus on pesticide labeling, advertisement regulations, and the registration process.

Scotts Miracle-Gro

The Scotts Miracle-Gro Company (SMG) is an American multinational corporation headquartered in Marysville, Ohio, where O.M. Scott began selling lawn seed in 1868. SMG manufactures do-it-yourself lawn, garden and home protection products. In addition, Scotts LawnService serves the "do-it-for-me" consumer in the U.S. with on-site lawn, tree, and shrub fertilization, insect control, and other related services. Scotts is the largest seller of lawn and garden pesticides to consumers in the U.S. The company owns 20 consumer brands, including Scotts, Miracle-Gro, and Ortho. In addition, Scotts is Monsanto's exclusive agent for the marketing and distribution of consumer Roundup. It generates approximately $2.8 in sales annually and employs over 5,500 workers.

Topics

1. Pesticide labelling

SMG supports the following modifications to EPA labelling requirements:

- Allow the use of consumer-friendly language instead of scientific phrases
- Allow for explicit mention of product benefits, including claims like "safer for the environment"
- Eliminate requirements for certain language on labels (see PowerPoint attached)

2. Advertisement regulations

SMG believes the EPA has become too involved in the regulation of advertisements. Any communication pertaining to the efficacy or safety of a pesticide (e.g., the label, a TV commercial, a social media post) must be approved by the Agency. SMG supports removing the EPA's authority to regulate advertising and digital communications.

SELCvEPA_3:17-cv-00061_W.D.Va ED_001485A_00002481-00001

3. Registration process

The EPA is required to protect consumers and the environment under the federal pesticide law, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It takes years of research and resources to obtain approval from EPA of an initial product registration. Moreover, the timeline for amending, revising, or updating an existing registration can extend beyond the deadlines established in FIFRA. SMG supports holding the EPA accountable for those deadlines and creating a fee-based system in order to expedite the registration process.

Furthermore, the registration process requires that all active ingredients be reviewed every fifteen years. These reviews are required by statute and are performed regardless of whether new science has been presented that would suggest a new review is warranted. In order to conserve EPA resources and eliminate unnecessary processes, SMG suggests that registration reviews only be conducted when significant new information about an active ingredient becomes known to the Agency.

Finally, SMG supports eliminating select forms and reporting that are burdensome, yet do not protect the environment. Specifically, they support eliminating the following reports and forms: Final Printed Labels (FPLs), Foreign Purchaser Acknowledgement Statements (FPAS), Pesticide Industry Sales and Usage Report, and Pesticide Establishment Reporting.

To: Brown, Byron[brown.byron@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Fri 5/5/2017 9:17:19 PM
Subject: Speaking engagement

Byron/Samantha – are either of you available/interested in participating in a short speaking engagement at ACC on May 23rd? The topic is reg reform. It is with their air/water/waste group. They would like to have someone from our reg reform task force speak. I would do it if I didn't already commit to a separate panel that morning. Let me know. Thanks.

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

To: Schwab, Justin[schwab.justin@epa.gov]
From: Bolen, Brittany
Sent: Fri 7/21/2017 6:54:09 PM
Subject: More individual comments than the CPP

Sent from my iPhone

Begin forwarded message:

From: "Rees, Sarah" <rees.sarah@epa.gov>
Date: July 21, 2017 at 2:50:13 PM EDT
To: "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: FW: Completion of the Regulatory Reform docket, OA-2017-0190

Purely FYI. We broke a record!

From: Curry, Bridgid
Sent: Friday, July 21, 2017 10:38 AM
To: Nickerson, William <Nickerson.William@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>
Subject: FW: Completion of the Regulatory Reform docket, OA-2017-0190

From: Muellerleile, Caryn
Sent: Friday, July 21, 2017 9:55 AM
To: Curry, Bridgid <Curry.Bridgid@epa.gov>
Subject: FW: Completion of the Regulatory Reform docket, OA-2017-0190

From: Bernales, Barbara

Sent: Thursday, July 20, 2017 6:01 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Scully, Carolyn <Scully.Carolyn@epa.gov>; Kerwin, Courtney <Kerwin.Courtney@epa.gov>
Subject: Completion of the Regulatory Reform docket, OA-2017-0190

Hi Caryn!

First, I'd like to quickly apologize for not reaching out to you earlier on the status of the Reg Reform docket.

Second, I want to make you aware that on June 30th, the Docket Center completed processing all public submissions received in response to this action. Yay! In total, this docket received 467,143 comments. The majority of them representing mass mail campaigns. You may already know, mass mail campaigns are comments received that are similar or nearly identical (duplicates) in nature. Duplicates of a mass mail campaign are not posted. Instead, a single representation of each campaign is posted and a tally is kept for the total number of comments received for each campaign.

Most noteworthy about this docket is that it was record setting! More individual comments were posted for the Reg Reform docket (63,346) than the CPP docket--our largest docket ever. In fact, it even surpassed the combined total of individual comments posted (52,973) in response to all dockets that were open for comment during FY 16. I'd say that is pretty amazing.

So, I'm hoping that this good news overshadowed the delayed update. ☺ And, if you have any questions, please let Carolyn and I know. We're happy to be of assistance.

Best,

Barbara Bernales

Regulatory Support Division

Office of Enterprise Information Programs

Office of Environmental Information

U.S. Environmental Protection Agency

202-566-2985

To: Letendre, Daisy[letendre.daisy@epa.gov]
From: Bolen, Brittany
Sent: Tue 7/11/2017 2:05:32 AM
Subject: Fwd: Hild Material
170711_Hild_BP.docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Lovell, Will (William)" <lovell.william@epa.gov>
Date: July 10, 2017 at 8:31:02 PM EDT
To: "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Cc: "Lopez, George" <lopez.george@epa.gov>
Subject: Hild Material

Please find attached the material for tomorrow's meeting with **Edward Hild.**

I will insert this into your schedules.

Will Lovell

Policy Assistant, Office of Policy

U.S. Environmental Protection Agency

(202) 564-5713

Lovell.William@epa.gov

Memorandum

RE: Meeting with Edward Hild: Exemption of Certain Ocean Shipping Vessels from Mandatory Fuel Standards
Date: Tuesday, July 11, 2017
Time: 1:30 - 2:00 pm
Location: Room 3500

Purpose
To discuss MARPOL Annex VI, its ancillary effects, and potential exemption for certain ocean shipping vessels from mandatory fuel standards.

Participants
- Edward (Ed) G. Hild, Principal of Government Relations, Buchanan Ingersoll & Rooney PC
- Terrence (Terry) Heubert, Senior Advisor Government Relations, Buchanan Ingersoll & Rooney PC

Canada Steamship Lines (CSL)
CSL, operating out of Montreal, Canada, is a privately-owned shipping company with affiliate offices located around the world, including in the United States. CSL employs 1,500 people worldwide through these affiliate offices and related sub-programs such as CSL Americas and CSL Europe. CSL owns and operates a diverse fleet of specialized self-unloading vessels, off-shore transhippers, and Handysize bulk carriers. Overall, the company delivers more than 78 million tons of dry-bulk cargo a year ranging from ore and coal to grains and salt, and through this diverse cargo load they support industries including energy, construction, and agri-food.

Discussion

1. MARPOL Annex VI

This policy focuses on controlling marine air pollution from ships. More specifically, Annex VI focuses on establishing limits on Nitrogen Oxide emissions and also requires the use of fuel with low sulfur content. The requirements of MARPOL Annex VI apply to all ships in U.S. waters as well as vessels operating within 200 nautical miles of the North American coast also known as the Emission Control Area. On January 1, 2015, 40 CFR Part 80 required parties who produce and distribute ECA marine fuel to comply with a number of requirements to ensure that ECA marine fuel met the 0.10% (1,000 ppm) sulfur standards. ECA marine fuel in 40 CFR 80.2(ttt), is defined, in part, as fuel used, intended for use, or made available for use in Category 3 marine vessels while the vessels are operating within an ECA. Category 3 (C3) marine vessels are defined in 40 CFR 80.2(uuu) as vessels propelled by engines meeting the definition of C3 in 40 CFR 1042.901—reciprocating marine engines with a displacement at or above 30.0 liters per cylinder. CSL requests an exemption from these fuel standard requirements.

In an effort to work on this and related issues, the EPA held a public meeting with the Office of Air and Radiation on April 24th, 2017. As a result, the Regulatory Reform Task Force made a recommendation for consideration of policy related to "Mobile Source Fuels Regulations." The EPA believes that there are substantial opportunities to streamline existing regulations regarding gasoline and other fuels. Doing so will reduce burden and compliance costs for industry stakeholders, including CSL, and improve compliance assurance while maintaining environmental performance.

To: Nickerson, William[Nickerson.William@epa.gov]
From: Bolen, Brittany
Sent: Tue 5/16/2017 12:56:10 AM
Subject: Fwd: OAR submission to EPA's Regulatory Reform Task Force per EO 13777
Transcript of EPA Office of Air and Radiation Stakeholder Conference Call (held 4.24.2017).pdf
ATT00001.htm
OAR Memo Executive Order 13777 FINAL_5_15_17.pdf
ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: May 15, 2017 at 8:55:30 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Cc: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Lewis, Josh" <Lewis.Josh@epa.gov>, "Page, Steve" <Page.Steve@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Edwards, Jonathan" <Edwards.Jonathan@epa.gov>, "Harvey, Reid" <Harvey.Reid@epa.gov>
Subject: OAR submission to EPA's Regulatory Reform Task Force per EO 13777

Please see attached OAR's EO 13777 submission for consideration by EPA's Regulatory Reform Task Force. Also attached is the transcript of the public stakeholder meeting held on April 24.

To: Dewey, Amy[Dewey.Amy@epa.gov]
From: Bolen, Brittany
Sent: Thur 6/15/2017 2:20:25 PM
Subject: RE: NAM fly-in meeting request, June 20, 3:00 pm

Thanks, Amy.

From: Dewey, Amy
Sent: Thursday, June 15, 2017 9:09 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: NAM fly-in meeting request, June 20, 3:00 pm

Brittany,

I gave all of this information to Robin Kime, so I wanted to share it with you: the original request from Ross Eisenberg, who did ask for you and Samantha for this meeting, and a one page briefing document. Let me know if you need anything else. Amy Dewey PS I will have a list of participants on Friday. Amy Dewey

From: Ross Eisenberg [mailto:REisenberg@nam.org]
Sent: Friday, May 19, 2017 4:07 PM
To: Dewey, Amy <Dewey.Amy@epa.gov>
Subject: NAM fly-in meeting request, June 20

Amy,

We've got our annual Manufacturing Summit fly-in scheduled for June 20, and I'm wondering if it might be possible to bring a delegation of manufacturers over to EPA for a meeting with a senior EPA official that afternoon? We've done this a few times over the years and the members love it. We usually get a minimum of 40 attendees for the EPA visit, but depending on the speaker we could probably get a bigger turnout. The fly-in brings a mix of everyone in our membership, but the bulk of the attendees are small- and medium-sized manufacturers. Attendees are largely the outside-the-beltway crowd, including business owners, plant managers, engineers, and so on. Regulatory reform is one of our top three issues this year, so the members would love to have a conversation about what the EPA is doing on that front and how we can be helpful.

We have a large window between 2:30 and 5 pm on June 20 if someone at EPA can make it work. We'd need an hour, tops. We'd also prefer to do it at EPA to the extent you have a room available.

Any chance you guys can make it work?

Ross Eisenberg

Vice President, Energy and Resources Policy

National Association of Manufacturers

Direct: 202.637.3173

Mobile: 703.517.1655

Email: reisenberg@nam.org

To: Ford, Hayley[ford.hayley@epa.gov]
From: Bolen, Brittany
Sent: Tue 7/11/2017 1:05:31 AM
Subject: Re: 30 Day Report Updates

Hey! Not on the reg reform.

On Jul 10, 2017, at 5:35 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hey Brittany – Any updates on reg reform to date or still the below? Thanks!

1. **REGULATORY REFORM EXECUTIVE ORDER IMPLEMENTATION.** Per the President's Executive Order 13777, "Enforcing the Regulatory Reform Agenda," EPA's designated Regulatory Reform Task Force solicited public feedback on opportunities to repeal, modify or replace existing regulations. The public comment period closed May 15 and we received more than 60,000 public comments. The Task Force has started to review public comments and delivered its progress report to the Administrator on May 25.

Timing: Progress report sent to Administrator on May 25, 2017 **Contact:** Brittany Bolen, Senior Deputy Associate Administrator, Office of Policy, bolen.brittany@epa.gov

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Ford, Hayley
Sent: Monday, July 10, 2017 12:56 PM
To: Beck, Nancy <beck.nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Munoz, Charles <munoz.charles@epa.gov>
Subject: 30 Day Report Updates

See attached for last week's 30 day report. Please send updates by COB today.

Thank you!!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

<EPA Cabinet 30 Day Report 7.4.17.docx>

To: Nickerson, William[Nickerson.William@epa.gov]
From: Bolen, Brittany
Sent: Mon 5/15/2017 11:55:53 PM
Subject: Re: OW's EO 13777 Initial Report

Yes, that would be great.

Sent from my iPhone

On May 15, 2017, at 7:14 PM, Nickerson, William <Nickerson.William@epa.gov> wrote:

I've seen responses from OCSPP, OLEM, OCIR, and OSDBU. I expected to get one from OAR today but haven't seen it yet. Would you like me to put all the responses into a single email for you tomorrow?

Sent from my iPhone

On May 15, 2017, at 6:10 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Sarah, Bill – did you receive feedback from the other program offices today?

Thanks,

Brittany

From: Shapiro, Mike
Sent: Monday, May 15, 2017 6:09 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; OW Office Directors <OWOfficeDirectors@epa.gov>
Subject: OW's EO 13777 Initial Report

I am pleased to provide the Office of Water's initial report on the work we undertook to solicit public comment on potential regulations to rescind, replace

or revise as directed by the Administrator in his March 24th memo on E.O. 13777: Enforcing the Regulatory Reform Agenda. In addition to the attached report, I have included the comments we received at our May 2nd public listening session, which are being uploaded to the docket, and the information we shared with our stakeholder groups and on the agency web page to advertise our listening session. If you have any questions please let me know.

Mike

Michael Shapiro

Acting Assistant Administrator, Office of Water

US EPA, 4101M

1200 Pennsylvania Ave., NW

Washington, DC 20460

202-564-5700

<OW response May 15 EO 13777.docx>

<OW email to stakeholders on May 2 session.docx>

<EPA-HQ-OW-5-2-2017UPDATED_for_docket_May_15.docx>

To: Beck, Nancy[Beck.Nancy@epa.gov]
From: Bolen, Brittany
Sent: Tue 5/23/2017 11:30:33 PM
Subject: Fwd: EPA Comments on DOC Draft Report on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing
DRAFT_Regulatory Reform Report_19 1200 May.pdf
ATT00001.htm
CRM report.xlsx
ATT00002.htm

See pages 46-47, 78-79, 123, 127-128. They are short blurbs.
Thank you so much for glancing at this!
Brittany

Begin forwarded message:

From: "Halfman, Carter (Federal)" <CHalfman@doc.gov>
To: "Debell, Kevin" <debell.kevin@epa.gov>
Cc: "Dravis, Samantha" <dravis.samantha@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Langdon, David (Federal)" <DLangdon@doc.gov>, "Tyler, Tom" <Tyler.Tom@epa.gov>
Subject: RE: EPA Comments on DOC Draft Report on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing

Kevin,

Thank you for the excellent feedback! We have incorporated nearly all changes as requested. We are still making edits, and have added the below sections since the previous version, that your team kindly provided edits for. Please check the accuracy of our below content in section 5c reflecting industry's concerns. Take into consideration our intent is to represent industry's voice in this report. Also, if possible, please provide action(s) that EPA would advise/pursue to address these concerns (if applicable) and what type of action would be required (executive action, legislative action, etc.) . We especially appreciate Tom Tyler's assistance on this project.

Toxic Substance and Control Act;

National Environmental Policy Act (NEPA);

Comprehensive Environmental Response,

Compensation, and Liability Act;

Spill Prevention, Control, and Countermeasures

Carter Halfman

Special Advisor

Office of Policy and Strategic Planning

Department of Commerce

1401 Constitution Ave. NW

Washington, D.C. 20230

202-482-7466

chalfman@doc.gov

From: Debell, Kevin [mailto:debell.kevin@epa.gov]
Sent: Thursday, May 18, 2017 2:38 PM
To: Comstock, Earl (Federal) <EComstock@doc.gov>
Cc: Halfman, Carter (Federal) <CHalfman@doc.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: EPA Comments on DOC Draft Report on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing

Dear Mr. Comstock:

Thank you for sharing the Department of Commerce (DOC) draft report in response to the January 24, 2017, Presidential Memorandum on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing. We appreciate DOC's thorough analysis of stakeholder comments and development of such a substantial report and plan. Thanks

also for providing additional time for us to prepare EPA's response.

Attached please find 1) an Excel spreadsheet with comments and edits on the draft report and 2) an Excel spreadsheet identifying ongoing actions that might impact the proposed tasks in pages 8-11 of the draft report. The second document includes cross-references to EPA's comments on the proposed tasks, which are provided in the first document

Regulatory actions responsive to the proposed tasks may be subject to recent Executive Orders as well as those remaining in force from prior administrations. Federal legislation, including expansive current bills such as the Regulatory Accountability Act and others, could similarly affect single or multiple EPA programs, as could pending litigation.

We hope that EPA's feedback is helpful. Please contact us with any questions.

Best,

Kevin DeBell

Kevin M. DeBell, Ph.D., Acting Director

U.S. Environmental Protection Agency

Office of the Administrator / Office of Policy / Office of Strategic Environmental Management

1200 Pennsylvania Avenue NW (1807T)

William Jefferson Clinton Building West, Room 4104P

Washington, DC 20460

o 202 566 1931

c 202 641 0711

debell.kevin@epa.gov

I'm always open to feedback on my performance and service. Please provide your comments here: https://www.surveymonkey.com/r/debellfeedback. Your comments will be provided to me anonymously.

From: Bolen, Brittany
Location: On travel to North Carolina
Importance: Normal
Subject: Accepted: AAPCA Meeting - 9:15 to 10:00 Session "Regulatory Reform Roundtable"
Start Date/Time: Fri 9/22/2017 1:15:00 PM
End Date/Time: Fri 9/22/2017 2:00:00 PM

To: Beck, Nancy[Beck.Nancy@epa.gov]
From: Bolen, Brittany
Sent: Mon 5/15/2017 11:55:36 PM
Subject: Re: Regulatory Reform Candidates in OCSPP

Thank you!

Sent from my iPhone

On May 15, 2017, at 7:28 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

FYI—now you also have OCSPP ☺

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

M: 202-731-9910

beck.nancy@epa.gov

From: Hofmann, Angela
Sent: Monday, May 15, 2017 4:36 PM
To: Owens, Nicole <Owens.Nicole@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Wise, Louise <Wise.Louise@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Cunningham-HQ, Barbara <Cunningham-HQ.Barbara@epa.gov>; Mottley, Tanya <Mottley.Tanya@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Shimkin, Martha <Shimkin.Martha@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Chun, Melissa <Chun.Melissa@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Symmes, Brian <Symmes.Brian@epa.gov>
Subject: Regulatory Reform Candidates in OCSPP

Nicole et al –

Attached please find the OCSPP initial recommendations for consideration by the Regulatory Reform Task Force. This list reflects our consideration of verbal comments received from stakeholders. Let me know if you have any questions. You can contact me, or Melissa Chun and Peter Smith on my staff. Thanks.

- Angela

Angela Hofmann

Director of Regulatory Coordination for the Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency (EPA)

Mailcode 7101M - 1200 Pennsylvania Ave., N.W., Washington, DC 20460

NEW Office Location effective 6/15/16: William Jefferson Clinton Building, East Room 3139L

Deliveries to RCS go to Room 3159

Phone: 202-564-0258; Email: hofmann.angela@epa.gov

http://www.epa.gov/ocspp

<RegulatoryReformOptions-OCSPP_2070-05-15.pdf>

To: Kime, Robin[Kime.Robin@epa.gov]
From: Bolen, Brittany
Sent: Tue 5/23/2017 1:51:27 AM
Subject: Re: Meeting request from Jay Cranford

Thank you for reminder! I just replied.

Sent from my iPhone

On May 22, 2017, at 9:44 PM, Kime, Robin <Kime.Robin@epa.gov> wrote:

Hi,

Do I have your OK to work with him to get this scheduled so that you may attend?

From: Jay Cranford [mailto:cranford@cgcn.com]
Sent: Monday, May 22, 2017 12:34 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>
Cc: Katie Mitchell <mitchell@cgcn.com>
Subject: meeting request

Good afternoon team. I'm emailing to request a meeting with Shea Loper (Encana) to discuss a few regulatory reform-related issues, including OOOOa; the 2015 ozone standard; and, improving enforcement approach.

Shea will be in town and available on Tuesday, June 6 and Wednesday, June 7.

Thanks for considering. -Jay

JAY CRANFORD | CGCN GROUP

1101 K STREET, NW, SUITE 650 WASHINGTON, D.C. 20005

202.689.9296 / cranford@cgcn.com / www.cgcn.com

To: Rees, Sarah[rees.sarah@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Kime, Robin[Kime.Robin@epa.gov]; Corrales, Mark[Corrales.Mark@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]
From: Bolen, Brittany
Sent: Fri 5/5/2017 5:16:15 PM
Subject: RE: Draft plan re: EO 13783
EO 13783 Energy Independence Review Plan_draft_5_3_2017_clean (002)-BB edits.docx

All – I had hoped to turn this around yesterday. It's in really good shape, great work. My edits are attached. Please let me know your thoughts on my questions in the comments listed. I am not set on including those items. Welcome your feedback.

Thanks again,

Brittany

From: Rees, Sarah
Sent: Wednesday, May 3, 2017 8:00 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>
Subject: Draft plan re: EO 13783

Hi folks – attached is a draft memo for our plan for the regulatory review component of the energy independence EO – EO 13783. This is drafty – we wanted to get something in front of you sooner rather than later; we will clean up formatting/any typos later – I really wanted to get your input on substance ASAP. We are following the outline we sent to you last week. We are envisioning sending this as an attachment to a cover memo that would come from the Administrator – please let us know if you are thinking of a different format – easy enough to change.

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | (202) 407-5074 (m)

To: Abboud, Michael[abboud.michael@epa.gov]
Cc: Letendre, Daisy[letendre.daisy@epa.gov]
From: Bolen, Brittany
Sent: Thur 7/20/2017 3:12:35 PM
Subject: Updated one-pager
EPA Spring 2017 Reg Agenda-7.20.2017.docx

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

EPA Spring 2017 Semi-annual Regulatory Agenda

On July 20, 2017, the Office of Regulatory and Information Affairs (OIRA) is releasing the Spring 2017 Semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions.

EPA Desk Statement:

"EPA's Semiannual Regulatory Agenda reflects Administrator Pruitt's commitment to refocusing the agency on its core mission of protecting the nation's air, water and land while reducing unnecessary regulatory burdens."

Background:

As required by EO 12866, EPA is issuing its Semiannual Regulatory Agenda as part of the government-wide Unified Agenda. The agenda describes EPA regulatory actions, including deregulatory actions, that are under development or review, and that are expected to be signed by the EPA Administrator.

EPA's Spring 2017 Semiannual Regulatory Agenda includes:

- 92 active actions (actions with a projected stage within the next 12 months),
- 63 long-term actions,
- Approximately 100 inactive actions,
- 42 actions that have been issued, and
- 24 actions that have been withdrawn since publication of the last agenda.

Among the actions in EPA's Spring 2017 Semiannual Regulatory Agenda:

- 66 actions are appearing for the first time; of those more than 25 are deregulatory.
- 12 actions are estimated to be economically significant (having an economic impact of $100 million or more).

To access EPA's 2017 Spring Semiannual Regulatory Agenda, go to: https://www.epa.gov/laws-regulations/regulatory-agendas-and-regulatory-plans.

Q&A:

Q. How do the number of active actions in this agenda compare with previous years?
A. This agenda includes 92 active actions; the fall 2016 agenda included 130 active actions. The number of active actions in this agenda is among the lowest number of actions in any regulatory agenda since fall of 1995 (the first year that electronic records for the agenda are available).

Q. How do the number of economically significant rules in this agenda compare with previous years?
A: This agenda includes 12 economically significant rules; the fall 2016 agenda included 15.

Q. It appears the number of completed actions (64) in this agenda has nearly doubled since fall 2016 (33). Why?
A. Many actions (approximately 22) have been withdrawn; those withdrawn actions are among the actions listed as "completed."

Q. This agenda has 66 new actions, compared to 49 new actions the fall 2016 agenda. Why?
A. More than 25 of the new actions are deregulatory. In addition, this agenda includes a new category of rules that are inactive. The list of new actions includes that subset.

Q. Does this agenda reflect the new "two-for-one" EO 13771?
A. The EPA continues to make progress on regulatory reform and is working to comply with the requirements of EO 13771.

To: Nickerson, William[Nickerson.William@epa.gov]
From: Bolen, Brittany
Sent: Mon 8/7/2017 2:11:02 PM
Subject: Fwd: Reg Reform TPs

Hi Bill - are you in the office today? If so, can you please help with this request?

Begin forwarded message:

From: bolen.brittany@epa.gov
Date: August 7, 2017 at 9:59:19 AM EDT
To: Sarah Rees <rees.sarah@epa.gov>
Cc: McGartland.Al@epa.gov
Subject: Reg Reform TPs

Hi Sarah - can you please send me the latest version you have of our regulatory reform talking points? I'm also copying Al to see if he has a few bullets I could add that explain some of our planned procedural changes that fall under the umbrella of reg reform (e.g. Updated SCC and SCM estimates, treatment of uncertainty with pm co-health benefits, updating our economic analysis guidelines, etc.) that may be in either of your office's plans for next fiscal year. I appreciate your help with this timely request, coming from Ryan. Should be no more than 2-pages. Need to get to him by early afternoon.
Thank you,
Brittany

To: Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Thur 4/20/2017 9:37:17 PM
Subject: FW: EPA Letter to Commerce April 17
EPA Letter to Commerce April 17.docx

From: Bolen, Brittany
Sent: Thursday, April 20, 2017 2:58 PM
To: Samantha Dravis (dravis.samantha@epa.gov) <dravis.samantha@epa.gov>
Subject: FW: EPA Letter to Commerce April 17

This was the last version sent to me.

From: Shaw, Nena
Sent: Wednesday, April 19, 2017 3:48 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Sachs, Robert <Sachs.Robert@epa.gov>
Subject: EPA Letter to Commerce April 17

Brittany – Here is the letter as well. Bob, whom I have cc'd here, can put it on Agency letterhead electronically. Please let me know if that would be helpful. Again, I will be here for anything needed. Currently I am in Shannon's office, but will go back to mine when I am done. Best, Nena

Mr. Earl Comstock
Director of Policy and Strategic Planning
Office of the Secretary
U.S. Department of Commerce
1401 Constitution Avenue
Washington, DC 20230

RE: EPA's Input to the Department of Commerce's Plan to Streamline Permitting and Reduce Regulatory Burdens for Domestic Manufacturing

Dear Mr. Comstock:

Thank you for your leadership on the federal government's response to the January 24, 2017 Presidential Memorandum on "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing." At the interagency coordinating meeting on March 28, 2017, participating agencies were asked to provide to the Department of Commerce responses to the following four requests: (1) Briefly describe any of your agency's reforms in progress now that pertain to this effort; (2) Provide specific regulatory reform targets regarding your Agency; (3) Provide a brief description of permitting processes related to manufacturing and describe ways they may be simplified; and (4) Other advice and input as desired. Thank you for providing us with additional time to prepare our response.

The problem EPA is seeking to address, as outlined in the presidential memo, is when permits and permit approvals are not issued in a timely manner this can result in negative impacts for new construction and improvements manufacturers seek to make. Environmental permitting can be a complex and burdensome system for domestic manufacturers to navigate as they seek to expand and create economic growth. The costs associated with environmental permitting are not well documented. All of this creates the "hidden cost of environmental regulation," including the delays that are created, the plants that aren't built, and the jobs that aren't created because of environmental permitting.

As an Agency whose customers include industry, we can and need to do better to streamline these processes and improve the customer experience while continuing to protect human health and the environment. The process started by this Presidential Memorandum is just the beginning. In the attached Executive Summary and the body of EPA's response, we are proposing a range of reforms including modernizing the NPDES regulatory requirements consistent with CWA amendments and recent case law, as well as revising Title V regulations to streamline and clarify processes related to the submission and review of Title V petitions. These and other streamlining efforts will help provide the certainty and timeliness important for fostering an environment for economic growth. The Administrator is committed to bringing EPA back-to-basics, streamlining our permitting processes to create economic and job growth in the manufacturing sector is crucial to that effort.

I sincerely hope EPA's submission assists the Department of Commerce in developing a comprehensive Permit Streamlining Action Plan (Action Plan). As I have mentioned, we are looking forward to reviewing the draft Action Plan before it is submitted to the White House. If you have any questions, please feel free to contact me or Nena Shaw at shaw.nena@epa.gov.

Sincerely,

Samantha Dravis
Senior Counsel/Associate Administrator, Office of Policy
U.S. Environmental Protection Agency

Enclosures

cc: Ryan Jackson, EPA
Byron Brown, EPA
Brittany Bolen, EPA
Acting Assistant Administrators, EPA
Shannon Kenny, EPA
Nena Shaw, EPA
Carter Halfman, DOC

DRAFT

To: Jay Cranford[cranford@cgcn.com]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Katie Mitchell[mitchell@cgcn.com]
From: Bolen, Brittany
Sent: Tue 5/23/2017 1:51:09 AM
Subject: Re: meeting request

Hi Jay, we're happy to meet with Shea. Please coordinate with Robin on scheduling.
Best,
Brittany

On May 22, 2017, at 12:35 PM, Jay Cranford <cranford@cgcn.com> wrote:

Good afternoon team. I'm emailing to request a meeting with Shea Loper (Encana) to discuss a few regulatory reform-related issues, including OOOOa; the 2015 ozone standard; and, improving enforcement approach.

Shea will be in town and available on Tuesday, June 6 and Wednesday, June 7.

Thanks for considering. -Jay

JAY CRANFORD | CGCN GROUP

1101 K STREET, NW, SUITE 650 WASHINGTON, D.C. 20005

202.689.9296 / cranford@cgcn.com / www.cgcn.com

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Thur 7/20/2017 3:11:53 PM
Subject: RE: You want to send Anthony this?
EPA Spring 2017 Reg Agenda-7.20.2017.docx

Hey, did you end up sending this doc? Bridgid just sent me an updated figure. Please use the attached.

From: Dravis, Samantha
Sent: Wednesday, July 19, 2017 8:38 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re: You want to send Anthony this?

Yes thanks!

Sent from my iPad

On Jul 19, 2017, at 7:10 PM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

> Anthony – As discussed on the phone earlier, attached is the one-pager we provided our OPA team on the agenda. Let us know if you have any questions. Thanks.

<EPA Spring 2017 Reg Agenda-7.19.2017.docx>

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bolen, Brittany
Sent: Fri 5/5/2017 11:58:02 AM
Subject: Draft energy independence plan
EO 13783 Energy Independence Review Plan_draft_5_3_2017_clean.docx
ATT00001.txt

Hey, this is the rough draft. Going to add a lot more actions we've taken that relate to energy. Stay tuned. Just wanted you to have rough draft.

To: Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Thur 4/20/2017 6:58:08 PM
Subject: FW: EPA Letter to Commerce April 17
EPA Letter to Commerce April 17.docx

This was the last version sent to me.

From: Shaw, Nena
Sent: Wednesday, April 19, 2017 3:48 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Sachs, Robert <Sachs.Robert@epa.gov>
Subject: EPA Letter to Commerce April 17

Brittany – Here is the letter as well. Bob, whom I have cc'd here, can put it on Agency letterhead electronically. Please let me know if that would be helpful. Again, I will be here for anything needed. Currently I am in Shannon's office, but will go back to mine when I am done. Best, Nena

To: Lovell, William[lovell.william@epa.gov]
From: Bolen, Brittany
Sent: Wed 6/14/2017 5:56:35 PM
Subject: RE: Cummins Meeting

Excellent. Thanks, Will.

From: Lovell, William
Sent: Wednesday, June 14, 2017 1:55 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Cummins Meeting

Please find attached the two documents referenced in the Cummins meeting:

1) EMA's comments for regulatory reform, and

2) NACAA's nine recommendations to the new administration

Will Lovell

Policy Assistant, Office of Policy

U.S. Environmental Protection Agency

(202) 564-5713

Lovell.William@epa.gov

To: Dravis, Samantha[dravis.samantha@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]
Cc: Palich, Christian[palich.christian@epa.gov]
From: Bolen, Brittany
Sent: Mon 5/22/2017 6:50:10 PM
Subject: RE: Letter to OP from Barrasso
Standard.Reg Reform.5.5.17.docx

In case it's helpful, attached is the form letter response from the Administrator on letters related to our reg reform efforts. Note: the letter below was already posted to the EPA Docket.

From: Dravis, Samantha
Sent: Monday, May 22, 2017 2:10 PM
To: McGartland, Al <McGartland.Al@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: FW: Letter to OP from Barrasso

Al:

Could your staff take the first crack at a response to this? Send the draft to me and Brittany when it is complete. Thanks in advance.

Sam

https://www.epw.senate.gov/public/index.cfm/2017/5/senators-send-letter-to-epa-on-regulatory-review-process

To: Curry, Bridgid[Curry.Bridgid@epa.gov]
Cc: Rees, Sarah[rees.sarah@epamail.epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Germann, Sandy[Germann.Sandy@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Bolen, Brittany
Sent: Thur 4/20/2017 6:39:40 PM
Subject: RE: Additional Language to Add to OEI External Stakeholders Mtg on CROMERR
OEI email-v2.docx

Thank you, Bridgid. Please be sure to review these and edit according to the previous emails/notices before sending it to me for review. This one was not very clear on its purpose as it relates to the EO and it was easier to edit in track changes as a word doc (attached).

Brittany

From: Curry, Bridgid
Sent: Thursday, April 20, 2017 1:28 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Rees, Sarah <rees.sarah@epamail.epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Germann, Sandy <Germann.Sandy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: Additional Language to Add to OEI External Stakeholders Mtg on CROMERR

Hi Brittany,

Here is draft language from OEI announcing the inclusion of CROMERR and regulatory reform on the agenda for the Exchange Network meeting on May 11.

Please let me know if you have any comments.

Thanks,

Bridgid

Draft language:

As a vital step of EPA's implementation of President Trump's Executive Order, "Enforcing the Regulatory Reform Agenda," EPA's Regulatory Reform Task Force is evaluating existing regulations and making recommendations regarding those that can be repealed, replaced or

modified to make them less burdensome. As part of this effort, EPA ~~Offices' are~~ is reaching out to our stakeholders to get feedback.

EPA's Office of Environmental Information has scheduled an open call on its Shared Cross-Media Electronic Reporting Rule (CROMERR) Services (SCS) on May 11th at 2p.m. The call will discuss the CROMERR approval process as well as what more OEI can do to help with CROMERR implementation.

If participants want to provide written feedback about CROMERR, those comments can be sent to Reg Reform central docket: https://www.regulations.gov/docket?D=EPA-HQ-OA-2017-0190.

Also, EPA launched a new webpage with information related to the agency's regulatory reform efforts, which will include a list of upcoming meetings being held by the offices at: https://www.epa.gov/laws-regulations/regulatory-reform.

As a vital step of EPA's implementation of President Trump's Executive Order 13777, "Enforcing the Regulatory Reform Agenda," EPA's Regulatory Reform Task Force is evaluating existing regulations and making recommendations regarding those that can be repealed, replaced or modified to make them less burdensome. As part of this effort, EPA is seeking public input to help identify such regulations through an open public comment period which closes on May 15. Public comments can be submitted to the docket number EPA-HQ-OA-2017-0190 on www.regulations.gov. In addition, certain EPA program offices are conducting public meetings and teleconferences to provide the Task Force public feedback by May 15.

EPA's Office of Environmental Information (OEI) has scheduled an open call on its Shared Cross-Media Electronic Reporting Rule (CROMERR) Services (SCS) on May 11, 2017, at 2p.m. and opportunities for regulatory reform. The purpose of the call is to discuss the CROMERR approval process as well as what more OEI can do to help with CROMERR implementation, and other regulatory reform opportunities for OEI. If participants want to provide written feedback about CROMERR or regulatory reform opportunities specific to OEI, those comments should be submitted to the agency-wide docket by May 15: https://www.regulations.gov/docket?D=EPA-HQ-OA-2017-0190.

For additional information on EPA's regulatory reform efforts, please visit EPA's newly launched webpage, which includes a list of upcoming meetings or teleconferences at: https://www.epa.gov/laws-regulations/regulatory-reform.

To: Rees, Sarah[rees.sarah@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]
From: Bolen, Brittany
Sent: Mon 5/15/2017 10:10:45 PM
Subject: FW: OW's EO 13777 Initial Report
OW response May 15 EO 13777.docx
OW email to stakeholders on May 2 session.docx
EPA-HQ-OW-5-2-2017UPDATED_for_docket_May_15.docx

Sarah, Bill – did you receive feedback from the other program offices today?

Thanks,

Brittany

From: Shapiro, Mike
Sent: Monday, May 15, 2017 6:09 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; OW Office Directors <OWOfficeDirectors@epa.gov>
Subject: OW's EO 13777 Initial Report

I am pleased to provide the Office of Water's initial report on the work we undertook to solicit public comment on potential regulations to rescind, replace or revise as directed by the Administrator in his March 24th memo on E.O. 13777: Enforcing the Regulatory Reform Agenda. In addition to the attached report, I have included the comments we received at our May 2nd public listening session, which are being uploaded to the docket, and the information we shared with our stakeholder groups and on the agency web page to advertise our listening session. If you have any questions please let me know.

Mike

Michael Shapiro

Acting Assistant Administrator, Office of Water

US EPA, 4101M

1200 Pennsylvania Ave., NW

Washington, DC 20460

202-564-5700

To: Beck, Nancy[Beck.Nancy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Bolen, Brittany
Sent: Thur 5/4/2017 7:08:21 PM
Subject: Re: Invitation to ABA event

Extending invite to David as well. I would do if limited to reg reform, but if other panel members are focusing on TSCA and FIFRA I think one of you would be better fit. I can fill you in on the reg task force items.

Sent from my iPhone

On May 4, 2017, at 11:27 AM, Bolen, Brittany <bolen.brittany@epa.gov> wrote:

Nancy, would you be interested in this event?

Begin forwarded message:

From: "Prero, Judah" <jprero@sidley.com>
Date: May 4, 2017 at 10:03:32 AM EDT
To: "bolen.brittany@epa.gov" <bolen.brittany@epa.gov>
Subject: Invitation to ABA event

Ms. Bolen,

On behalf of the American Bar Association's Section on Environment, Energy and Resources (SEER) Pesticide Chemical Regulation and Right to Know (PCRRTK) committee, I would like to invite you to be the guest speaker at our next "Friday Forum" event, scheduled for Friday, May 17, 2017, at the offices of Sidley Austin, 1501 K Street, NW, Washington DC, at 9 am.

Friday Forum events are an opportunity for the attorneys in the section to hear directly from government officials, policy makers, legislators, and industry leaders in an informal and intimate setting. It allows for the audience and the speakers to discuss environmental issues, ask questions of each other, and exchange thoughts and ideas. All Friday Forums are closed to the press and media in order to promote an open and frank discussion amongst speakers and participants.

We would welcome hearing from you on the subject of regulatory reform at EPA in general, and if you would like to discuss how reforms would specifically impact or address the TSCA and FIFRA related programs, we would welcome that discussion as well.

We hope you will be able to join us. Please feel free to be in touch with me if you have any questions, whether substantive or logistical in nature, about the program.

Thank you for the consideration.

Sincerely yours,

Judah Prero

JUDAH PRERO*
Counsel

SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
+1 202 736 8451
jprero@sidley.com
www.sidley.com

<image001.png>

**Admitted only in Maryland and New York; pending approval of application for admission to the DC Bar, practicing law in the District of Columbia under the supervision of principals of the firm who are members in good standing of the DC Bar.*

****
This e-mail is sent by a law firm and may contain information that is privileged or confidential.
If you are not the intended recipient, please delete the e-mail and any attachments and notify us
immediately.

****

To: Kime, Robin[Kime.Robin@epa.gov]
From: Bolen, Brittany
Sent: Wed 8/23/2017 12:05:10 PM
Subject: Re: FYI: Material for Today's 1:30 Meeting to Discuss the American Coatings Association Comment Letter on EPA Regulatory Reform

I already met with them on their reg reform comments.

Sent from my iPhone

> On Aug 23, 2017, at 7:58 AM, Kime, Robin <Kime.Robin@epa.gov> wrote:
>
> Good morning,
> Attached is material for today's 1:30 meeting with the Coatings Association. They realize Nancy is unable to attend but have asked to meet with you today to touch base. Have a good day.
> <170823_ACA_BP.docx>
> <ACA Comment.pdf>

To: Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Liz Bowman (bowman.liz@epa.gov)[bowman.liz@epa.gov]
From: Bolen, Brittany
Sent: Mon 5/22/2017 3:59:55 PM
Subject: Reg TPs
Reg Reform Stakeholder Meetings_talking points_QAs v2.docx

Attached are draft TPs from our folks on the reg efforts. They need updated, but just wanted to circulate to get an idea of some of the questions.

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

To: Beck, Nancy[Beck.Nancy@epa.gov]
From: Bolen, Brittany
Sent: Thur 5/4/2017 3:27:04 PM
Subject: Fwd: Invitation to ABA event

Nancy, would you be interested in this event?

Begin forwarded message:

From: "Prero, Judah" <jprero@sidley.com>
Date: May 4, 2017 at 10:03:32 AM EDT
To: "bolen.brittany@epa.gov" <bolen.brittany@epa.gov>
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Thank you for the consideration.

Sincerely yours,

Judah Prero

JUDAH PRERO*
Counsel

SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
+1 202 736 8451
jprero@sidley.com
www.sidley.com

SIDLEY

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If you are not the intended recipient, please delete the e-mail and any attachments and notify us
immediately.

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EPA Spring 2017 Semi-annual Regulatory Agenda

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A. This agenda includes 92 active actions; the fall 2016 agenda included 130 active actions. The number of active actions in this agenda is among the lowest number of actions in any regulatory agenda since fall of 1995 (the first year that electronic records for the agenda are available).

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A: This agenda includes 12 economically significant rules; the fall 2016 agenda included 15.

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A. More than 25 of the new actions are deregulatory. In addition, this agenda includes a new category of rules that are inactive. The list of new actions includes that subset.

Q. Does this agenda reflect the new "two-for-one" EO 13771?
A. The EPA continues to make progress on regulatory reform and is working to comply with the requirements of EO 13771.

To: Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Wed 5/3/2017 10:39:27 PM
Subject: FW: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports
EPA 050217 Cabinet 30 Look Ahead Report Template.docx

Samantha - just FYI - there were some typos under the Reg Reform EO blurb. It included two bullets that did not apply (it was a copy and paste from the blurb above). We do not submit the reg reform plan to OMB, we submit it to the Administrator. I wasn't able to thoroughly review this document yesterday, but we can make the edits for next week's submission.

-----Original Message-----
From: Jackson, Ryan
Sent: Tuesday, May 2, 2017 7:23 PM
To: Munoz, Charles <munoz.charles@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

All, attached is this week's first EPA contribution. Thank you for your help. Next weeks' will be even fuller.

-----Original Message-----
From: Jackson, Ryan
Sent: Monday, May 1, 2017 11:22 PM
To: Munoz, Charles <munoz.charles@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; 'beck.nancy@epa.gov' <beck.nancy@epa.gov>
Subject: FW: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

This week is the first week to turn in the weekly Cabinet Agency 30-day look aheads. This is something which the WH Staff Secretary has requested so Cabinet Affairs is requiring from each agency.

This will be a good organizing and targeting exercise for us.

I've attached the draft format and a draft version of the beginning of an initial submission from EPA.

Charles is handling the daily calls with the WH as our WH liaison, and has initially volunteered to handle collecting information for this exercise.

Thank you all for your quick contributions to this exercise. I'm looking for reports for Congress, notable grants, in addition to big ticket policy actions and rulemakings.

Ryan.

-----Original Message-----
From: McGinley, William J. EOP/WHO [mailto:William.J.McGinley@who.eop.gov]
Sent: Monday, April 24, 2017 12:12 PM
To: McGinley, William J. EOP/WHO <William.J.McGinley@who.eop.gov>
Cc: Porter, Robert R. EOP/WHO <Robert.R.Porter@who.eop.gov>
Subject: Weekly Cabinet-Level Department/Agency Policy and Scheduling Reports

Greetings,

This email follows up on the new policy outlook program that was unveiled at last week's Chiefs of Staff meeting by Rob Porter, Assistant to the President for Policy Coordination and White House Staff Secretary. As explained below, this new policy and scheduling initiative by Staff Sec and Cabinet Affairs requires the active participation of each Cabinet-level Chief of Staff by submitting weekly reports containing specific policy and scheduling information.

Please review the information below carefully and let us know if you have any questions or comments.

NOTE: The weekly report is in addition to the daily agency action calls conducted by Cabinet Affairs. Please make sure that your Department or Agency continues to participate in the daily agency action calls. Further, this program applies to only unclassified policy initiatives and scheduling information. All classified policy initiatives and scheduling information should continue to be conveyed by secure systems to the appropriate White House departments.

PURPOSE: The purpose of the weekly look-ahead is to provide the White House with information necessary to plan effectively, prioritize key elements of the Administration's policy agenda, and ensure that the policy development process includes consideration of all relevant viewpoints and information.

REPORT CONTENTS: The weekly report contains two primary components: (1) policy items and (2) upcoming events. Please provide a 30-day look ahead for your Department or Agency. A template is attached for your review and convenience.

For policy items, please provide information for issues that will require as Presidential decision, as well as initiatives including reports to Congress, jobs reports or other Department/Agency reports that generate press interest, significant rulemakings, release of high-profile grants, and other similar initiatives.

For scheduling items, please provide information for major policy speeches, events, and travel by your Secretary, Director, or Administrator.

WEEKLY DEADLINE: Each Cabinet-level Department and Agency must submit its report no later than close of business every Tuesday. The first report will be due May 2, 2017.

WHERE TO FILE: Please submit each report to Bill McGinley, John Mashburn, and Matt Flynn in Cabinet Affairs and to Staff Sec at staffsecretary@who.eop.gov.

Thank you in advance for participating in this important program.

Please do not hesitate to contact us with any questions.

Best,
Bill

William J. McGinley
Cabinet Secretary
The White House
Cell: (202) 881-8486 | E: william.j.mcginley@who.eop.gov

May 2, 2017

INFORMATION

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY

FROM: Ryan Jackson, Chief of Staff, U.S. Environmental Protection Agency

SUBJECT: EPA Weekly Update for the Week of May 8, 2017

1. EPA 30-Day Policy Look Ahead

- **WOTUS Withdrawal Rulemaking**
  - EPA issuing a withdrawal of the Waters of the United States rule, soliciting comment
  - Sarah Greenwalt, Greenwalt.sarah@epa.gov
  - Submitted for OMB review May 1, 2017
  - Initiating OMB and interagency review of withdrawal.

- **CPP Withdrawal Rulemaking**
  - EPA issuing a withdrawal of the Clean Power Plan rule, soliciting comment
  - Mandy Gunasekara, Gunasekara.Mandy@epa.gov
  - Will submit for OMB review likely the week of May 1 or 8, 2017
  - Initiating OMB and interagency review of withdrawal.

- **ELG Withdrawal Rulemaking**
  - EPA issuing a withdrawal of the Effluent Limitations Guidance, soliciting comment
  - Sarah Greenwalt, Greenwalt.Sarah@epa.gov
  - Will submit for OMB review likely in May 2017
  - Initiating OMB and interagency review of withdrawal. EPA has already issued an administrative stay of the rule.

- **Regulatory Reform Executive Order Compliance**
  - EPA initiated public comment to the DO April 11 and working within agency to issue regulatory task force reform plan by May 25
  - Samantha Dravis, Dravis.samantha@epa.gov
  - Will submit for OMB review likely in May 2017
  - Initiating OMB and interagency review of withdrawal. EPA has already issued an administrative stay of the rule.

- **Energy Independence Executive Order Compliance**
  - EPA report to OMB on plan to conduct evaluation of regulations affecting

domestic energy production.
  - Samantha Dravis, Dravis.samantha@epa.gov
  - Will submit to OMB by May 12, 2017

- **Toxic Substances Control Act Reform Implementation**
  - EPA submitting to OMB first rulemakings to implement the Lautenberg Chemical Safety Act enacted last June 2016.
  - Those rulemakings include new risk evaluations of chemicals, prioritization of chemicals for review, and an inventory of chemicals in commerce.
  - EPA is also eliminating the backlog of new chemical reviews from going to market created by the Obama Administration from June 2016 to the present by July 2017. EPA is also prioritizing the first 10 chemicals for review.
  - Nancy Beck, beck.nancy@epa.gov
  - Will submit for OMB review in May 2017 to meet June 2017 statutory deadlines

2. **Office of Congressional and Intergovernmental Relations**

- **Inspector General's Bi-Annual Report**
  - Released at end of May
  - Troy Lyons, Lyons.Troy@epa.gov

3. **Office of Land and Emergency Management**

- **Hudson River Five-Year Review**
  - Within the next 30 days
  - EPA plans to publicly release its second five-year review report for the Hudson River PCBs Superfund site.
  - Walter Mugdan, Mugdan.walter@epa.gov

- **Brownfields Grant Announcements**
  - Assessment – planned for May 23; EWDJT – planned for May 16
  - EPA to announce the communities selected to receive Brownfields Assessment and Environmental Workforce Development and Job Training grants.
  - David Lloyd, Lloyd.davidr@epa.gov

4. **Scheduling**

- **Speaking Engagements**
  - May 11th: Speaking Engagement: 2017 Resource Bank Meeting (Heritage Foundation; 40th Annual)
  - May 17th: Speaking Engagement: Manhattan Institute Board Meeting
  - May 18th: Speaking Engagement: Hoover Institution
  - May 19th: Speaking Engagement: Council for National Policy Meeting
  - May 25th: Speaking Engagement: US Oil & Gas Association Board of Directors and Executive Committee Annual Meeting

- Week of May 29th: Traveling to Kentucky

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Baptist, Erik[baptist.erik@epa.gov]
From: Bolen, Brittany
Sent: Wed 7/19/2017 11:27:52 PM
Subject: FW: AAPCA Releasses New Report on Clean Air Act Regulatory Reform

FYI –

From: Clint Woods [mailto:cwoods@csg.org]
Sent: Wednesday, July 19, 2017 8:49 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: sean.alteri@ky.gov
Subject: AAPCA Releasses New Report on Clean Air Act Regulatory Reform

Members of the U.S. EPA Regulatory Reform Task Force,

Today, the Association of Air Pollution Control Agencies (AAPCA) released a new report, *The State of Regulatory Reform: Navigating State Perspective on Clean Air Act Regulations Under Executive Order 13777*. Following the issuance of Executive Order 13777 on Enforcing the Regulatory Reform Agenda and a public comment period from the U.S. Environmental Protection Agency (EPA) on regulations that may be appropriate for repeal, replacement, or modification under the order, AAPCA compiled state and local environmental agency and association comments on our website and today releases an accompanying report, entitled *The State of Regulatory Reform*, to help navigate intergovernmental priorities for regulatory reform on Clean Air Act and cross-media issues at U.S. EPA. In particular, Clean Air Act regulations and themes discussed by at least three state environmental agencies are included, accompanied by links to illustrative comments and excerpts from state and local agencies and associations.

These air quality regulations and themes include: "Once In, Always In" Policy for Major Source Maximum Available Control Technology Standards (pg. 3); Treatment of Data Influenced by Exceptional Events (pg. 4); Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (pg. 4 -5); Standards for Stationary Compression Ignition Internal Combustion Engines, Stationary Spark Ignition Internal Combustion Engines, and Reciprocating Internal Combustion Engines (pg. 5); Startup, Shutdown,

and Malfunction State Implementation Plan Call (pg. 6); Title V Permitting Requirements for Air Curtain Incinerators/Destructors (pg. 7); Regional Haze (pg. 7 - 8); Nitrogen Oxides State Implementation Plan Call (NOx SIP Call)(pg. 8); Interstate Ozone Transport (pg. 9); Clean Power Plan and Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units (pg. 10); Modeling Issues & Appendix W (pg. 10 -11); Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements (pg. 11); 2015 National Ambient Air Quality Standards for Ground-Level Ozone (pg. 12); Cross-Media Electronic Reporting Rule and Other Electronic Reporting Requirements (pg. 13 – 14); Monitoring Requirements (pg. 14); Other Title V Permit Review/Petition Issues (pg. 15); Guidance as De Facto Rulemaking (pg. 15); and General National Ambient Air Quality Standards & State Implementation Plan Process Improvements (pg. 16).

You can find a copy of *The State of Regulatory Reform: Navigating State Perspective on Clean Air Act Regulations Under Executive Order 13777* here.

AAPCA and its members look forward to working with U.S. EPA and the Regulatory Reform Task Force as you continue to carry out Executive Order 13777 and related initiatives. Please let us know if there is any additional information that would be helpful.

Thanks!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

http://www.cleanairact.org

AAPCA ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 FALL BUSINESS MEETING

September 20–22 | Doubletree by Hilton | Raleigh, North Carolina

From: Bolen, Brittany
Location: 3500 WJCN
Importance: Normal
Subject: Tentative: Meeting to Discuss the American Coatings Association Comment Letter on EPA Regulatory Reform
Start Date/Time: Wed 8/23/2017 5:30:00 PM
End Date/Time: Wed 8/23/2017 6:00:00 PM

To: Clint Woods[cwoods@csg.org]; Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]
Cc: sean.alteri@ky.gov[sean.alteri@ky.gov]
From: Bolen, Brittany
Sent: Wed 7/19/2017 11:26:52 PM
Subject: RE: AAPCA Releasses New Report on Clean Air Act Regulatory Reform

Clint –

Thanks for your email. I circulated this report to other members of our team, too.

Best,

Brittany

From: Clint Woods [mailto:cwoods@csg.org]
Sent: Wednesday, July 19, 2017 8:49 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: sean.alteri@ky.gov
Subject: AAPCA Releasses New Report on Clean Air Act Regulatory Reform

Members of the U.S. EPA Regulatory Reform Task Force,

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These air quality regulations and themes include: “Once In, Always In” Policy for Major Source Maximum Available Control Technology Standards (pg. 3); Treatment of Data Influenced by Exceptional Events (pg. 4); Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (pg. 4 -5); Standards for Stationary Compression Ignition Internal Combustion Engines, Stationary Spark Ignition Internal Combustion Engines, and Reciprocating Internal Combustion Engines (pg. 5); Startup, Shutdown, and Malfunction State Implementation Plan Call (pg. 6); Title V Permitting Requirements for Air Curtain Incinerators/Destructors (pg. 7); Regional Haze (pg. 7 - 8); Nitrogen Oxides State Implementation Plan Call (NOx SIP Call)(pg. 8); Interstate Ozone Transport (pg. 9); Clean Power Plan and Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units (pg. 10); Modeling Issues & Appendix W (pg. 10 -11); Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements (pg. 11); 2015 National Ambient Air Quality Standards for Ground-Level Ozone (pg. 12); Cross-Media Electronic Reporting Rule and Other Electronic Reporting Requirements (pg. 13 – 14); Monitoring Requirements (pg. 14); Other Title V Permit Review/Petition Issues (pg. 15); Guidance as De Facto Rulemaking (pg. 15); and General National Ambient Air Quality Standards & State Implementation Plan Process Improvements (pg. 16).

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AAPCA and its members look forward to working with U.S. EPA and the Regulatory Reform Task Force as you continue to carry out Executive Order 13777 and related initiatives. Please let us know if there is any additional information that would be helpful.

Thanks!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

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http://www.cleanairact.org

AAPCA ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 FALL BUSINESS MEETING

September 20–22 | Doubletree by Hilton | Raleigh, North Carolina

Cc: Kime, Robin[Kime.Robin@epa.gov]
To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Tue 8/22/2017 11:05:11 PM
Subject: Fwd: Invitation to speak to AGA environmental committee (by phone link) Sept. 27, 2017 - afternoon

Hi - I received this invite today. Similar to other speaking requests, I wanted to check with you first on whether you would like to participate instead. Let me know what you prefer!

Sent from my iPad

Begin forwarded message:

From: "Lacey, Pam" <PLacey@aga.org>
Date: August 22, 2017 at 1:24:42 PM EDT
To: "bolen.brittany@epa.gov" <bolen.brittany@epa.gov>
Subject: Invitation to speak to AGA environmental committee (by phone link) Sept. 27, 2017 - afternoon

Dear Ms. Bolen – I look forward to our AGA-NGVA meeting rescheduled for Sept. 12. In addition, would you be available to speak via phone link about the Administration's regulatory reform plans to the AGA environmental committee on Wed. Sept. 27th ? The committee includes environmental policy directors and vice presidents from utilities around the country. The fall committee meeting will be held in Colorado on September 27th, and it would be wonderful if you could call in to speak to our members. Perhaps 12:30 pm Eastern Time? The time is flexible. Please let me know if you are available that day.

Best regards,

Pamela A. Lacey | Chief Regulatory Counsel

American Gas Association

400 N. Capitol St., NW | Washington, DC | 20001

P: 202-824-7340 | M: 202-809-6565 | F: 202-824-9190 | placey@aga.org

The American Gas Association represents more than 200 local energy companies committed to the safe and reliable delivery of clean natural gas to more than 69 million customers throughout the nation.

To: Kime, Robin[Kime.Robin@epa.gov]
From: Bolen, Brittany
Sent: Tue 5/2/2017 7:21:36 PM
Subject: Re: 3:30 today coverage

Still in here with ocspp. Please invite Mandy or Byron

Sent from my iPhone

On May 2, 2017, at 3:12 PM, Kime, Robin <Kime.Robin@epa.gov> wrote:

Samantha is in the Administrator's office, not likely able to come back at 3:30 in time for this. Do you want me to ask Mandy or Justin to join you if they are available?

To: Dravis, Samantha; Bolen, Brittany; hmcauliffe@paint.org
Cc: Kime, Robin; Irving, Verna; Inge, Carolyn; Rees, Sarah; Germann, Sandy; David Darling
Subject: Meeting with the American Coatings Association: Regulatory Reform
When: Tuesday, May 02, 2017 3:30 PM-4:00 PM
Where: DCRoomARN3500/OPEI

Contact:

Heidi K. McAuliffe ▪ American Coatings Association ▪ Vice President, Government Affairs

202- 719-3686 | 202-329-1065 (m) | 202-263-1102 (fax) | hmcauliffe@paint.org | www.paint.org

901 New York Ave. NW, Suite 300 West ▪ Washington, DC 20001

To: Rees, Sarah[rees.sarah@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]
From: Bolen, Brittany
Sent: Mon 5/15/2017 8:13:11 PM
Subject: FW: The Office of Advocacy Seeks Input from Small Businesses at Regional Roundtable Events
Reg Reform Roundtable Announcement - LA.PDF

FYI

From: Rostker, David J. [mailto:David.Rostker@sba.gov]
Sent: Monday, May 15, 2017 3:35 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: FW: The Office of Advocacy Seeks Input from Small Businesses at Regional Roundtable Events

Good afternoon.

I wanted to send you all information about the Office of Advocacy's upcoming Regional Roundtables in Louisiana, in support of the Administration's efforts under EOs 13771 and 13777. These roundtables are open to the public. This will be the first of, we hope, many around the country over the next year.

Advocacy welcomes agency participation in these events. We hope that you or other EPA representatives might be able to join us to hear what small businesses around the country are looking for in regulatory reform.

Let me know if I can provide more details and who from EPA would be able to attend. Thanks.

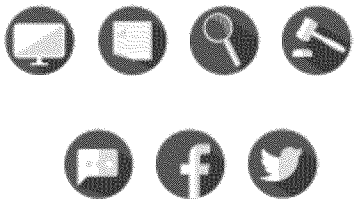
David Rostker

Assistant Chief Counsel for Environment and Regulatory Reform

SBA // Office of Advocacy

409 3rd St. SW, Washington, D.C. 20416

david.rostker@sba.gov 202.205.6966 202.481.2605



From: Rostker, David J.
Sent: Friday, May 12, 2017 11:16 AM
To: 'Rostker, David J.'
Cc: Bromberg, Kevin L.; 'Waqar, Tayyaba (tayyaba.waqar@sba.gov)'; Maresca, Charles A.
Subject: The Office of Advocacy Seeks Input from Small Businesses at Regional Roundtable Events

TO: All interested Small Businesses and small business representatives

The SBA Office of Advocacy is hosting Regional Regulatory Reform Roundtables across the country in an effort to hear directly from small businesses about what regulations concern them the most. The first of the roundtables will be in Baton Rouge and New Orleans on June 7 and 8. The Baton Rouge roundtable will take place at the LABI Conference Center on June 7. On June 8, we will host a roundtable at the New Orleans Marriot on Canal Street.

The purpose of Advocacy's Regional Regulatory Roundtables is to:

1. Identify regional small business regulatory issues in order to assist agencies with regulatory reform and reduction in compliance with Executive Orders 13771 & 13777;

2. Compile crucial information for Advocacy's new report on existing small business regulatory burdens across the nation, identifying specific recommendations for regulatory changes based upon first-hand accounts from small businesses across the country; and

3. Inform and educate the small business public as to how Advocacy and SBA can assist them with their small business.

The Baton Rouge Regional Regulatory Roundtable will be held at the Louisiana Association of Business and Industry Conference Center and will be all day event (8-5). The Eventbrite link to RSVP for the Baton Rouge RRR is https://www.eventbrite.com/e/sba-office-of-advocacy-regional-regulatory-roundtable-baton-rouge-la-tickets-34252094938

The New Orleans RRR will be held at the Marriot on Canal Street and will be a morning (8-1) session. The Eventbrite link to RSVP for the New Orleans RRR is https://www.eventbrite.com/e/sba-office-of-advocacy-regional-regulatory-roundtable-new-orleans-la-tickets-34437502497

In addition, small businesses that are not able to attend these RRRs may inform the Office of Advocacy about other regulatory issues through the webform at https://www.sba.gov/advocacy/regulatory-reform-input

This invitation is public and may be distributed to your colleagues, clients and members. Future RRRs in other parts of the country will be announced as they are scheduled.

You have received this email because you are currently on our distribution for information about Advocacy's Small Business Environmental Roundtables. Please reply to David.Rostker@sba.gov if you no longer wish to receive these emails. Please email David.Rostker@sba.gov to be added to this list.

Thank you for your support of the Office of Advocacy

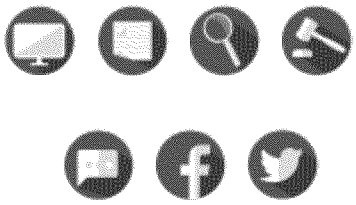
David Rostker

Assistant Chief Counsel for Environment and Regulatory Reform

SBA // Office of Advocacy

409 3rd St. SW, Washington, D.C. 20416

david.rostker@sba.gov 202.205.6966 202.481.2605



To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Tue 5/2/2017 5:24:36 PM
Subject: Re: Registration Confirmation for U.S. EPA: Meeting on Regulatory Reform Agenda for Pesticides (in person)

Yep

Sent from my iPhone

On May 2, 2017, at 1:22 PM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:

This was on our calendar, right?

From: Ferguson, Lincoln
Sent: Tuesday, May 02, 2017 12:51 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: FW: Registration Confirmation for U.S. EPA: Meeting on Regulatory Reform Agenda for Pesticides (in person)

Hey!

Just wanted to make sure you were aware of this meeting happening Thursday…a public meeting on Regulatory Reform Agenda for Pesticides.

From: Clark, Krissy [mailto:kclark@marketplace.org]
Sent: Tuesday, May 2, 2017 12:08 PM
To: Esch, Caitlin <cesch@marketplace.org>; Daguillard, Robert <Daguillard.Robert@epa.gov>; Press <Press@epa.gov>
Subject: Fwd: Registration Confirmation for U.S. EPA: Meeting on Regulatory Reform Agenda for Pesticides (in person)

Sent from my Phone

Begin forwarded message:

From: Eventbrite <orders@eventbrite.com>
Date: April 26, 2017 at 10:57:22 AM PDT
To: "Clark, Krissy" <kclark@marketplace.org>
Subject: Registration Confirmation for U.S. EPA: Meeting on Regulatory Reform Agenda for Pesticides (in person)
Reply-To: "epa.opp.regulatoryreform@epa.gov" <epa.opp.regulatoryreform@epa.gov>

Find events My Tickets

Hi krissy, this is your registration confirmation for U.S. EPA: Meeting on Regulatory Reform Agenda for Pesticides (in person)

Organized by U.S. EPA: Office of Pesticide Programs

Registration summary

Mobile Summary

Available on App Store

Add to Wallet

—or—

Paper Summary

Open the email attachment
or download here

Message from U.S. EPA: Office of Pesticide Programs

The event organizer has provided the following information:

Event Information

Thank you for registering.

Note that there are new ID requirements for visiting the Office Pesticide Programs. Under the new requirements, not all state driver's licenses qualify as valid ID. View additional information on the ID requirements, as well as information on the location of EPA's building and how to reach it by public transportation or car (https://www.epa.gov/aboutepa/visiting-epa-headquarters). The ID requirements are under the Building Access tab and transportation information is under the HQ Buildings in VA tab.

Please arrive in plenty of time to complete security screening before the meeting.

Have a question? Contact the organizer

Order Summary

April 26, 2017

Order #: 622720394

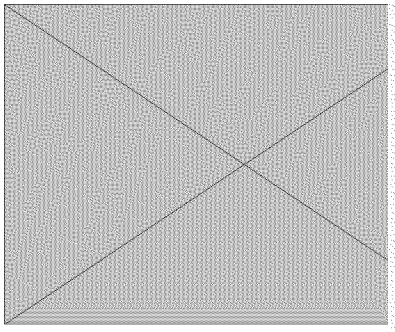
Name	Type	Quantity
krissy clark	Attendee	1

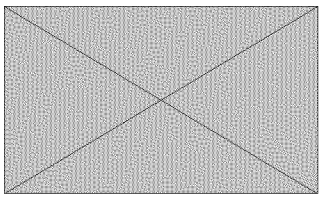
This order is subject to Eventbrite Terms of Service, Privacy Policy, and Cookie Policy

About this event

- Thursday, May 4, 2017 from 8:30 AM to 12:00 PM (EDT)
- 2777 Crystal Dr
  Arlington, VA 22202
- Add to my calendar:

Google · Outlook · iCal · Yahoo





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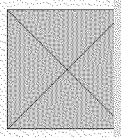

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This email was sent to kclark@marketplace.org

Eventbrite | 155 5th St, 7th Floor | San Francisco, CA 94103

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<33781542503-622720394-inscrição.pdf>

To: Bowman, Liz[Bowman.Liz@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Wed 7/19/2017 11:07:50 PM
Subject: RE:
EPA Spring 2017 Reg Agenda-7.19.2017.docx

Sorry for delay on this, folks. Samantha and I had a lot of back-and-forth with OMB on the agenda the last 24 hours. Attached is the updated one-pager with the suggested desk statement. Let us know if you have any questions.

-----Original Message-----
From: Bowman, Liz
Sent: Tuesday, July 18, 2017 2:37 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Re:

Can you all provide me more information?

Sent from my iPhone

> On Jul 18, 2017, at 2:35 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> The Unified Regulatory Agenda will be announced Thursday. I wanted to ensure we are plugged in press and OP wise.
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> (202) 564-6999

To: Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Thur 4/20/2017 3:11:07 AM
Subject: progress
FINAL EPA Response to Commerce 4-19-17 (002)-510pm-BB.docx

Where I'm at so far. I skipped around a lot. The Exec Summary needs work, too.

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

To: Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Wed 4/19/2017 11:11:43 PM
Subject: FW: FINAL EPA Response to Commerce 4-19-17
FINAL EPA Response to Commerce 4-19-17.docx

Can you glance at the table beginning on page 4? They basically combined the discussion of ongoing/proposed actions with our statutory/regulatory programs and my initial reaction is that it's too much for one table. Perhaps it's easier this way. I wanted your feedback before I make that change.

From: Shaw, Nena
Sent: Wednesday, April 19, 2017 3:05 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Sachs, Robert <Sachs.Robert@epa.gov>
Subject: FINAL EPA Response to Commerce 4-19-17

Brittany – Attached is the current version. I will be here today until it is done. We have the attachments in a separate document. In addition, we have the cover note as well. Please let me know if there is anything else you need. Nena

From: Bolen, Brittany
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Accepted: Meeting with the American Coatings Association: Regulatory Reform
Start Date/Time: Tue 5/2/2017 7:30:00 PM
End Date/Time: Tue 5/2/2017 8:00:00 PM

Cc: Dravis, Samantha[dravis.samantha@epa.gov]
To: Rees, Sarah[rees.sarah@epa.gov]
From: Bolen, Brittany
Sent: Fri 5/12/2017 6:38:23 PM
Subject: Fwd: Clean Energy Group
CEG_RegReform_05_12_2017.pdf
ATT00001.htm

I'm starting to get emails with comments. Do you mind if I forward them to you just to ensure they are captured? I assume they are uploading them to the docket, too.

Sent from my iPhone

Begin forwarded message:

From: Chris Van Atten <vanatten@mjbradley.com>
Date: May 12, 2017 at 2:28:39 PM EDT
To: "bolen.brittany@epa.gov" <bolen.brittany@epa.gov>, "gunasekara.mandy@epa.gov" <gunasekara.mandy@epa.gov>
Subject: Clean Energy Group

Please find attached the comments of the Clean Energy Group on EPA's regulatory reform docket. Our comments have also been submitted to the docket. We appreciate the opportunity to comment.

Sincerely,

Christopher Van Atten

Christopher Van Atten,
Senior Vice President
M.J. Bradley & Associates LLC
47 Junction Square Drive
Concord, MA 01742
Phone: (978) 369-5533
Cell: (978) 844-3085
Fax: (978) 369-7712
http://www.mjbradley.com

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any attachment(s) in any way, delete this e-mail, and immediately contact the sender. Thank you for your cooperation.

May 12, 2017

Sarah Rees
U.S. Environmental Protection Agency
Office of Regulatory Policy and Management
1200 Pennsylvania Avenue, N.W.
Mail Code 1803A
Washington, D.C. 20460
(submitted via regulations.gov)

Re: Regulatory Reform Docket in response to Executive Order 13777

Dear Ms. Rees:

The Clean Energy Group appreciates the opportunity to comment on the regulatory reform process initiated by Executive Order 13777, seeking input on regulations that may be appropriate for repeal, replacement, or modification.[1]

We believe that there are opportunities for streamlining existing EPA regulations and reporting requirements without sacrificing important public health and environmental protections. For this letter, we focus our comments on changes that we believe can be made under EPA's existing legal authority.

We also believe that there are regulations that should not be changed or eliminated because they provide important public health benefits at reasonable cost. Since 1990, the electric power sector has sharply reduced its air emissions. Notably, the industry has reduced its sulfur dioxide (SO_2) and nitrogen oxide (NOx) emissions by 91 percent and 82 percent, respectively, relative to 1990 levels. The electric sector has reduced its aggregate SO_2 and NOx emissions to less than 1.5 million tons and roughly 1.2 million tons in 2016, respectively. Programs established by the Clean Air Act have been a big part of this success story with measured improvements in ambient air quality. This tremendous progress has been accomplished while maintaining a reliable and affordable electric system, with a significant expansion in clean energy generation.

We have compiled our recommendations based on input from the individuals that are directly responsible for environmental regulatory compliance, environmental permitting, and emissions reporting at a wide range of electric generating facilities.

Again, we appreciate the opportunity to comment and look forward to continued engagement as the Task Force continues its work.

[1] Austin Energy, Calpine Corporation, Capital Power, Consolidated Edison, Inc., Entergy Corporation, National Grid, New York Power Authority, NextEra Energy, PG&E Corporation, and Tenaska.

Air Permitting

New Source Review (NSR) is one of many programs established by the Clean Air Act to reduce emissions of air pollutants—particularly "criteria air pollutants".[2] The primary function of the NSR program is to ensure that new or substantially modified sources achieve emission rates that reflect the performance of best-available emissions control technologies (BACT or LAER). There have been repeated efforts since its inception to change the program based on the view that the NSR program is complicated and may serve as an impediment to facility upgrades that improve energy efficiency and reliability.

In 2001, President Bush's National Energy Policy Development Group directed EPA to conduct a 90-day study of the impact of NSR regulations. The Agency's review of the NSR program was broad-based. EPA held four public hearings, had individual meetings with over 100 groups representing the public, industry and State and local agencies, and reviewed over 130,000 comments from private citizens, environmental groups, state officials and industry representatives. Based on its review, EPA concluded that the NSR program was not significantly impeding investment in new power plants. An informal survey of our members found that this is still the case today.

In considering options to simplify or improve the NSR program, ideally, we would like to see nationwide caps on emissions with the flexibility of trading, rather than relying on project-by-project permitting reviews. However, we recognize that this would require Congressional action.

In the absence of legislative action, we do think it would be helpful if EPA developed an updated set of guidelines on the application of NSR to new and modified sources given the numerous past reform efforts and legal decisions interpreting EPA's authority under the Clean Air Act. We think this would be helpful for industry and state permitting authorities to ensure consistent application of the rules across jurisdictions.

We also understand that the NSR program will be part of EPA's regulatory review. Today, gas turbine manufacturers offer upgrade packages to improve unit efficiency.[3] However, the NSR rules will sometimes force a facility owner to only partially implement the performance upgrade or limit dispatch in order to avoid triggering NSR thresholds and upgrading controls. Depending on the location, this may result in the dispatch of other less efficient units once operational limits are reached. We recommend that EPA examine the extent to which NSR may be discouraging efficiency upgrades and if there are legally durable regulatory options to propose for comment, while recognizing the existing case law.

Two areas to consider evaluating include: (1) the methodology used for determining whether a physical change or change in the method of operation at a facility results in an emissions increase; and (2) potential opportunities to account for the reductions in emissions that have occurred through the installation of advanced pollution control technologies. Additionally, we would encourage EPA to evaluate whether the geographic limitations on the sourcing of offsets could be expanded, particularly as industry has continued to reduce its air emissions and offsets become harder to procure. In the Ozone Transport Region (OTR), for example, New York and certain other Northeast states have reciprocal trading agreements that limit the extent to which Emission Reduction Credits (ERCs) can be

---

[2] When we refer to New Source Review, we are referring to both the Prevention of Significant Deterioration (PSD) permitting program and non-attainment New Source Review.

[3] See, for example, the Siemens 3-dimensional Turbine Blades & Vanes (Si3D) and General Electric's Advanced Gas Path (AGP) product offerings.

traded across state lines. Given the region's coordinated efforts to address ozone nonattainment, it may be possible to expand these ERC trading boundaries within the region in a more coordinated fashion.

Finally, on December 20, 2016, EPA finalized several changes to the Guideline on Air Quality Models (40 CFR 51 Appendix W), which is used by industry to perform air quality modeling in support of certain types of air permit applications for new and modified sources. We think there are helpful changes made to the guidelines, and the guidelines should go into effect on May 22, 2017, as planned.

Mercury and Air Toxics Standards

In 2011, EPA issued the Mercury and Air Toxics Standards (MATS) for coal- and oil-fired power plants. The standards went into effect for most power plants in April 2015; three years after the rule was published in the Federal Register. On April 15, 2014, the U.S. Court of Appeals for the D.C. Circuit fully upheld the rule. Virtually all facilities subject to the rule have now installed pollution control equipment, switched to cleaner fuels, or retired generating units to comply with the rule. While there are opportunities to streamline the monitoring and reporting requirements under the rule, the emissions standards of the rule should remain in force. Experience has shown that the current standards are achievable, and modifying the rule could be extremely disruptive to the industry, particularly if EPA was forced to recalculate the standards based on an updated database of stack test data (i.e., Section 112 requires that emissions limits for existing sources reflect the average emission rates achieved by the best performing 12 percent of the existing sources for which the Administrator has emissions information and the D.C. Circuit has circumscribed how EPA must perform this calculation). Regulatory certainty is critical for electric utilities as they plan their future investments. To have a major regulation, like MATS, suddenly revised or overturned could result in major stranded investments and ongoing regulatory uncertainty without any benefit to ratepayers, since the controls have already been built and installed. Further, we believe the standards should remain in place even if EPA decides to review the benefits and costs of the rule, given the substantial investments that have been made to comply with the rule.

Under the existing rule, certain affected facilities are required to perform quarterly stack tests to demonstrate continuous compliance with the rule. Stack testing on this frequency can be costly and burdensome to power plant operators. In some cases, often due to the decreased utilization of these units, facilities are required to run simply to complete the necessary testing on schedule, burning additional fuel and increasing emissions. Stack testing for a single oil-fired generating unit can cost in excess of $60,000 per year, or more than $15,000 per quarter, and most plants have multiple generating units. EPA should consider whether performance tests could be performed less frequently to reduce the costs of the rule, while still ensuring that the standards are being achieved.

Air Toxics Reporting Requirements

In 1997, EPA expanded the Toxics Release Inventory (TRI) reporting program to include electric generating facilities and six other industrial source categories, including metal mining, coal mining, commercial hazardous waste treatment, chemical and allied products, petroleum bulk terminals, and solvent recovery services. With respect to the electric generating sector, reporting is limited to "facilities that combust coal and/or oil for the purpose of generating electricity for distribution in

commerce". Facilities submit annual reports on their chemical-by-chemical releases to the environment as well as chemicals that are managed through recycling, energy recovery and treatment.

In expanding the program, EPA relied on the authority provided in the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) section 313(b)(1)(B), which states: "The Administrator may add or delete Standard Industrial Classification Codes for purposes of subparagraph (A), but only to the extent necessary to provide that each Standard Industrial Classification Code to which this section applies is relevant to the purposes of this section."

Under the TRI program, natural gas-fired combustion turbine facilities are required to submit reporting forms if they burn even a very limited quantity of ultra-low sulfur distillate fuel oil (No. 2) as a backup fuel. In the latest reporting year, there were many locations with natural gas-fired combustion turbines that reported to the TRI database.

EPA could streamline the TRI reporting program for combustion turbines by (1) eliminating the reporting requirements for units that burn No. 2 distillate fuel oil, or (2) establishing an appropriate minimum threshold quantity of oil that would trigger reporting requirements. For example, in Part 75, a unit where natural gas accounts for at least 90 percent of the unit's average annual heat input in the previous three calendar years is classified as a gas-fired unit, not an oil-fired unit.

Greenhouse Gas Reporting Requirements

In accordance with 40 CFR Part 98 Subpart D (The Mandatory Greenhouse Gas Reporting Program) (GHGRP), Electricity Generation is required to submit reports to EPA on their greenhouse gas emissions by March 31 for the previous calendar year. Companies use the Electronic Greenhouse Gas Reporting Tool (e-GGRT) to report GHG data directly to EPA. This includes emissions of all greenhouse gases. However, this effort is duplicative of the EPA requirement to report carbon dioxide (CO_2) emissions as well as fuel use and other operating parameters to the Air Markets Program Database, in accordance with 40 CFR Part 75. In fact, the EPA uses the Part 75 reporting as the final data and will flag errors in the e-GRRT system if the reported emissions do not match the Part 75 data. EPA could streamline the GHG reporting requirements by simply importing the Air Markets Program Database into the GHG reporting database, rather than requiring a separate reporting process. Companies must also calculate and report their emissions of other GHGs (CH_4 and N_2O) for the GHGRP using default emission factors multiplied by the mass or volume of fuel combusted. This added step could be completed by EPA based on the fuel consumption data reported to the Air Markets data.

Timely Permitting Decisions

In addition to these regulatory reforms, we believe that permitting decisions for energy infrastructure projects could be made on a more timely basis. Permitting delays can significantly impact the economics of a project, and we would encourage EPA to consider options or strategies for streamlining permitting reviews and approvals. This may include clear guidelines, establishing deadlines for the review of permit applications, and adequate staffing.

If you have any questions about these comments, please do not hesitate to contact me at vanatten@mjbradley.com or Carrie Jenks at cjenks@mjbradley.com, and we would welcome the opportunity to meet with EPA staff to discuss our comments further.

Sincerely,

Christopher E. Van Atten
The Clean Energy Group

cc:
Samantha Dravis
Brittany Bolen
Mandy Gunasekara
Sarah Dunham

To: Curry, Bridgid[Curry.Bridgid@epa.gov]
Cc: Nickerson, William[Nickerson.William@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Wed 4/19/2017 7:15:38 PM
Subject: RE: Reg Review Updates
OPP Update--May 2017 PPDC Reg Reform meeting 4 18 17-v2.docx

Bridgid –

Attached are my edits to the OPP notice. Please let me know if they have any questions.

I agree with your recommendation, please do not remove the notice of OW's meeting. Instead, please add language distinguishing that from 1-2pm OW will discuss regulatory reform. The OCR meeting should be a separate bullet and yes, it should be added as well. Also, it would be helpful to arrange all of those meetings in chronological order as they are in a mixed order on the website.

In regards to talking points, I am still working with a few folks in OPA on that issue. Will get back to you later.

Thanks,

Brittany

From: Curry, Bridgid
Sent: Wednesday, April 19, 2017 2:26 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Nickerson, William <Nickerson.William@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>
Subject: Reg Review Updates
Importance: High

Hi Brittany,

I have a few reg reform updates.

•□□□□□□□□ I have attached an update email that OPP plans to distribute to stakeholders announcing that reg reform will be covered on the second day of the Pesticide Program Dialogue Committee. This will look familiar because you reviewed the web content for OPP yesterday. Please let me know if you have any comments.

•□□□□□□□□ OW has requested that we remove the announcement of the their association meeting from our reg reform website. Here is the text currently on the webpage: *The Office of Water (OW) is planning to meet with water associations, including ECOS, ACWA, ASDWA, and GWPC on April 26, 2017 from 1 - 3 p.m.* We are reluctant to remove this meeting from the webpage because we think it would invite questions about why the meeting disappeared. Instead, we propose adding language about the OCIR meeting so that we are consistent about announcing all meetings—even those that are not open to the public. Please let me know what you think about this.

•□□□□□□□□ We have received requests for talking points from several offices today. They are anxious to have something before the meetings next week. Let me know if you have comments on the talking points I sent over last night or if you want us to reach out to OPA.

Thanks,

Bridgid

To: Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Mon 5/1/2017 2:26:22 PM
Subject: for the meeting this afternoon... FYI

From: Lee Fuller [mailto:lfuller@ipaa.org]
Sent: Friday, April 7, 2017 4:30 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Regulatory Reform and Other Items

Brittany,

I read that one of your assignments is the regulatory reform task force. Consequently, I wanted to reach out on some issues of concern. I've attached an email that I sent to Ryan Jackson that raises several issues that we would like to discuss. (Separately, we are trying to arrange a meeting for Barry Russell, IPAA's President and CEO with Administrator Pruitt through Sydney Hupp.)

Obviously, events are moving quickly. I know that the Administration filed an abeyance petition on the Subpart OOOOa litigation today. There is an issue there that is related that I'd like to call to your attention. The Subpart OOOOa fugitive emissions program – with its costly Leak Detection and Repair (LDAR) requirements – is scheduled to take effect on June 3. It would be helpful if this requirement, at least, could be stayed while the Subpart OOOO and OOOOa requirements are being reconsidered since a different approach might be developed. I know there are other provisions that are already in effect that raise similar issues.

I also spoke with Dave Rostker from the SBA Advocacy office regarding LDAR in a small business context where the issues arises in both the Subpart OOOOa and VOC Control Techniques Guidelines context. He suggested reaching out to EPA as well.

Hopefully, we can discuss these issues soon given your schedule.

Thanks for your consideration,

Lee Fuller

From: Lee Fuller
Sent: Thursday, April 6, 2017 2:40 PM
To: Ryan Jackson (Jackson.Ryan@epa.gov) <Jackson.Ryan@epa.gov>
Subject: IPAA Issues at EPA; Possible Meeting

Ryan,

I'm reaching out to you but would be happy if you point me to a preferred contact person.

After the recent Energy Executive Order, IPAA would like to discuss a number of pending issues with EPA.

Barry Russell, IPAA's President and CEO, would like to meet with Administrator Pruitt to introduce himself and IPAA. Barry worked for EPA in the 1970s before coming to IPAA.

The issues that we'd like to discuss relate to several matters.

First, EPA's actions in response to the Energy EO with regard to the methane NSPS (Subparts OOOO and OOOOa) are most important to IPAA. While currently engaged in the litigation opposing the regulations, the pathway to reconsideration and possible revision is critical. IPAA wants to be involved as soon as possible and wants to offer its cooperation.

Second, IPAA strongly supports efforts to expand and enhance delegation of regulatory authority to states. We are looking for options to be helpful in identifying pathways, working with our state cooperating associations to encourage state actions and working with Congress if there are barriers that need to be addressed.

Additionally, following are several other items – mostly directly affecting independent oil and natural gas producers – that we would like to identify as issues that we would hope EPA could address:

1. Control Techniques Guidelines (CTG) – As a part of the Energy Executive Order, EPA is directed to reconsider the oil and natural gas methane New Source Performance Standard (NSPS) – Subparts OOOO and OOOOa. When the Obama Administration proposed the NSPS, it also proposed a CTG for existing sources of Volatile Organic Compounds (VOC) in Ozone nonattainment areas. The CTG was finalized in October 2016. It should be suspended or withdrawn until the NSPS issues are resolved and determinations can be made on the appropriateness of the technology being applied to existing sources. Otherwise, the CTG will be applicable in future State Implementation Plans (SIP).

2. RCRA Subtitle D Consent Decree – EPA agreed to a Consent Decree to settle litigation regarding mandatory duties under RCRA Subtitle D related to making determinations regarding the appropriateness of state oil and natural gas production wastes regulations. EPA has until March 2019 to respond but it should act quickly for two reasons. First, EPA's mandate to act does not require an extensive burden and the longer it takes to act, the more state programs appear to be viewed as inadequate. Second, the mandatory duties require action every three years. Action in 2017 would allow EPA to reconfirm its position in 2020 and establish a clear practice for the future.

3. Unconventional Oil and Gas (UOG) Extraction Effluent Limitations Guidelines (ELG) – EPA finalized UOG Extraction ELG for discharges to Publicly Owned Treatment Works (POTW) in June 2016. These ELG should be based on a technology standard – Best Available Technology Economically Achievable (BATEA). EPA concluded that all discharges to POTW should be prohibited based on the availability of underground injection wells and of recycling options. Neither of these are BATEA. EPA should not be making zero discharge determinations based on its perception of other options. It should determine BATEA requirements. If the BATEA requirements are too expensive, it should be the dischargers' choice to use alternative approaches.

4. Clean Air Act Enforcement Tactics – Over the past several years, EPA's Enforcement tactics have been excessively aggressive. For example, in North Dakota where the state did not have delegation of the NSPS program for oil and natural gas production, EPA Enforcement initiated direct actions against producers with regard to its interpretation of Subpart OOOO requirements for storage vessels. This interpretation differed from those EPA technical staff had initially indicated. Using its enforcement power, EPA filed proposed penalties against a privately held producer that exceeded the value of its assets. The purpose was clear and predictable. EPA wanted to use its enforcement power to compel a limited asset company to enter into a consent agreement that would require actions that met Enforcement's interpretation of the regulation and to commit to additional actions that were beyond EPA Clean Air Act authority

to require. Not only did EPA use a gap in state delegation to step over North Dakota in its zeal, but these types of enforcement tactics reflect poorly on EPA and the federal government and should be ended.

5. Ozone National Ambient Air Quality Standards (NAAQS) Revisions – The 2014 revision to the Ozone NAAQS should be reconsidered. Implementation of the 2008 revision to the Ozone NAAQS had yet to be implemented and evaluated when the 2014 revision was finalized. NAAQS attainment should be the target, not promulgating new, unachievable revisions. EPA's own data showed that the same areas it projected to fail to attain the 2008 NAAQS would fail to meet the 2014 revision. In those areas, the regulatory requirements would not change but the 2014 revision would bring new areas into nonattainment regulation. Even though EPA predicted those new areas would reach the 2014 NAAQS without additional local controls, those areas would be subject to new source permitting requirements that hamper their economic development. Where there is no compelling health benefit from a NAAQS revision – like the 2014 action – EPA should devote resources to attainment of the prior standard.

Thanks for considering this request. Please let me know how to proceed from here.

Lee Fuller

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Wed 4/19/2017 5:52:10 PM
Subject: RE: Request for Review & Meeting on EPA's Clay MACT Rule

Yes.

From: Dravis, Samantha
Sent: Wednesday, April 19, 2017 1:24 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: FW: Request for Review & Meeting on EPA's Clay MACT Rule

This must be reg reform task force. Should we respond and invite her to comment in the docket?

From: Maciolek Natalie - Attorney [mailto:Natalie.Maciolek@kohler.com]
Sent: Wednesday, April 19, 2017 1:04 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Request for Review & Meeting on EPA's Clay MACT Rule

Dear Ms. Dravis,

Attached is a letter requesting EPA's review of the Clay MACT Rule, as well as a request for a meeting.

Regards,

Natalie

Natalie Maciolek

Lead Attorney

Office: (920) 459-1685

Mobile: (920) 917-8948

Email: Natalie.Maciolek@kohler.com

444 Highland Drive | Kohler | WI | 53044

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To: Freire, JP[Freire.JP@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Thur 5/11/2017 9:48:30 PM
Subject: RE: OMB report
EO 13783 Plan as of May 11 5pm.docx
Cover Letter to EO 13783 Plan.docx

Here is the latest.

From: Freire, JP
Sent: Thursday, May 11, 2017 3:55 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: OMB report

Absolutely, and will not do anything without your signoff on the language.

From: Bolen, Brittany
Sent: Thursday, May 11, 2017 3:54 PM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Re: OMB report

In still in draft form. I can forward you latest draft if that helps.

Sent from my iPhone

On May 11, 2017, at 3:36 PM, Freire, JP <Freire.JP@epa.gov> wrote:

Hi Sam and Brittany,

Can I get a copy of the report to OMB on implementing the energy executive order? Need to get some language on it.

Thanks!

JP

J.P. Freire

Associate Administrator for Public Affairs

Environmental Protection Agency

Mobile: (202) 309-6781

To: Rees, Sarah[rees.sarah@epa.gov]
From: Bolen, Brittany
Sent: Wed 7/19/2017 2:43:27 PM
Subject: FW: AAPCA Releasses New Report on Clean Air Act Regulatory Reform

From: Clint Woods [mailto:cwoods@csg.org]
Sent: Wednesday, July 19, 2017 8:49 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: sean.alteri@ky.gov
Subject: AAPCA Releasses New Report on Clean Air Act Regulatory Reform

Members of the U.S. EPA Regulatory Reform Task Force,

Today, the Association of Air Pollution Control Agencies (AAPCA) released a new report, *The State of Regulatory Reform: Navigating State Perspective on Clean Air Act Regulations Under Executive Order 13777*. Following the issuance of Executive Order 13777 on Enforcing the Regulatory Reform Agenda and a public comment period from the U.S. Environmental Protection Agency (EPA) on regulations that may be appropriate for repeal, replacement, or modification under the order, AAPCA compiled state and local environmental agency and association comments on our website and today releases an accompanying report, entitled *The State of Regulatory Reform*, to help navigate intergovernmental priorities for regulatory reform on Clean Air Act and cross-media issues at U.S. EPA. In particular, Clean Air Act regulations and themes discussed by at least three state environmental agencies are included, accompanied by links to illustrative comments and excerpts from state and local agencies and associations.

These air quality regulations and themes include: "Once In, Always In" Policy for Major Source Maximum Available Control Technology Standards (pg. 3); Treatment of Data Influenced by Exceptional Events (pg. 4); Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (pg. 4 -5); Standards for Stationary Compression Ignition Internal Combustion Engines, Stationary Spark Ignition Internal Combustion Engines, and Reciprocating Internal Combustion Engines (pg. 5); Startup, Shutdown, and Malfunction State Implementation Plan Call (pg. 6); Title V Permitting Requirements for Air Curtain Incinerators/Destructors (pg. 7); Regional Haze (pg. 7 - 8); Nitrogen Oxides State Implementation Plan Call (NOx SIP Call)(pg. 8); Interstate Ozone

Transport (pg. 9); Clean Power Plan and Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units (pg. 10); Modeling Issues & Appendix W (pg. 10 -11); Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements (pg. 11); 2015 National Ambient Air Quality Standards for Ground-Level Ozone (pg. 12); Cross-Media Electronic Reporting Rule and Other Electronic Reporting Requirements (pg. 13 – 14); Monitoring Requirements (pg. 14); Other Title V Permit Review/Petition Issues (pg. 15); Guidance as De Facto Rulemaking (pg. 15); and General National Ambient Air Quality Standards & State Implementation Plan Process Improvements (pg. 16).

You can find a copy of *The State of Regulatory Reform: Navigating State Perspective on Clean Air Act Regulations Under Executive Order 13777* here.

AAPCA and its members look forward to working with U.S. EPA and the Regulatory Reform Task Force as you continue to carry out Executive Order 13777 and related initiatives. Please let us know if there is any additional information that would be helpful.

Thanks!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

http://www.cleanairact.org

AAPCA ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 FALL BUSINESS MEETING

September 20–22 | Doubletree by Hilton | Raleigh, North Carolina

From: Bolen, Brittany
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Tentative: Meeting with the American Coatings Association: Regulatory Reform
Start Date/Time: Tue 5/2/2017 3:30:00 PM
End Date/Time: Tue 5/2/2017 4:00:00 PM

To: Dravis, Samantha[dravis.samantha@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]
From: Bolen, Brittany
Sent: Thur 5/11/2017 7:27:45 PM
Subject: RE:
Cover Letter with Dravis Edits-BB edits.docx
EO 13783 Plan Dravis Edits-BB.docx

Final edits from me attached.

From: Dravis, Samantha
Sent: Thursday, May 11, 2017 2:01 PM
To: Nickerson, William <Nickerson.William@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject:

Brittany, can you take one more pass-through of both of my redlines and make further comments or feedback if you see things that need addressing?

Bill, can you re-circulate to the group clean copies with my edits and any further edits that Brittany has?

Thanks.

Kohler Co., Kohler, Wisconsin 53044 Founded in 1873 920-457-4441 Fax 920-459-1583 natalie.maciolek@kohler.com

KOHLER.

April 19, 2017

Natalie G. Maciolek
Sr. Attorney

Dear Ms. Bolen:

Subject: Request for Review of and Meeting on EPA's Clay MACT Rule

As you review Environmental Protection Agency regulations in response to President Trump's February 24th Executive Order 13777, "Enforcing the Regulatory Reform Agenda," and Administrator Pruitt's March 24th memorandum on implementing that order, Kohler Co. urges you to review the Clay Ceramics Manufacturing National Emission Standards for Hazardous Air Pollutants (NESHAP), 40CFR63, Subpart KKKKK, commonly referred to as "Clay MACT." This rule targets major sources as defined in the Clean Air Act.

We believe Clay MACT meets the President's test of being unnecessary and burdensome, and therefore it is appropriate for repeal, replacement, or modification.

Kohler Co. is the only company in the U.S. affected by the Clay MACT rule. Kohler's three U.S. sanitaryware manufacturing locations are subject to the rule not because they emit pollutants at major source levels, but rather solely because of Kohler's unique co-location situation. Kohler's three sanitaryware facilities themselves are considered minor sources based on their emissions; however, because they are co-located with other, distinct operations that are major sources, the sanitaryware operations are being regulated as major sources. This status is inconsistent with their potential area source impact and puts Kohler at a significant competitive disadvantage. We believe this rule and its unique application to Kohler merit your attention and consideration.

We respectfully request a meeting with you at your earliest convenience to discuss more fully Kohler's concerns about Clay MACT and why it deserves EPA's regulatory reform review.

I look forward to hearing from you.

Sincerely,

Natalie Maciolek

Ms. Brittany Bolen
Office of Policy Deputy Associate Administrator
Bolen.brittany@epa.gov

NGM/jlr

From: Bolen, Brittany
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Accepted: Meeting with the American Coatings Association: Regulatory Reform
Start Date/Time: Tue 5/2/2017 3:30:00 PM
End Date/Time: Tue 5/2/2017 4:00:00 PM

To: Curry, Bridgid[Curry.Bridgid@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Corrales, Mark[Corrales.Mark@epa.gov]; Schillo, Bruce[Schillo.Bruce@epa.gov]
From: Bolen, Brittany
Sent: Thur 8/3/2017 2:15:37 PM
Subject: RE: Comments on Commerce Streamlining Report

Thank you, Bridgid. I've reviewed and submitted to Commerce. No further questions. Appreciate the quick turnaround here.

Brittany

From: Curry, Bridgid
Sent: Wednesday, August 2, 2017 6:45 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>
Subject: Comments on Commerce Streamlining Report

Hi Brittany,

I have attached a red-line/strikeout of the COC Streamlining Report with Bruce's suggested edits. As per DOC's request, he focused on specific status discussions in the report in which EPA has taken action subsequent to last draft of the report.

Here are his notes on the specific edits:

•□□□□□□□□ I made edits to the status discussion of the Clean Water Rule on pages 9 and 44 of DOC's report (pages 9 and 45 of my RLSO).

•□□□□□□□□ I made edits to the status discussion of the RMP Rule on page 20 of DOC's Report (page 21 of my RLSO).

•□□□□□□□□ I deleted a sentence in footnote 73 on page 43 of DOC's report (page 44, footnote 74 of my RLSO) regarding Title V Permits. The sentence is incomprehensible and appears to imply that EPA is doing something that it's not doing.

Although DOC's report mentioned the Ozone Rule, it doesn't provide any status regarding the rule or any stays, so there is no need to update that discussion. The same is true for other EPA issues in the Priority Areas for Reform section beginning on page 42: there is no status information to be updated, and any discussion of future action is appropriate.

•□□□□□□□□ I made an optional edit on page 10 of DOC's report to clarify that MACT technology reviews are required every 8 years, as opposed to risk reviews which are required only once, 8 years after promulgation.

•□□□□□□□□ I made optional edits on page 10 of DOC's report changing their use of the acronym "RRTR" to EPA's preferred "RTR" for risk and technology reviews.

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

Thanks,

Bridgid

From: Bolen, Brittany
Sent: Tuesday, August 01, 2017 12:20 PM
To: Rees, Sarah <rees.sarah@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Fwd: Commerce Streamlining report

Hi Sarah,

Samantha and I discussed this request and would like your shop to provide the updates to

the actions referenced in the report. Given your work on the Reg Reform Progress Report and Energy Independence EO Report, we think your office is in the best position to have the information readily available to submit quickly. Do you think it's possible to have the updates ready by tomorrow COB?

Please let us know if you have any questions.

Thank you,

Brittany

Begin forwarded message:

From: "Langdon, David (Federal)" <DLangdon@doc.gov>
Date: July 31, 2017 at 4:11:11 PM EDT
To: "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: Commerce Streamlining report

Hi Brittany,

As you know, the Commerce Department regulatory reform report has not been released yet. Given the time that has passed and the fact that we have waited until after the regulatory agenda was published to try to push our report out, Earl Comstock, our director of policy, has asked that we want to make sure that the report note where agencies already have taken action with respect to the Priority Areas of Reform in the report. Could someone on your team review the report and especially the recommendations and note where EPA already has taken

To: William Lovell (lovell.william@epa.gov)[lovell.william@epa.gov]
From: Bolen, Brittany
Sent: Thur 8/3/2017 2:13:18 PM
Subject: FW: Comments on Commerce Streamlining Report
Schillo Commerce Streamlining DPC WHCO OMB 23 June 1344 (with copy edits).docx
ATT00001.htm

From: Curry, Bridgid
Sent: Wednesday, August 2, 2017 6:45 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Schillo, Bruce <Schillo.Bruce@epa.gov>
Subject: Comments on Commerce Streamlining Report

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•□□□□□□□□ I made optional edits on page 10 of DOC's report changing their use of the acronym "RRTR" to EPA's preferred "RTR" for risk and technology reviews.

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

Thanks,

Bridgid

From: Bolen, Brittany
Sent: Tuesday, August 01, 2017 12:20 PM
To: Rees, Sarah <rees.sarah@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Fwd: Commerce Streamlining report

Hi Sarah,

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Please let us know if you have any questions.

Thank you,

Brittany

Begin forwarded message:

From: "Langdon, David (Federal)" <DLangdon@doc.gov>
Date: July 31, 2017 at 4:11:11 PM EDT
To: "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: Commerce Streamlining report

Hi Brittany,

As you know, the Commerce Department regulatory reform report has not been released yet. Given the time that has passed and the fact that we have waited until after the regulatory agenda was published to try to push our report out, Earl Comstock, our director of policy, has asked that we want to make sure that the report note where agencies already have taken action with respect to the Priority Areas of Reform in the report. Could someone on your team review the report and especially the recommendations and note where EPA already has taken

To: bolen.brittany@epa.gov[bolen.brittany@epa.gov]; Johnston, A. Todd[atjohnston@cement.org]
Cc: Campbell, Heather[hcampbell@cement.org]; Carolyn Inge (Inge.Carolyn@epa.gov)[Inge.Carolyn@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Bolen, Brittany
Sent: Wed 4/19/2017 1:47:36 PM
Subject: RE: Panel Discussion; Meeting

Todd –

Thanks for your patience. Our ethics counsel was out on leave, but she just approved my participation on the panel. Please work with Carolyn and Robin (cc'd) on scheduling details for the panel, and follow-up on scheduling a separate regulatory meeting with Samantha and I in the coming weeks.

Thank you again for the invitation. I look forward to it.

Best,

Brittany

From: bolen.brittany@epa.gov [mailto:bolen.brittany@epa.gov]
Sent: Wednesday, April 12, 2017 10:51 PM
To: Johnston, A. Todd <atjohnston@cement.org>
Cc: Campbell, Heather <hcampbell@cement.org>; Carolyn Inge (Inge.Carolyn@epa.gov) <Inge.Carolyn@epa.gov>
Subject: Re: Panel Discussion; Meeting

Hi Todd -

Thanks for reaching out. I would be happy to participate on the panel, but I need to get approval first. I hope to have an answer for you by Friday.

On the other request, Carolyn please work with Todd and Heather to schedule a meeting with Samantha and I next week.

Best,

Brittany

On Apr 12, 2017, at 12:15 PM, Johnston, A. Todd <atjohnston@cement.org> wrote:

Brittany,

I hope you are well. I'm writing to see if you would be interested in speaking on a panel discussion for our members and also to see if we can set up a separate meeting with you.

First, we'd be honored to have you speak on a regulatory reform panel discussion that we're hosting for our members. The panel would speak on Wednesday May 10th at 8:30 before an audience of approximately 60 representatives of PCA's member companies, including CEOs and key decision makers. They will be in town for PCA's annual Fly-in. I don't think it would require much preparation. We'd like you to give a brief introduction of EPA's regulatory/regulatory reform priorities and to be able to answer soft questions from my colleague Mike Schon who will moderate. We'd be honored to have you.

Second, I was hoping to set up a meeting with you, Samantha Dravis, me, and my environment and regulatory affairs lead (Mike Schon) to talk about pending issues before EPA and some of our key ideas for improving and streamlining permitting and regulations that affect the cement industry. Please let me know when you might have time to do so and we'll work our schedules around yours.

Thanks,

Todd

A. Todd Johnston

Executive Vice President

Portland Cement Association

202-719-1974 (o)

202-253-4464 (c)

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Bolen, Brittany
Sent: Tue 7/18/2017 1:16:26 AM
Subject: EO 13783
EO 13783 Draft Final Report.docx
ATT00001.txt

To: Langdon, David (Federal)[DLangdon@doc.gov]
From: Bolen, Brittany
Sent: Thur 8/3/2017 12:36:07 PM
Subject: Re: Commerce Streamlining report

Hi David, yes I do. My team just got me the updates last night and I am reviewing this morning.
Brittany

On Aug 3, 2017, at 8:16 AM, Langdon, David (Federal) <DLangdon@doc.gov> wrote:

Hi Brittany,

I just wanted to check in to see if you anticipate sharing the updates this morning, partly because my bosses have asked and partly because I head off on annual leave this afternoon… with cellphone and laptop. You know the drill, I am sure.

Dave

From: Bolen, Brittany [mailto:bolen.brittany@epa.gov]
Sent: Wednesday, August 02, 2017 8:59 AM
To: Langdon, David (Federal) <DLangdon@doc.gov>
Subject: Re: Commerce Streamlining report

Thanks, David. That is helpful. It looks like we are able to meet your original deadline of today COB after all. I understand from my staff that many of these actions were covered in our draft report under EO 13783 submitted last week. Stay tuned.

Brittany

On Aug 2, 2017, at 7:47 AM, Langdon, David (Federal) <DLangdon@doc.gov> wrote:

Hi Brittany,

I have more details from our policy director on how we will use the information you and some other agencies are providing. We do not intend to exhaustively list the status of reach priority area, but rather note perhaps empirically and perhaps narratively that agencies already have taken action.

Something like this: Agencies already are acting to address x of the 17 (or x of the 29, depending on how we want to count them) priority areas of reform. For example, DOL has proposed delaying until December 1, 2017 the initial reporting of data on workplace injuries and illnesses (Form 300A) in order to give the administration an opportunity to review the new electronic reporting requirements. The proposed five-month delay would be effective on the date of publication of a final rule in the Federal Register. Furthermore, DOL has announced its intention to issue a proposal to reconsider, revise, or remove provisions of the improve Tracking of Workplace Injuries and Illnesses final rule, 81 FR 29624 (May 12, 2016).

I hope this is helpful context.

Dave

From: Bolen, Brittany [mailto:bolen.brittany@epa.gov]
Sent: Monday, July 31, 2017 7:37 PM
To: Langdon, David (Federal) <DLangdon@doc.gov>
Subject: RE: Commerce Streamlining report

I'll try, but COB Thursday is more realistic for us. The administrator will be out on travel and I will have time Thursday to review as well.

From: Langdon, David (Federal) [mailto:DLangdon@doc.gov]
Sent: Monday, July 31, 2017 6:48 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: Commerce Streamlining report

Thanks! At this point, there is no fixed timeline, but is COB Wednesday doable?

-------- Original message --------

From: "Bolen, Brittany"

Date:07/31/2017 6:24 PM (GMT-05:00)

To: "Langdon, David (Federal)"

Subject: RE: Commerce Streamlining report

Hi David,

Good to hear from you. We can review and update accordingly. What is your timeline?

Thanks,

Brittany

From: Langdon, David (Federal) [mailto:DLangdon@doc.gov]

Sent: Monday, July 31, 2017 4:11 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Commerce Streamlining report

Hi Brittany,

As you know, the Commerce Department regulatory reform report has not been released yet. Given the time that has passed and the fact that we have waited until after the regulatory agenda was published to try to push our report out, Earl Comstock, our director of policy, has asked that we want to make sure that the report note where agencies already have taken action with respect to the Priority Areas of Reform in the report. Could someone on your team review the report and especially the recommendations and note where EPA already has taken action?

I am glad to discuss, and thank you!

Dave

David S. Langdon

Senior Policy Advisor

U.S. Department of Commerce

Office of the Secretary

202-482-3308 (desk)

202-309-5683 (cell)

To: Dravis, Samantha[dravis.samantha@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
Cc: Ferris, Lena[Ferris.Lena@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]
From: Bolen, Brittany
Sent: Tue 4/18/2017 10:10:10 PM
Subject: RE: Outreach to Ag Groups Regarding Regulatory Reform EO

Hi Layne –

I understand we're working to set up a briefing for you, but in the interim I think it would be helpful for you to reference the new EPA Regulatory Reform webpage: https://www.epa.gov/laws-regulations/regulatory-reform We launched the webpage last week, concurrent with our Federal Register solicitation for public comments on regulatory reform opportunities. The agency-wide public comment opportunity, which ends on May 15, is the best opportunity for interested folks to provide the agency feedback. Per the Administrator March 24 agency-wide memo, individual program offices (including OCIR) are providing additional public outreach opportunities (i.e. meetings or teleconferences) in the coming weeks and will provide recommendations based on that outreach to the Regulatory Reform Task Force by May 15. More information on the public comment period and details on all of the program office's outreach is available on the Regulatory Reform webpage.

I hope this helps. Let us know if you have any other questions.

Best,

Brittany

From: Dravis, Samantha
Sent: Tuesday, April 18, 2017 5:32 PM
To: Bangerter, Layne <bangerter.layne@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Ferris, Lena <Ferris.Lena@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: Outreach to Ag Groups Regarding Regulatory Reform EO

Layne, I have copied Robin here who can help us find a time. I hope everything is going well

for you.

From: Bangerter, Layne
Sent: Tuesday, April 18, 2017 2:12 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Ferris, Lena <Ferris.Lena@epa.gov>
Subject: Outreach to Ag Groups Regarding Regulatory Reform EO

Samantha and Brittany:

I have been fielding quite a few questions from intergovernmental groups and from the agricultural community regarding EPA's implementation of the Regulatory Reform EO.

It would be helpful for me to get a better understanding of how EPA is managing this process.

I would like to request a briefing from you or your staff in OP to help get me up to speed and better informed on EPA's efforts.

Could you please have OP set aside 30 minutes for a briefing for me and include in the meeting invite, Lena Ferris who is the Special Assistant in the AO to the Ag Advisor.

Thanks!

Layne

From: Brown, Byron
Sent: Tuesday, April 18, 2017 12:17 PM
To: Ferris, Lena <Ferris.Lena@epa.gov>
Subject: RE: Outreach to Ag Groups Regarding Regulatory Reform EO

OP is leading the effort and could tell more about how EPA is reaching out to the ag community. Samantha Dravis is the AA and Brittany Bolen is the Deputy in OP.

From: Ferris, Lena
Sent: Tuesday, April 18, 2017 11:21 AM
To: Brown, Byron <brown.byron@epa.gov>
Subject: Outreach to Ag Groups Regarding Regulatory Reform EO

Byron –

Do you know who from AO (if anyone) is coordinating/reaching out to the Ag community for comments on the Regulatory Reform EO?

This would normally be in the wheelhouse of the Ag Counselor to the Administrator, but given we don't have one I am not sure which political should be/is leading this effort.

The Regions would like some input/direction about how HQ's is reaching out so they can manage from their Regional office's as well.

I manage the weekly Agency Ag Conference Calls with all the program offices and Regions and would like to be able to give some information.

Any advice for me would be helpful.

Thanks

Lena Ferris

Special Assistant to the Agricultural Counselor to the Administrator

From: Bolen, Brittany
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Accepted: Meeting with ISRI Members to Discuss RCRA Regulatory Reform
Start Date/Time: Tue 9/12/2017 3:00:00 PM
End Date/Time: Tue 9/12/2017 3:30:00 PM

To: Jay Cranford[cranford@cgcn.com]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Katie Mitchell[mitchell@cgcn.com]; Dravis, Samantha[dravis.samantha@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Bolen, Brittany
Sent: Tue 4/18/2017 5:49:30 PM
Subject: Re: meeting request - reg reform

Hi Jay,

Thanks for reaching out. Happy to discuss regulatory reform. Please work with Robin to schedule a meeting.

Best,

Brittany

Sent from my iPhone

On Apr 18, 2017, at 1:08 PM, Jay Cranford <cranford@cgcn.com> wrote:

Good afternoon Brittany and Mandy. I'm reaching out on behalf of a coalition of companies, including our client NextEra Energy, who have aligned on a few specific regulatory reform ideas, including WOTUS, NSR, and 316(b). Our hope is for the group to brief you on these issues next Wednesday, April 26th.

If that date does not work on your end I believe we can have them back in town early May.

Thanks for considering. -Jay

Attendees

Carrie Jenks, Senior Vice President, MJB&A

Ray Butts, Director of Permitting, NextEra Energy

Lauren Sher, Senior Manager of Governmental Affairs, NextEra Energy

Mark Bowles, Director, Environmental Reporting & Climate, Entergy

Ann Loomis, Director, Federal Public Policy, Dominion

Melissa Lavinson, Vice President, Federal Affairs and Policy and Chief Sustainability Officer, PG&E

Michelle Barlow, Environmental Policy Specialist, PG&E

JAY CRANFORD | CGCN GROUP

1101 K STREET, NW, SUITE 650 WASHINGTON, D.C. 20005

202.689.9296 / cranford@cgcn.com / www.cgcn.com

From: Bolen, Brittany
Location: U.S. Chamber, 1615 H Street (Rust Briefing Center) NW, Washington, DC
Importance: Normal
Subject: U.S. Chamber Committee Meeting
Start Date/Time: Tue 5/23/2017 1:30:00 PM
End Date/Time: Tue 5/23/2017 4:00:00 PM
Spring 2017 Energy, Clean Air & Nat Res Meeting Agenda.pdf
02- Agency Panel Bios.pdf

Thank you for agreeing to participate in the Agency Panel at the U.S. Chamber's Energy, Clean Air & Natural Resources committee meeting on **Tuesday, May 23, 2017**. The meeting will begin with a networking breakfast at 8:30 a.m., with programing from 9:00 a.m. – 11:30 a.m., at the U.S. Chamber of Commerce, *1615 H St. NW in the Rust Briefing Center*, for directions and parking click here. When you arrive please check in at the front desk and they will direct you to the correct room.

The Agency Panel will take place from 10:00 a.m. – 11:00 a.m. (see full agenda attached), you are welcome to join us for the entire meeting, or if you are only able to attend your panel **please arrive by 9:30 a.m.**

The panel will be moderated by Bill Kovacs, the Chamber's Senior Vice President for the Environment Technology & Regulatory Affairs Division. Bill will briefly introduce and welcome each of you on stage (at the start of the meeting Kathy Beckett, Chairman of the Energy, Clean Air & Natural Resources Committee, will note that the entire meeting is off the record and closed to press). Mary Martin will follow up soon with the panel questions and we will also allow for questions from the audience. Please find bios of each of the panel participants attached for reference.

We are looking forward to a great event next week. Please feel free to reach out to me with any additional questions.

Best,

Amy

Amy Weaver | Manager of Coalitions

Environment, Technology & Regulatory Affairs

U.S. Chamber of Commerce

W: 202-463-5331 | M: 202-407-5229

AWeaver@USChamber.com

To: Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Thur 7/6/2017 11:30:31 PM
Subject: FW: AAPCA Meeting
Dravis Invite - AAPCA 2017 Fall Meeting - 6-30-2017.pdf
Bolen Invite - AAPCA 2017 Fall Meeting - 6-30-2017.pdf

Hey, Clint gave me a call today on another matter and this meeting came up. Can I confirm attendance? Just want to let him know either way so he can plan accordingly. Mandy said she booked her flight for this today. She is speaking on an air-specific panel. I understand Tate and Ken will be participating at the conference, too.

From: Clint Woods [mailto:cwoods@csg.org]
Sent: Friday, June 30, 2017 2:35 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: AAPCA Meeting

Samantha and Brittany,

Just wanted to follow up on this front - Attached are more detailed invites from Sean Alteri, AAPCA's 2017 President and Director of the Kentucky Division for Air Quality, for our 2017 Fall Meeting, to be held September 20 - 22, 2017 in Raleigh, North Carolina.

If you all would be interested in/available for a brief presentation during the morning or afternoon of Thursday, September 21 (open session) or a session limited to local, state, and federal personnel on the morning of September 22, our members would particularly benefit from hearing about the Office of Policy's role in carrying out the Administrator's priorities related to regulatory review, cost-benefit analysis, and cooperative federalism, as well as any updates related to the Regulatory Reform Task Force. The meeting is closed to the press. We expect strong participation from senior officials representing more than a geographically diverse group state and local air agencies as well as U.S. EPA and other federal agencies. The meeting will be held at the Doubletree by Hilton Hotel - Brownstone - University (1707 Hillsborough Street, Raleigh, North Carolina 27605).

Please let me know if you have any questions or if there is anything I can do to help facilitate this request.

Thanks so much for your consideration, and have a great weekend!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

http://www.cleanairact.org

From: Clint Woods
Sent: Tuesday, June 20, 2017 11:45 AM
To: 'Dravis, Samantha'
Cc: Bolen, Brittany
Subject: RE: AAPCA Meeting

Samantha,

Thanks so much, and sorry for the delay in getting back to you. That sounds great – Depending on the timing and interest, our state & local members would be very interested in discussing any updates related to Clean Air Act issues and regulatory reform during the open session (September 21) or closed session limited to our members & EPA personnel (morning of September 22). In addition to making sure to send more information to Ken, Tate, and OCIR, we were planning to extend an invite to acting or confirmed leadership at a few program offices of interest (OAR, OECA, and ORD), as well as the air directors from regions where we expect to have several

members in attendance, including Regions 3, 4, 5, 6, 8, and 9. We usually have more detailed technical updates provided by the Office of Air Quality Planning & Standards and the Clean Air Markets Division at OAR on monitoring, modeling, NAAQS, SIP, and permitting issues and, based on the location, expect good turnout from the career staff in these offices.

Happy to discuss further if a different direction makes sense – Thanks!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

http://www.cleanairact.org

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Friday, June 16, 2017 4:11 PM
To: Clint Woods
Cc: Bolen, Brittany
Subject: RE: AAPCA Meeting

Hi Clint! Good to hear from you. I would definitely be interested in seeing who you are hoping to invite from EPA HQ and the regions and having a chance to weigh in on that. From our office, I think Mandy Gunasekara, Brittany Bolen (whom you know well) and myself would have an interest in attending.

Look forward to talking soon.

Samantha

From: Clint Woods [mailto:cwoods@csg.org]
Sent: Friday, June 16, 2017 11:28 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: RE: AAPCA Meeting

Samantha,

I hope all is well – Our leadership was hoping to send some targeted invitations to regional and HQ EPA personnel next week, and I wanted to check to see if we needed to coordinate the outreach to staff in the Administrator's Office? We realize this a busy time and there are many competing requests - Thanks in advance!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

http://www.cleanairact.org

AAPCA ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 FALL BUSINESS MEETING

September 20–22 | Doubletree by Hilton | Raleigh, North Carolina

From: Clint Woods
Sent: Tuesday, May 16, 2017 2:09 PM
To: 'Dravis, Samantha'
Subject: RE: AAPCA Meeting

Samantha,

Thanks so much for following up, and we definitely understand the demands on the Administrator's schedule.

The short answer is yes, and we would welcome the chance to make sure the right staff are able to attend. In the past, we have also had the good fortune of facilitating participation or presentations at our meetings from senior career and political leadership from OAR (including acting or confirmed AA at every meeting), OECA, OGC, ORD, and relevant regional offices. One of the reasons for locating in Raleigh is to reduce barriers to attend for RTP and DC-based U.S. EPA staff. Obviously, we would welcome participation from the Administrator's Office, and understand that some non-acting program or regional office leadership may not be in place by that date.

Please let me know what we can do to help – Our members benefit from interacting with senior EPA staff, and the meeting should be a unique opportunity to hear from senior air officials from several dozen state and local agencies. Thanks again!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

859.244.8040 – office

cwoods@csg.org

http://www.cleanairact.org

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Tuesday, May 16, 2017 1:16 PM
To: Clint Woods
Subject: AAPCA Meeting

Hi Clint,

I am reaching out on behalf of Administrator Pruitt, who very much appreciates the invitation to attend AAPCA's meeting in September in Raleigh. Unfortunately, the Administrator will be unable to attend because of a scheduling conflict. I wanted to reach out and see if you would be interested in having some staff attend your event?

Thanks in advance – look forward to chatting with you soon.

Best,

Samantha

To: Curry, Bridgid[Curry.Bridgid@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Rees, Sarah[rees.sarah@epamail.epa.gov]; Germann, Sandy[Germann.Sandy@epa.gov]
From: Bolen, Brittany
Sent: Tue 4/25/2017 4:12:46 PM
Subject: RE: OW reg reform website for review

Hi Bridgid –

The document looks good with your edits. However, I noticed in the second paragraph, under the background section, there is a space missing after Task Force. Otherwise it's good to go.

Thanks,

Brittany

From: Curry, Bridgid
Sent: Tuesday, April 25, 2017 11:50 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Rees, Sarah <rees.sarah@epamail.epa.gov>; Germann, Sandy <Germann.Sandy@epa.gov>
Subject: OW reg reform website for review

Hi Brittany,

I have attached a draft of the OW website announcing call-in and webinar details for their public meeting on May 2nd. My comments are in track changes. Please let me know if you have any additional comments.

Thanks,

Bridgid

Meeting on Regulatory Reform Agenda for Lead Exposure Reduction

Date and Time

Monday 04/24/2017 1:00PM to 2:30PM EDT

Location

1300 Pennsylvania Avenue
Horizon Ballroom, Ronald Reagan Building and International Trade Center
Washington, DC 20004

Registration Deadline

Thursday 04/20/2017 5:00PM EDT

Details

EPA's Office of Pollution Prevention and Toxics (OPPT) is holding a public meeting on Monday, April 24, 2017 to discuss regulatory reform opportunities involving regulations governing chemical safety and pollution prevention activities under TSCA Subchapter IV (Lead Exposure Reduction). Specifically, we are soliciting public input to help identify those regulations that might be appropriate for repeal, replacement or modification per Executive Order 13777 on Enforcing the Regulatory Agenda..

We are soliciting comments on the following questions:

- Are there regulations that may be appropriate for repeal, replacement, or modification toreduce economic or other burdens on the regulated community, including small businesses or state and local government entities?
- Are there opportunities for EPA to streamline or consolidate reporting and recordkeeping requirements to reduce burden?
- Are there opportunities for EPA to improve regulatory effectiveness through adopting or encouraging innovations that reduce burden while facilitating environmental protection?
- Are there specific provisions within regulations that have achieved their original objective and are no longer necessary?

You may also submit written comments in writing to docket EPA-HQ-OA-2017-0190 on http://www.regulations.gov/. Comments must be received by May 15, 2017. When submitting comments, please be as specific as possible, include any supporting data or other information, and provide a citation when referencing a specific regulation.

Links

- Register here

Contact Us to ask a question, provide feedback, or report a problem.

From: Bolen, Brittany
Location: Salon AB (lower level) Marriott Metro Center: 755 12th St. NW
Importance: Normal
Subject: Declined: PCA Regulatory Reform Panel
Start Date/Time: Wed 5/10/2017 12:30:00 PM
End Date/Time: Wed 5/10/2017 1:30:00 PM

To: Baptist, Erik[baptist.erik@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
From: Bolen, Brittany
Sent: Thur 7/6/2017 11:04:14 PM
Subject: Fwd: TTMA Comment
TTMA Comment.pdf
ATT00001.htm

Also just realized TTMA submitted the attached to our reg reform docket requesting a meeting...

Sent from my iPad

Begin forwarded message:

From: "Lovell, Will (William)" <lovell.william@epa.gov>
To: "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: TTMA Comment

Please see attached.

Will Lovell

Policy Assistant, Office of Policy

U.S. Environmental Protection Agency

(202) 564-5713

Lovell.William@epa.gov

To: Graham, Amy[graham.amy@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
From: Bolen, Brittany
Sent: Mon 4/17/2017 5:55:03 PM
Subject: Re: Invitation: Office of Air and Radiation Regulatory Reform Public Teleconference

Yes, this is part of the reg reform task force's work on EO 13777/administrators march 24 agency-wide memo. Most of the program offices will be hosting teleconferences or meetings - then notices are on the new reg reform webpage. OPEs help ensuring folks are aware of these events would be appropriate. For those that cannot attend the call or meeting there is still an opportunity to submit written public comments through the docket until may 15.

Let me know if you have any questions.

Sent from my iPhone

On Apr 17, 2017, at 1:34 PM, Graham, Amy <graham.amy@epa.gov> wrote:

Hey all – I wanted to flag the request below from the Office of Air and Radiation.

They have asked the Office of Public Engagement to distribute the following invite for a public teleconference to all of our stakeholders– a very large list that includes business groups, public health, environmental, Hispanic, African American, agriculture, green tech, youth groups, etc.

I wanted to check and make sure this is something that should be distributed. And also get a sense of whether similar teleconferences/invites will be coming from each department as part of the regulatory reform process?

Thanks,

Amy

Amy Graham

Deputy Associate Administrator for Public Engagement

U.S. Environmental Protection Agency

Graham.amy@epa.gov

202-564-4464 (office)

202-306-5038 (cell)

From: Carroll, Carly
Sent: Monday, April 17, 2017 10:50 AM
To: Brennan, Thomas <Brennan.Thomas@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: FW: Invitation: Office of Air and Radiation Regulatory Reform Public Teleconference

Hi Tom and Amy,

OAR has asked for our assistance in distributing a stakeholder invite regarding their upcoming regulatory reform public teleconference. The email below has been approved by OPA and OP, but I wanted to send to you both before sending to stakeholders. The plan is to distribute broadly to all our lists in the database, if that works for you.

Thanks,

Carly Carroll

Office of Public Engagement

U.S. Environmental Protection Agency

(202) 564-2769

carroll.carly@epa.gov

From: EPA Office of Public Engagement [mailto:noreply@cision.com]
Sent: Monday, April 17, 2017 10:48 AM
To: Carroll, Carly <Carroll.Carly@epa.gov>
Subject: Invitation: Office of Air and Radiation Regulatory Reform Public Teleconference

Dear Stakeholder:

Consistent with Executive Order 13777, the U.S. Environmental Protection Agency's Office of Air and Radiation (OAR) is hosting a public teleconference on April 24, 2017 from 11:00am to 2:00pm EDT to solicit input on specific air and radiation actions that could be repealed, replaced, or modified to make them less burdensome.

On February 24, 2017, President Donald Trump issued Executive Order 13777 on Enforcing the Regulatory Agenda. The Executive Order (EO) establishes the "policy of the United States to alleviate unnecessary regulatory burdens placed on the American people." Among other things, it requires each agency to create a Regulatory Reform Task Force to evaluate existing regulations and to identify regulations that should be repealed, replaced, or modified.

OAR is holding a public meeting via teleconference on April 24, 2017 so that we can listen and learn from those directly impacted by our regulations. **The focus of this teleconference will be on air and radiation actions only**. We invite you to provide input on these actions during the public teleconference or by submitting comments to the EPA-wide docket using docket number: EPA-HQ-OA-2017-0190. The docket, which is accessible through www.regulations.gov, will remain open through May 15, 2017. OAR will give equal consideration to input provided through either of these methods.

Additional information on joining the teleconference and submitting comments through the docket are below. For questions about this process, please contact oarinvitations@epa.gov. For more information about this effort, please visit https://www.epa.gov/laws-regulations/regulatory-reform.

Teleconference Details:

OAR's public teleconference will be an operator assisted call. The call with start with brief remarks from EPA and the remainder of the call will be dedicated to listening to public input. ***Participants wishing to speak or listen do not need to register in advance for the teleconference***. To hear the opening remarks, please dial in 10 minutes before the start time. You may call into the teleconference at any time during the three-hour period.

If you wish to speak, at any time, you may nominate yourself to speak by hitting *1 on your phone. Your name will be added to a queue. Speakers will be asked to deliver 3 minutes of remarks and will be called on a **first come, first served basis**. OAR will do our best to hear from everyone who wishes to speak. The teleconference will be transcribed and will be added to the docket. If you do not have the opportunity to speak on the call, please submit your input to the docket (docket number: EPA-HQ-OA-2017-0190). OAR will give equal consideration to input provided through either of these methods.

- Date: April 24, 2017
- Time: 11:00 – 2:00 p.m. EDT
- Participant Dial-in Number: (800) 305-3182
- Conference ID#: 8535873

Providing Input through the Docket:

Comments can be submitted to the public docket, EPA-HQ-OA-2017-0190, which is available at www.regulations.gov. The docket will be open until May 15, 2017.

We also recommend that you clearly include the subject area on which you are providing input at the beginning of your comment. The subject area could include, but is not limited to, a reference to any of the following:

- Code of Federal Regulations regulatory cite or Part/Subpart cite (e.g., 40 CFR part 1900, 40 CFR 1900.10(b), etc.);
- Federal Register citation;
- Regulatory program or rulemaking title;
- Title of guidance document.

Detailed instructions on how to submit comments to the docket are available at: https://www.regulations.gov/help. Also, EPA's Tips for Effective Comments can be found at: https://www.epa.gov/dockets/commenting-epa-dockets#tips.

Office of Public Engagement

Office of the Administrator | U.S. Environmental Protection Agency | Tel 202-564-1785 | PublicEngagement@epa.gov

If you would like to receive our weekly *EPA Public Engagement Highlights* eNewsletter, you can subscribe here: http://www2.epa.gov/communityhealth/epa-highlights. The *Highlights* summarizes important Agency actions, provides ways to engage with EPA, and includes the Agency's latest blog posts, videos, and additional resources.

If you would rather not receive future communications from US EPA, Office of Public Engagement, let us know by clicking here.
US EPA, Office of Public Engagement, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: McMurray, Forrest[mcmurray.forrest@epa.gov]
From: Bolen, Brittany
Sent: Mon 6/12/2017 6:14:09 PM
Subject: Fwd: Tuesday 6/13 (1:30) Meeting Material Larry Ziemba
Ziemba_L_P66.pdf
ATT00001.htm

Forrest - I was hoping to have time to type this up into a more succinct one-pager, but i've been in back-to-back meetings so for the time being - below is a short summary of what Larry wants to discuss and attached is his bio.
Brittany

Begin forwarded message:

From: "Kime, Robin" <Kime.Robin@epa.gov>
Date: June 11, 2017 at 9:42:23 AM EDT
To: "Inge, Carolyn" <Inge.Carolyn@epa.gov>
Cc: "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: Tuesday 6/13 (1:30) Meeting Material Larry Ziemba

Hi

Will you please make sure this information is in Brittany's book Monday night for her Tuesday 1:30 meeting? Much appreciated.

From: Reamy, Jeff
Sent: Friday, June 09, 2017 11:27 AM
To: Kime, Robin (Kime.Robin@epa.gov)
Cc: jstanko@hunton.com
Subject: P66 Meeting Objectives/Bio for Larry Ziemba

Thanks again Robin for the all the assistance to schedule a meeting with Administrator Pruitt and Larry Ziemba, P66 EVP Refining.

The purpose of our request is to have the opportunity for Larry to meet Administrator Pruitt, provide him with an overview of Phillips 66 and our Corporate Strategy, discuss our commitment to the environment, and to offer P66 resources as might be helpful to the Agency. Larry is currently the Chair of AFPM, and sits on the API Downstream Executive Committee. Our company has significant investments on the West Coast and P66 currently the Chair of the Board for the

Western States Petroleum Association (WSPA).

With respect to issues, Larry wants to thank the Administrator for his efforts evaluate regulations, the process, and to look for ways to streamline regulations. Regulatory reform is a key issue for Larry, and our company fully aligns with the AFPM comment package.

The primary issue discussion for Larry is the RFS, and our priority goal to reform the program. Larry would like to share his thoughts on RFS reform, and other issues associated with the RFS. Larry is interested to discuss the future of hydrocarbon-based fuels, and how current policies may affect the US refining future.

If you have any questions my direct cell is 571-286-8107. We really appreciate the opportunity to introduce Larry to the Administrator.

Jeff Reamy

Vice President, Government Affairs

Phillips 66

office 202-416-4583

cell 202-416-5683

To: Campau, Anthony P. EOP/OMB[Anthony.P.Campau@omb.eop.gov]
From: Bolen, Brittany
Sent: Mon 6/12/2017 1:13:46 PM
Subject: Reg Task Force Progress Report
EO 13783 Plan May 12.pdf
EO 13777 90-day Progress Report.pdf

Hi Anthony – hope you had a good weekend. Let me know if you have time to reconnect today. In the meantime, I wanted to make sure you had a copy of our reg reform task force progress report, which we submitted on time – May 25. I've also attached our energy independence proposed plan submitted, on time, May 12.

Please let me know if you have any questions.

Best,

Brittany

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

To: McGartland, Al[McGartland.Al@epa.gov]
From: Bolen, Brittany
Sent: Fri 8/11/2017 1:47:02 PM
Subject: Reg Reform

Hi Al - can you please send me the Task Force Report on Improving EPA Regulations from June 15, 2001? Including the other documents, like the memo from Tom Gibson? I have copies but they are all marked up. I want to provide Samantha a clean copy.

Sent from my iPad

To: Fotouhi, David[fotouhi.david@epa.gov]
From: Bolen, Brittany
Sent: Thur 5/18/2017 9:39:15 PM
Subject: If it's helpful Energy Independence EO Plan
image2017-05-12-150104.pdf
ATT00001.txt

Last part lays out our work on reg reform task force pretty well.

To: Curry, Bridgid[Curry.Bridgid@epa.gov]
Cc: Dravis, Samantha[dravis.samantha@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Germann, Sandy[Germann.Sandy@epa.gov]
From: Bolen, Brittany
Sent: Fri 4/14/2017 7:47:19 PM
Subject: Re: OAR's 13777 teleconference announcement and webpage FOR REVIEW

This is good. Thank you.

On Apr 14, 2017, at 3:33 PM, Curry, Bridgid <Curry.Bridgid@epa.gov> wrote:

Hi Brittany,

Here is the final clean version of the OAR email. They accepted all OP comments, changed the end time to 2:00 and corrected the OAR email address. OAR plans to send this out on Monday. Please let me know if it is okay to go.

Thanks,

Bridgid

<DRAFT letter Apr3_4.7.17_v8.docx>

To: Kime, Robin[Kime.Robin@epa.gov]
From: Bolen, Brittany
Sent: Tue 5/9/2017 10:05:59 PM
Subject: RE: Tomorrow Morning

Sure.

From: Kime, Robin
Sent: Tuesday, May 9, 2017 6:03 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: RE: Tomorrow Morning

Great, would you mind taking an Uber? Carolyn can get it reimbursed with a receipt.

From: Bolen, Brittany
Sent: Tuesday, May 09, 2017 6:02 PM
To: Kime, Robin <Kime.Robin@epa.gov>
Subject: RE: Tomorrow Morning

Thanks! Will there be transportation here for me, or should I plan to request an uber?

From: Kime, Robin
Sent: Tuesday, May 9, 2017 5:01 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Tomorrow Morning

Look like this can work ;)

Sent from my iPhone

Begin forwarded message:

From: "Schon, Michael" <mschon@cement.org>
Date: May 9, 2017 at 4:29:37 PM EDT
To: "Kime, Robin" <Kime.Robin@epa.gov>, "Campbell, Heather" <hcampbell@cement.org>

Cc: "Inge, Carolyn" <Inge.Carolyn@epa.gov>
Subject: Re: Tomorrow Morning

Thank you. We'd love to have her if she can make it. Right now the confirmed speakers are David Langdon Senior Policy Advisor at the U.S. Department of Commerce and tentatively Britany. The agenda can be found here http://www.cement.org/docs/default-source/about-pca-pdfs/final-program.pdf?sfvrsn=104ae6bf_2. You'll see that Wednesday morning policy briefing is listed as going from 8:15 to 8:30. However, we have added some prefatory remarks from another speaker and will be starting at 8:30.

We were planning for Britany to give remarks for 5-10 minutes about the work that EPA is doing in response to the Executive Order regarding Enforcing the Regulatory Reform Agenda, the Regulatory Reform Task Force, and the Executive Order on Energy Independence. We'll hopefully have some time for questions regarding EPA's efforts to collect comments on Regulatory Reform and implement the Orders.

Please let me know if I can provide any further information. My cell phone is 202-436-4811, if I can help with any further details.

Thanks again,

Mike

Michael Schon
Vice President & Counsel, Government Affairs
Portland Cement Association
1150 Connecticut Ave NW
Washington, DC 20036
202-719-1977

On 5/9/17, 4:06 PM, "Kime, Robin" <Kime.Robin@epa.gov> wrote:

Britany is working to be able to leave early from a meeting with the Administrator tomorrow morning to be in time for the panel beginning at 8:30 a.m. She asked me to reach out to you to get the list of panel members, agenda and an estimate of how long her remarks should be.

Much appreciated.

-----Original Message-----
From: Schon, Michael [mailto:mschon@cement.org]
Sent: Tuesday, May 09, 2017 12:07 PM
To: Kime, Robin <Kime.Robin@epa.gov>; Campbell, Heather <hcampbell@cement.org>
Cc: Inge, Carolyn <Inge.Carolyn@epa.gov>
Subject: Re: Tomorrow Morning

Unfortunately, we won't have room in the schedule for a later speaking session this time. Please thank Brittany for me, I know she had already spent some time thinking about this panel and truly appreciate her time.

Regards,

Mike

Michael Schon
Vice President & Counsel, Government Affairs Portland Cement Association
1150 Connecticut Ave NW
Washington, DC 20036
202-719-1977

On 5/9/17, 11:50 AM, "Kime, Robin" <Kime.Robin@epa.gov> wrote:

Mike and Heather - on one email-

I just emailed Heather this: Brittany has a meeting with the Administrator tomorrow that runs until 9:00 is there any way to move her speaking role to 9:30 or after? Is there an agenda or any read ahead material she can have? Thanks.

-----Original Message-----
From: Bolen, Brittany
Sent: Tuesday, May 09, 2017 11:47 AM
To: Schon, Michael <mschon@cement.org>
Cc: Kime, Robin <Kime.Robin@epa.gov>; Inge, Carolyn <Inge.Carolyn@epa.gov>
Subject: Re: Tomorrow Morning

Mike, I can't keep up with all these emails. Please coordinate with Robin and Carolyn.

Sent from my iPhone

On May 9, 2017, at 11:45 AM, Schon, Michael <mschon@cement.org> wrote:

Hi Brittany,

I just wanted to make sure you're good with logistics for tomorrow morning. I'll plan on meeting you and David Langdon in the lobby of the Marriott Metro Center around

8:15 to chat for a few minutes and show you to the conference room where we'll be meeting. Please feel free to call my mobile (202-436-4811) with any issues.

Mike

Michael Schon

Vice President & Counsel, Government Affairs Portland Cement

Association

1150 Connecticut Ave NW

Washington, DC 20036

202-719-1977

From: Bolen, Brittany
Location: BAKER BOTTS L.L.P- 1299 Pennsylvania Ave, NW, Washington, D.C.
Importance: Normal
Subject: Accepted: Regulatory Reform Presentation to U.S. Electric Generating Companies (12:00 p.m. appointment)
Start Date/Time: Wed 6/28/2017 3:00:00 PM
End Date/Time: Wed 6/28/2017 5:30:00 PM

To: Kime, Robin[Kime.Robin@epa.gov]
From: Bolen, Brittany
Sent: Tue 6/6/2017 2:07:10 PM
Subject: RE: Attendance for tomorrow's Meeting with Shea Loper (Encana) & the CGCN Group

Yes, please. Justin as well since he's been providing OGC support on the OOOOa and ozone rules.

From: Kime, Robin
Sent: Tuesday, June 6, 2017 9:46 AM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Attendance for tomorrow's Meeting with Shea Loper (Encana) & the CGCN Group

Hi

What do you think about inviting Patrick Traylor to join you for this tomorrow?

Topic:

Date: 6/7

Time: 3:00-3:30

Location: 3500 WJCN

Request: I'm emailing to request a meeting with Shea Loper (Encana) to discuss a few regulatory reform-related issues, including OOOOa; the 2015 ozone standard; and, improving enforcement approach.

Attendees:

Jay Cranford, CGCN Group

Mike Freeman, CGCN Group

Shea Loper, Encana

Kristen Lingley, Encana

Contact:

KATIE MITCHELL | **CGCN GROUP**

1101 K STREET, NW, SUITE 650 WASHINGTON, D.C. 20005

559.623.6303 / mitchell@cgcn.com / www.cgcn.com

To: William Lovell (lovell.william@epa.gov)[lovell.william@epa.gov]
From: Bolen, Brittany
Sent: Tue 8/8/2017 1:16:59 AM
Subject: FYI
Reg Reform Initiatives-2-pager-8.7.2017.docx
Reg Reform Table-08.07.2017.docx

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

From: Bolen, Brittany
Location: BAKER BOTTS L.L.P- 1299 Pennsylvania Ave, NW, Washington, D.C.
Importance: Normal
Subject: Accepted: Regulatory Reform Presentation to U.S. Electric Generating Companies
Start Date/Time: Wed 6/28/2017 5:15:00 PM
End Date/Time: Wed 6/28/2017 6:00:00 PM

To: Ford, Hayley[ford.hayley@epa.gov]
From: Bolen, Brittany
Sent: Tue 6/20/2017 12:14:34 PM
Subject: Re: June 17-September 9, 2017 | Line x Line

Nope, not for next 30 days.

Sent from my iPhone

On Jun 20, 2017, at 7:50 AM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Any update?? Thanks!

1. **REGULATORY REFORM EXECUTIVE ORDER IMPLEMENTATION.** Per the President's Executive Order 13777, "Enforcing the Regulatory Reform Agenda," EPA's designated Regulatory Reform Task Force solicited public feedback on opportunities to repeal, modify or replace existing regulations. The public comment period closed May 15 and we received more than 60,000 public comments. The Task Force has started to review public comments and delivered its progress report to the Administrator on May 25.

Timing: Progress report sent to Administrator on May 25, 2017 **Contact:** Brittany Bolen, Senior Deputy Associate Administrator, Office of Policy, bolen.brittany@epa.gov

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Ford, Hayley
Sent: Monday, June 19, 2017 9:33 AM
To: Beck, Nancy <beck.nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>
Subject: RE: June 17-September 9, 2017 | Line x Line

See attached for last week's 30 Day report. Please send updates by COB today. Thank you!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Hupp, Sydney

Sent: Friday, June 16, 2017 2:37 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Boats, Brian <boats.brian@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Caldwell, James <Caldwell.James@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Hale, Michelle <hale.michelle@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Hupp, Sydney <hupp.sydney@epa.gov>; Jackson, Jennifer L. <Jackson.Jennifer@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Mickle, John <Mickle.John@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Perrotta, Pasquale <Perrotta.Pasquale@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Smith, Chris-L <Smith.Chris-L@epa.gov>; Su, Wendy <su.wendy@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>; Woodward, Cheryl <Woodward.Cheryl@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>
Subject: June 17-September 9, 2017 | Line x Line

Hey everyone—there will be a Chief of Staff meeting on Monday morning at 8AM. Have a great weekend!

Sydney Hupp

Executive Scheduler

Office of the Administrator

202.816.1659 (c)

<EPA Cabinet 30 Day Report 6.13.17.docx>

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bolen, Brittany
Sent: Tue 6/20/2017 11:50:55 AM
Subject: Re:

450,000

> On Jun 20, 2017, at 7:50 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> How many comments did we get to our regulatory reform solitication?
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> (202) 564-6999

National Marine Manufacturers Association

May 15, 2017

Docket # EPA-HQ-OA-2017-0190
USEPA Air and Radiation (OAR)
Executive Order 13777

Dear Sir / Madam:

The National Marine Manufacturers Association appreciates the opportunity to provide input regarding EPA's request for specific air and radiation actions that should be repealed, replaced or modified to make them less burdensome (EPA Guidance Letter, April 20, 2017). NMMA does recognize that as a whole, EPA air emission programs provide a significant benefit to ensuring a clean environment that boaters demand. Without a clean environment, fishing, swimming and all forms of water related recreation would not be enjoyable or healthy.

By way of introduction, the National Marine Manufacturers Association is the largest recreational marine industry trade association in the United States, representing over 1,500 members, including boat, engine and accessory parts manufacturers. NMMA members collectively produce 80% of all recreational products sold in the U.S. The recreational boating industry contributes over $121 billion to the economy annually, with 35,000 marine businesses supporting over 650,000 jobs.

The majority of NMMA's comments focus on: recreational marine engines, the administrative burden that increases the cost of boating, and instances when EPA expends valuable resources yet the requirement provides no benefit to clean air. As the EPA bureaucracy has grown since 1970, its regulations have built layers of redundant oversight programs that the Agency considers sacred. At one time, there may have been a case for these legacy programs, but with today's technology recreational marine engines are extremely robust and the majority of new engines on the water have built-in engine protection and warning systems that make many of these oversight programs burdensome, unnecessary and wasteful.

In addition to recreational marine engine issues, NMMA boat builders face a serious EPA regulation that needs to be eliminated. This regulation is part of the Significant New Alternatives Program designed to reduce Greenhouse Gases (GHG). In this particular case, EPA is banning HFC134a in 2020 when no alternative for this particular process exists. The irony is that this process requires a minimal use of this GHG contributor, while the final product significantly reduces the weight of boats, truck containers and many other products resulting in millions of tons in both fuel and GHG emission savings. This regulation is a perfect example of where EPA took a silo approach to drafting a regulation, and ignored industry testimony and comments which clearly demonstrated the downstream benefits.

In-use Testing- 40 C.F.R. § 1045 Subpart E:

One of the most costly programs that recreational marine engine manufacturers have to comply with is in-use testing. Under the current in-use test program, EPA requires manufacturers to test based on the Agency's selection of up to 25% of available engine families, and at a minimum four outboards must be tested from each family for a minimum of 50% of the engine's useful life. For example, EPA will require each manufacturer to test three to five engine families per year. This excercise can cost the typical engine manufacturers upwards of $250,000 per family per year. Just focusing on the **fuel cost only** for one family with 4 engines for a minimum 175 hours run time at $3.00 per gallon for marine fuel this requirement will cost manufacturers approximately $25,000 just in fuel. When one adds in the cost of the engines, rigging cost, and in some cases the need for a boat operator, the financial obligations of this program can be burdensome.

This is a very costly program with no environmental benefit. In the nineteen years that this program has been required for recreational marine engines, NMMA knows of no EPA reported exceedances of exhaust emissions. In-use testing is redundant because there are already requirements for emission dyno testing, full life durability deterioration factor testing, NTE zone testing, and production line testing. In addition to these required certification test programs, EPA has used its authority to initiate confirmatory testing in which a manufacturer is required to provide an engine to EPA, which is then tested at an independent lab of EPA's choosing. This redundant program is explained in greater detail below.

None of these financially burdensome tests and programs achieve anything to provide a better product, a cleaner or more environmentally friendly engine, or better experience to the consumer. Today's marine engine manufacturer is dedicated to providing the cleanest, most durable, and best performing technology for their customers. Eliminating these numerous sacred cow redundant emission verification programs is critical to streamlining EPA's costly certification programs. NMMA recommends that EPA management takes a close look at the burden and benefits of the recreational marine engine in-use test program and make a determination to eliminate this program.

Confirmatory Testing 40 C.F.R. §1045.235 (c) (1)-(4) and (e)

Another burdensome layer in the EPA recreational marine engine oversight program is a recently initiated program known as confirmatory testing. EPA has the authority to require a manufacturer to provide an engine to the Agency which is subjected to emission testing at an independent lab of EPA's choice. This confirmatory test program has existed within EPA regulations for some time, but until the past year, it had not been applied to the recreational marine engine sector. Following questionable compliance behavior of an engine manufacturer outside the recreational marine industry, EPA has recently expanded its use of this requirement. NMMA's concern with this testing is twofold. First, EPA has the authority to hold up certification approvals until the test is completed. NMMA recently became aware of a situation in which a member company's engine was damaged by the third party test lab and a significant amount of time and effort was spent training the staff at the test lab on how to properly conduct

testing. These types of recurring problems can hold up certification approvals. Second, and related to our first concern, is the training and capability of the EPA contract lab. NMMA members labs are first-rate facilities with staff uniquely trained to set up and measure emissions specifically from recreational marine engines. These are unique skills, and given past experience with EPA contract labs, our industry's confidence in third party testing by an EPA contract lab is frankly quite lacking.

Since EPA resurrected this confirmatory test program, NMMA met with EPA staff and discussed the possibility of conducting a round robin test. In such a case, NMMA would provide EPA with data demonstrating that our members' in-house recreational marine engine test labs are consistent and operate at the highest level. The purpose of this test was to determine if our industry had consistency between member labs testing multiple engines, which was something that the industry had never done before. If the results showed consistency, NMMA hoped that it would provide EPA with the confidence and support it needed to eliminate, or at a minimum curtail, confirmatory testing for the recreational marine engine sector. NMMA commissioned the attached blind round robin test program. While the data speaks for itself, it clearly indicates that there is no need for confirmatory testing in our sector. Even after EPA staff reviewed the report, confirmatory testing is ongoing as EPA already has approved contracts in place with third party labs to conduct testing.

With confirmatory testing currently underway, EPA needs to be sensitive to the impact confirmatory test orders have on a manufacturer's production and distribution plans. Completing a confirmatory test order can consume weeks or months, depending on the availability of a suitable test engine. The marine industry is dynamic and delays in production and distribution can cause severe impact to a manufacturer's ability to conduct its business. NMMA recommends that EPA make regulatory amendments as necessary to allow the issuance of conditional certificates of conformity for engine families subject to a confirmatory test order, if requested by the manufacturer. In doing so, the manufacturer would accept the risk of a determination of noncompliance from the confirmatory test result, and would be subject to the existing provisions for such an occurrence, such as recall.

In lieu of confirmatory testing, NMMA recommends that EPA's resources can be much better spent on focusing its efforts on auditing individual labs. EPA has significant regulations that ensure engine test lab quality such as 40 CFR Part 1065. Sending staff out to manufacturers' labs has multiple benefits, including: providing EPA staff training, providing oversight and recommendations for manufacturers, and moving EPA from operating as a top-down government agency to one that partners with our manufacturers. This is the approach that will accomplish our shared goal of providing the most environmentally friendly products that technology allows.

Carryover Certification Applications- 40 C.F.R. Part 1045 Subpart C:

EPA's certification requirement that recreational marine engine manufacturers submit a complete certification application every year, regardless of whether or not there are changes to the engine, is an administrative burden that needs to be streamlined or eliminated. NMMA engine manufacturers recognize their obligation to keep EPA informed of new engines or significant changes to existing engines that directly affect emissions. In many of these cases, these engines

can be the same engines that have been sold for ten years or more. Requiring engine manufacturers to complete and submit redundant paperwork and requiring EPA certification staff to conduct a detailed review of this submittal is a prime example of a government misuse of resources. In lieu of elimination, NMMA would support a simplified one page form for certifying carry over engine families.

SNAP Boat builder Issue- HFC- 134a Blowing Agent for Polyurethane Foam
40 CFR Part 82 [EPA–HQ–OAR–2015–0663; FRL–9952–18–OAR)
Protection of Stratospheric Ozone:
New Listings of Substitutes; Changes of Listing Status; and Reinterpretation of Unacceptability for Closed Cell Foam Products Under the Significant New Alternatives Policy Program; and Revision of Clean Air Act Section 608 Venting Prohibition for Propane

Under section 612 of the Clean Air Act (CAA), EPA has the authority to review substitutes within a comparative risk framework. More specifically, section 612 provides that EPA must prohibit the use of a substitute where EPA has determined that there are **other available substitutes or potentially available substitutes** that pose less overall risk to human health and the environment. Thus, EPA's Significant New Alternatives Policy (SNAP) program, which implements section 612, does not provide a static list of alternatives but instead adapts the list as the EPA makes decisions informed by the Agency's overall understanding of the environmental and human health impacts of the substances as well as their current knowledge about available substitutes.

In the final SNAP rule, EPA established various deadlines after which HFC-134a cannot be used, depending on the end-use of the product. EPA **did not** consider or take final action regarding the use of HFC-134a for use in rigid polyurethane spray foam used for composite structures. However, for rigid polyurethane spray foam that is also used in marine flotation foam, EPA determined that the use of HFC-134a as a blowing agent "unacceptable" as of January 1, 2020. EPA staff decided to consider both processes as the same, and they are not. Unless something is done to prevent this ban, the highly beneficial GHG reducing products made with structural rigid polyurethane spray foam also will be banned on January 1, 2020.

Rigid polyurethane creates a strong durable lightweight product that is used for structural recreational boat components such as stringers, bulkheads, hull and deck stiffeners, beams, fuel tank supports, structural members, long-span stiffeners, corner stiffeners, hull side-to-bottom strengthening. With boats, this material replaces products that were historically made from wood. In addition to the benefits to the recreational boating industry, the Department of Defense and the United States Navy also apply this technology to military applications under Phase I, II and III SBIR programs. This technology also has recently been adopted for on highway transportation applications. A major U.S. trucking company has begun using rigid polyurethane spray foam to build truck containers that are a third lighter than those built with conventional materials. The benefits of using lightweight structural materials include increased fuel efficiency, performance, and in many cases an increased payload with the added benefits of an extended life cycle.

Research is ongoing to investigate whether alternatives to HFC-134a can be used in this process **but at this time no alternative exists.**

The overall environmental benefits greatly outweigh the small amount of GHG required to manufacture these products. The improved fuel efficiency directly relates to a long-term significant reduction in downstream GHG emissions. The one-time non-recurring GHG generation is quickly offset as fuel generates about 28 pounds of GHG per gallon. EPA staff refused to consider evaluating the major difference between recurring and non-recurring pollution even though NMMA explained this concept both in discussion with staff and in our written comments. NMMA was consistently told that because of the Paris Agreement the Obama Administration ordered EPA to move quickly to institute bans on these GHGs. Since there are such significant benefits in GHG reduction from the use of lighter weight materials for transportation applications, EPA needs to put in place procedures and methods that look at full life cycle before issuing regulations. Otherwise, the Agency is doing a disservice by not allowing for the most environmentally sound products to be utilized.

NMMA urges EPA to create a category in the SNAP rule identifying this process as "Structural Composite Preforming" and exempt this process from SNAP

Thank you for the opportunity to provide comment regarding these important issues. If you have any questions or need further information from NMMA or our members, please do not hesitate to call me at 202-257-3754 or e-mail at jmcknight@nmma.org.

Sincerely,

John McKnight, Senior Vice President
Government Relations

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bolen, Brittany
Sent: Tue 8/8/2017 1:15:48 AM
Subject: Reg Reform Handouts
Reg Reform Table-08.07.2017.docx
Summary of Energy Actions in Reg Docket.pdf
Reg Reform Initiatives-2-pager-8.7.2017.docx

Ryan –

As requested after today's staff meeting, I've attached a couple reg reform handouts for you–

1. Short table providing a summary of the presidential directives on reg reform and EPA actions taken in response.

2. More detailed 2-pager of our reg reform efforts.

3. Handy table on key regs, recommendations, and corresponding commenter per our review under the energy independence EO.

Let me know if this is *not* what you were looking for, I can always work on a more high-level handout on reg reform if that would be helpful.

Thanks,

Brittany

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

(202) 564-3291

Bolen.Brittany@epa.gov

To: William Lovell (lovell.william@epa.gov)[lovell.william@epa.gov]
From: Bolen, Brittany
Sent: Tue 8/8/2017 12:44:12 AM
Reg Reform Initiatives-2-pager-8.7.2017.docx

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

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To: William Lovell (lovell.william@epa.gov)[lovell.william@epa.gov]
From: Bolen, Brittany
Sent: Mon 8/7/2017 10:59:43 PM
Subject: Updated
Reg Reform Talking Points 2-page-BB.docx

Brittany Bolen

Deputy Associate Administrator, Office of Policy

U.S. Environmental Protection Agency

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Bolen.Brittany@epa.gov

To: Rees, Sarah[rees.sarah@epa.gov]
From: Bolen, Brittany
Sent: Thur 7/27/2017 11:31:49 PM
Subject: Fwd: EO 13783 Draft Final Report
EO 13783 Draft Final Report Clean.docx
ATT00001.htm
EO 13783 Draft Final Report Red-Line.docx
ATT00002.htm

Sarah, it's fine to disregard the in text changes since you're folks are doing a rewrite, but I wanted Will to send this to you primarily to see the table of contents which we really want. Please let me know if you have any questions.

Sent from my iPhone

Begin forwarded message:

From: "Lovell, Will (William)" <lovell.william@epa.gov>
Date: July 27, 2017 at 7:18:22 PM EDT
To: "Rees, Sarah" <rees.sarah@epa.gov>
Cc: "Bolen, Brittany" <bolen.brittany@epa.gov>
Subject: EO 13783 Draft Final Report

Good evening, Sarah,

Brittany asked that I send you the most current version of the draft final report for EO 13783. Please find attached two versions – one clean copy and one red-line (from the version you provided on July 25 at 4:53 PM). The two primary modifications are (1) the addition of a table of contents and (2) the removal of bullet points under sections titled "Actions under the Trump Administration."

Thank you!

Will Lovell

Policy Assistant, Office of Policy

U.S. Environmental Protection Agency

(202) 564-5713

Lovell.William@epa.gov

Memorandum

RE: American Iron and Steel Institute
~~**Date:** June 29, 2017 (9:15 am)~~

Purpose

To discuss regulatory reform and the potential revival of the old Sectors Strategies program or something of similar nature.

Attendees

- Mike Long, Director of Environmental Affairs, Cliffs Natural Resources
- Patrick Bloom, Director of Government Relations, Cliffs Natural Resources
- Tom Miller, General Manager, Nucor
- Todd Young, Managing Director of Federal Governmental Affairs, U.S. Steel
- John Stinson, Consultant, Evraz North America
- Tom Wesolowski, Director of Environment, Evraz North America
- Tom Dower, Senior Director of Government Relations, ArcelorMittal
- Julianne Kurdilla, Lead Specialist for Environmental Compliance & Policy, ArcelorMittal
- Katie Larson, Director of Government Relations, SSAB Americas
- Brett Smith, Senior Director of Government Relations, American Iron and Steel Institute
- Colin Carroll, Director of Environment, Health and Safety, American Iron and Steel Institute
- Paul Balserak, Vice President for Environment, American Iron and Steel Institute

American Iron and Steel Institute

AISI is a trade association representing the North American steel industry. AISI also develops new steels and steelmaking technology. AISI is comprised of 18 member companies, including integrated and electric furnace steelmakers, and approximately 120 associate members who are suppliers to or customers of the steel industry. AISI's member companies represent about 75% of both U.S. and North American Steel capacity.

Topics of Discussion

1. Sector Strategies

On September 20, 2002, the EPA announced the creation of a program in the Office of Policy, Economics and Innovation (OPEI) to expand the voluntary use of environmental management systems (EMS) within various sectors. The program coordinators would focus on three areas: addressing regulatory or other government barriers to improved environmental performance, helping to expand the use of EMS, and measuring sector-wide performance improvements. On

April 28, 2003, the EPA announced the selection of seven sectors to participate in the program: agribusiness, cement manufacturing, colleges and universities, construction, forest products, iron and steel manufacturing, and ports. AISI represented the iron and steel manufacturing sector. Eventually, the program grew to include 12 sectors, adding metal casting, metal finishing, paint & coatings, shipbuilding & ship repair, and specialty-batch chemicals.

2. NSR Permitting

AISI suggests that the EPA streamline NSR permitting as they believe the process decreases productivity, provides no real benefit to the environment, and discourages installment of new facilities. Tangentially related issues regarding NSR permitting are listed below:

A. Routine Maintenance Repair and Replacement Reforms
   a. Under section 111(a)(4) of the Clean Air Act, 42 U.S.C. § 7411(a)(4), sources that undergo "any physical change" that increases emissions are required to undergo the NSR permitting process. The rule states that the replacement of components with identical or functionally equivalent components that do not exceed 20% of the replacement value of the process unit and does not change its basic design parameters are not a change and it is within the RMRR exclusion. If these requirements are not met, then there may be an application for exemption under RMRR that is taken into consideration on a case-by-case basis.
   b. AISI commented that the EPA applies the RMRR exclusion primarily on a case-by-case basis to determine sources eligibility for the exemption. According to AISI, this case-by-case analysis involves several time-consuming, expensive, and legally risky options that a company must weigh in order to potentially qualify for the RMRR exemption.
B. Pollution Control Projects and Modification Definition
   a. In 67 Fed. Reg. 80190, the EPA stated that "Installation of a PCP is not subject to the major modification provisions" and thus does not have to undergo the New Source Review permitting process. The rule also contains a list of environmentally beneficial technologies that qualify as PCPs for all types of sources.
   b. AISI suggest that the EPA revisit the PCP exclusion and publish in either regulatory text or through guidance a list of technologies, work practices, and/or strategies employed in the steel sector that would be considered PCPs and exempt from NSR review.
C. NSR and Major Modification to the NSPS Definitions
   a. NSR defines a major modification as "any physical change in or change in the method of operation of a major stationary source that would result in: (a) A significant emissions increase of a regulated NSR pollutant… and (b) A significant net emissions increase of that pollutant from the major stationary source."
   b. NSPS defines major modification as "any physical change… which increases the amount of any air pollutant emitted… or which results in the emission of any air pollutant not previously emitted."
   c. AISI suggests matching the NSR definition of "major modification" with the

NSPS definition. They believe that this shift in definition would provide greater opportunities for facilities to make efficiency improvements without the significant costs and permit approval delays that are currently associated with NSR.

D. Plant-Wide Applicability Limitations (PAL)
   a. PAL is essentially a facility-wide permit limit for a regulated NSR pollutant or a facility cap for that pollutant. It establishes a single, facility-wide emission limit for NSR pollutants.
   b. AISI suggests that the EPA promote and facilitate a voluntary option for a facility to establish a PAL through the permitting process. They believe that this would allow facilities to change, modify, and upgrade equipment and operations without triggering major modification NSR review.

E. Specific NSR Permits
   a. Co-located Sources
      - EPA has stated that the host company has control and responsibility for any co-located company's actions.
      - AISI suggests that co-located facilities be responsible for their own actions as they are on leased land and operate separately from the host company.
   b. Energy Conservation and Reuse Projects
      - The EPA, in their netting requirements for new equipment, like a boiler, does not allow for direct emission offsets without additional federally enforceable limits like a minimum blast furnace gas (BFG) limit or a boiler specific emission limit.
      - AISI suggests that the EPA provide more flexibility for emissions offsets from energy conservation and reuse projects. They believe that only a natural gas limit makes sense for a new boiler, and other requirements like BFG and boiler specific emission limits do not matter when considering the overall reduction in emissions.
   c. Netting
      - The EPA requires that a permittee pull in every source for netting calculations.
      - AISI suggests that the EPA reverse in-project netting to establish flexibility for modifications.
   d. Data Collection Rules
      - The Clean Air Act requires enhanced and periodic monitoring for specific pollutants at various stationary sources. These requirements were codified in the Compliance Assurance Monitoring (CAM) Rule. The Data Acquisition System (DAS) in EPA report 452/B-02-001 states that the output signal for particulate matter monitoring "goes to a strip chart recorder that uses colored pens and paper graph charts to record the analyzers readings."
      - AISI suggests that the EPA modify rules related to data collection to allow for more current techniques. They believe rules, like the one related to paper chart strip recorders explained above, are not easily maintained and obsolete. AISI suggests that these types of rules our outdated in that they do not take into account more advanced self-calibrating machines that are available today.
   e. PSD Projects

- The EPA does not allow permittees to take on new or additional limits when transitioning from the source modification permit to the operating permit before closing the PSD time-period.
- AISI suggests that the EPA allow permittees to make adjustments with the netting balance prior to operating the new equipment. They believe that previously unforeseen changes in scope cause a risk that cannot be addressed with the current guidelines.

EPA Response

I. *Presidential Directive on Permit Streamlining and Reducing Regulatory Burdens for Domestic Manufacturers*: Per this Presidential memorandum, EPA submitted to the Department of Commerce a detailed account of the Agency's permitting programs and identified opportunities for reducing regulatory burdens on domestic manufacturers. EPA is currently working with the Department of Commerce to finalize its report to the President.

II. *The Office of Air and Radiation Public Meeting*: On April 24, 2017, the OAR held a public meeting to address New Source Review (NNSR and PSD) permits and other related issues.

3. NAAQS

A. The EPA requires that NSR applicants must do a modeling analysis under any new NAAQS standard. AISI suggests that EPA provide implementation and modeling guidance before revising NAAQS standards so that companies are more equipped for the change.

B. The EPA requires that manufacturing facilities conduct new modeling analyses during the NSR permitting process if NAAQS standards change. The AISI suggests that the EPA use the NAAQS standard that was present on the application date of NSR permit for the entirety of the review.

C. Current EPA guidance requires deterministic air quality models that use facility's maximum operating rate and maximum allowable emissions. AISI suggests that the EPA adopt probabilistic modeling in their air quality modeling to determine "actual" operating emissions considering the difficulty to maintain allowable emissions with the changing NAAQS standards and background levels of pollutants.

EPA Response

The EPA, as a result of the public meeting on April 24, 2017, has placed NAAQS on the list of regulations for consideration for modification.

4. Single-Source Photochemical Grid Modeling

The final rule amending Appendix W requires that, in the absence of an analysis allowing a source to screen out of a requirement to conduct and report the results of air quality modeling, applicants seeking PSD permits must model impacts of precursors to ozone and Particulate Matter (PM) using a chemical transport model such as a single-source photochemical grid model, but the EPA does not specify a specific required method.

AISI suggests that the EPA support PSD applications for sources that emit precursors to pollutants like PM by exploring other options that can perform the same task as a photochemical

grid model.

5. Air Emission Modeling

Any fixes to air modeling processes are considered a non-default option by the EPA, and use of such options require approval from Model Clearinghouse. AISI suggests that the EPA allocate more funding to the improvement of modeling tools as they believe the approval process is burdensome and does not foster the balance between the economy and environment. Otherwise, AISI suggests that the EPA review Appendix W to identify improvements for modeling.

6. BACT Reviews

The PSD BACT evaluation, explained in EPA guidance materials, includes technology employed in other countries besides the U.S. The AISI suggests that the EPA only use domestically proven technologies in their guidance material for the purpose of efficiency considering that U.S. facilities must conduct costly technology reviews on any technology that has not been domestically proven to be feasible for substantial emissions reduction.

7. Permit Performance Tests in Enforcement Actions and Enforcement Action to Amend NSPS

   A. The EPA has, in the past, used its enforcement power to mandate control technologies and emissions limits in a case-by-case context. The AISI suggests that the EPA discontinue use of permit performance tests in enforcement actions as they believe case-by-case enforcement measures creates significant disparities in the treatment of manufacturing facilities across the nation.
   B. The EPA, at times, utilizes post-construction performance test results for enforcement of penalties. AISI suggests that rather than pursue an enforcement action for penalties in the event of EPA-approved BACT controls not meeting expected reductions, EPA should pursue a "test-and-set" process that establishes limits post-construction, rather than establishing emissions limits in advance of a performance test.
   C. The EPA, in the past, has required steel or iron ore production facilities to demonstrate compliance with limits on fugitive emissions from a plant production area or control device through an enforcement action. AISI suggests discontinuing the use of enforcement actions such as this as they set new limits not stated in NSPS that are difficult to attain and burdensome. They believe this is selective enforcement and it creates a disparity in the applicability of the NSPS across the country and harms the competitiveness of manufacturers.

8. NSPS Opacity Standard

40 CFR §60.272a(a)(2) and (3) mandates a 3% opacity limit for emissions from a control device as well as a 6% limit that applies to a steel plant's production area. AISI suggests that these limits are arbitrary and not functional in adding any environmental benefits. AISI maintains that a continuous opacity monitor (COM) is only accurate at 10% opacity, suggesting that a 3 or 6% limit is functionally impossible to accurately measure for compliance purposes. AISI asks that the EPA update the NSPS opacity standard.

9. Baghouse Dust Hazardous Waste Classification

Under the Resource Conservation and Recovery Act (RCRA), dust collected from the emission control devices employed during the primary production of steel in electric arc furnaces is listed as hazardous waste material. Per the RCRA, this hazardous waste material requires the use of a permitted recycling facility. AISI requests that K061 baghouse dust be delisted as a hazardous waste. AISI believes that the de-listing of K061 would allow for new, potentially significant opportunities for recycling and reuse of this waste stream without negative impact to the environment.

10. Wetland Permitting

Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities). AISI believes the Section 404 permitting process is ill-defined and suggests that the EPA improve it by including a defined sequence of required steps and timelines to achieve each of them.

11. Other Topics of Discussion

- CERCLA Section 108b Financial Assurance for Hardrock Mining
- EPA Draft Method for Specific Conductivity Criteria
- Hazardous Air Pollutant Standards for Major Sources
- Clean Air Act Regulatory Changes
- NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters
- MACT "Once in, Always in" Policy
- Restore Start-up, Shutdown, and Malfunction (SSM) Protections
- Mandating Digital Camera Opacity Measurement Technique
- EPA's Manganese Risk Level
- State Primacy in Regional Haze Program
- Triggers for Supplemental Environmental Impact Statements (EIS)
- NPDES Authority – Groundwater Conduit Theory
- Modification or Removal of Designated Uses and Water Quality Variances
- Mass and Concentration Effluent Limits
- Water Related Issues
- TSCA Chemical Data Reporting
- TSCA Regulation of Asbestos
- Hazardous Waste Generator Improvement Rule
- Duplicative Reporting Under Greenhouse Gas Reporting Program

From: Bolen, Brittany
Location: DCRoomARN3500/OPEI
Importance: Normal
Subject: Accepted: Regulatory Reform Meeting with the American Iron and Steel Institute
Start Date/Time: Thur 6/29/2017 1:15:00 PM
End Date/Time: Thur 6/29/2017 1:45:00 PM

From: Nitsch, Chad
Location: Call in 866-299-3188, Conference Code 202-564-4714 (WJCN 4530)
Importance: Normal
Subject: National Association of State Departments of Agriculture (NASDA) - EPA Leadership Call
Start Date/Time: Tue 8/29/2017 7:30:00 PM
End Date/Time: Tue 8/29/2017 8:00:00 PM
NASDA.EPA.Leadership.Call_Vision&Overview_08.04.17.pdf
Agenda_NASDA-EPA.Leadership.Call_08.29.17.docx

-revised agenda attached 8/28/17 @ 5:48pm

NASDA – EPA Leadership Call

Tuesday, August 29, 2017

3:30 – 4:00 PM (ET)

Dial-In #: 866-299-3199

Participant Code: 202-564-4714

-

AGENDA

-

- **Roll Call & Welcome Remarks**
- **Scope & Purpose of NASDA-EPA Leadership Call**
- **Cooperative Federalism**
- **EPA Regulatory Reform Agenda**
- **Opportunities for Continued Strategic Engagement**

National Association of State Departments of Agriculture
4350 North Fairfax Drive
Suite 910
Arlington, VA 22203
Tel: 202-296-9680 | Fax: 703-880-0509
www.nasda.org

NASDA-EPA Leadership Call: Vision Document

Vision

To develop and enhance communication and collaboration between the State Departments of Agriculture and EPA leadership and to forward our respective goals under Cooperative Federalism.

Goal

Provide a vehicle for EPA and the State Departments of Agriculture to improve, leverage, and enhance dialogue to support informed and science-based policy initiatives impacting U.S. agriculture while protecting human health and the environment.

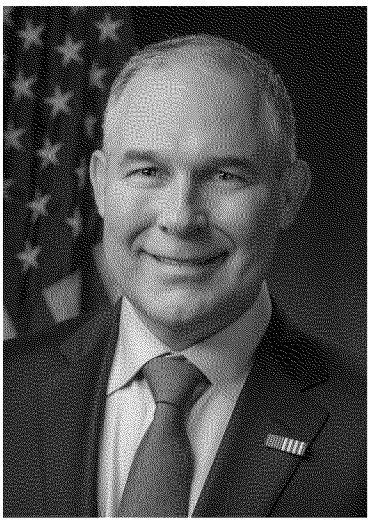
Objective

Facilitate information sharing and assist key decision makers within EPA and the State Departments of Agriculture in their respective roles as both co-regulatory agencies and as independent resources to the regulated community.

Tactics & Scope

Establish a regular interval of leadership calls and potential in-person meetings between senior EPA officials and NASDA members to cultivate and enhance communication and education related to current or future regulatory or policy initiatives impacting U.S. agriculture.

SELCvEPA_3:17-cv-00061_W.D.Va ED_001485A_00003525-00001



E. Scott Pruitt

Administrator of the United States Environmental Protection Agency

Scott Pruitt was confirmed as the 14th Administrator of the U.S. Environmental Protection Agency on February 17, 2017.

Administrator Pruitt believes that promoting and protecting a strong and healthy environment is among the lifeblood priorities of the government, and the EPA is vital to that mission.

Pruitt is committed to ensuring the EPA gets back to the basics of managing our environment by engaging with state, local and tribal partners to create sensible regulations that enhance – rather than inhibit – economic growth.

Within the first two months of his leadership, Pruitt has spearheaded over two dozen significant regulatory reform actions including the review of the Waters of the United States rule and the Clean Power Plan.

Prior to serving on President Trump's cabinet, Pruitt served as Oklahoma's Attorney General where he became a national leader through a career of advocating to keep power in the hands of hard-working Americans. He has a proven track record of working with others – including industry, farmers, ranchers, landowners and small business owners - who want to do the right thing by the environment.

Pruitt also served eight years in the Oklahoma State Senate in addition to co-owning and managing Oklahoma City's Triple-A minor league baseball affiliate.

Pruitt played baseball for the University of Kentucky, earned his bachelor's degree from Georgetown College and graduated from the University of Tulsa College of Law. He and Marlyn, his wife of 27 years proudly raised their two children in Tulsa.

To: Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Roewer, James
Sent: Tue 5/23/2017 12:08:19 PM
Subject: RE: USWAG Comments on EO 13777

Samantha/Byron,

We would welcome the opportunity to discuss these comments and most importantly, our petition with you and your team.

Jim

Jim Roewer

Executive Director

USWAG

USWAG UTILITY SOLID WASTE ACTIVITIES GROUP

c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
202-508-5645
www.uswag.org

From: Dravis, Samantha [mailto:dravis.samantha@epa.gov]
Sent: Friday, May 12, 2017 2:41 PM
To: Roewer, James; Brown, Byron
Subject: RE: USWAG Comments on EO 13777

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit The Grid. Questions? Please contact ITSupport@eei.org or ext. 5100.

Thank you.

From: Roewer, James [mailto:JRoewer@eei.org]
Sent: Friday, May 12, 2017 2:13 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: USWAG Comments on EO 13777

Attached please find a copy of USWAG's comments on Executive Order 13777, "Enforcing the Regulatory Reform Agenda."

These comments include many of the same recommendations as our Rulemaking Petition on the CCR rule, submitted earlier today.

I look forward to discussing these comments and our Rulemaking Petition with you.

Jim

Jim Roewer

Executive Director

USWAG

USWAG
UTILITY
SOLID
WASTE
ACTIVITIES
GROUP

c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
202-508-5645
www.uswag.org

To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]
From: Fugh, Justina
Sent: Thur 6/22/2017 1:46:20 PM
Subject: RE: NYT attribution

Thanks.

This note confirms that EPA ethics counsel provided all of the Regulatory Reform Task Force Members with new employee ethics training consistent with the regulatory requirements set forth at 5 CFR 2638.304.

There. Can't get more lawyerly than that.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----
From: Bowman, Liz
Sent: Thursday, June 22, 2017 9:40 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: Re: NYT attribution

Byron, Samantha, Ryan and Brittany.

Sent from my iPhone

> On Jun 22, 2017, at 9:31 AM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

>

> Hi Liz,

> I have a technical reason for why I can't confirm that "all Regulatory Reform Task Force Members" have received ethics training: I don't know who they all are! If you give me the names, I can verify for you, so you can attribute the statement to "EPA ethics counsel."

> Justina

>

> Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

>

>

>

>

> -----Original Message-----

> From: Bowman, Liz

> Sent: Wednesday, June 21, 2017 9:45 PM

> To: Fugh, Justina <Fugh.Justina@epa.gov>

> Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Brown, Byron <brown.byron@epa.gov>

> Subject: NYT attribution

>

> Hi Justina - The reporter from the New York Times will not consider the information that I sent them unless we can confirm it with you. They want to attribute it to you by name, but will use "EPA ethics counsel" if you reply to my email saying that what is written is true, so that I can "prove it." If you want to discuss, I can be reached at 202-309-3416. Thank you, Liz

>

> EPA's ethics office confirms that all Regulatory Reform Task Force Members have received ethics training: “As ethics questions have arisen or been raised, they have consulted with EPA ethics promptly and abided by the counsel provided to them.”

>

> EPA ethics is aware of Mr. Brown’s spouse's employment and he has properly recused from participation in particular matters that affect that company as a specific party and as a member of an affected class. As he has met his ethical obligations through recusal, he did not need any other determination, including consideration of a waiver.

>

> Sent from my iPhone

To: Robert Faturechi[Robert.Faturechi@propublica.org]
Cc: Danielle Ivory[Danielle.Ivory@NYTimes.com]
From: Bowman, Liz
Sent: Thur 6/22/2017 2:21:15 AM
Subject: Re: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

As discussed, if you will only use this information if I say that you can attribute it directly to me, than ok. It is important that your readers have all the facts. I ask that you use it in full and don't splice it or take it out of context and that you use the full "on the record quote" from my email. I emailed our ethics counsel, but she is probably asleep (or at least hopefully not working this late), to ask that she is okay with you using the information from her attributed to "EPA ethics counsel." I will let you know when I hear back from her. Thanks - Liz

Sent from my iPhone

On Jun 21, 2017, at 9:08 PM, Robert Faturechi <Robert.Faturechi@propublica.org> wrote:

> Thanks Liz. As I mentioned in the initial email, we are treating anything you send to us in response to our questions as on the record, unless both sides agreed beforehand to go on background. As a courtesy, we will leave what you wrote under the header "On background" below as on background, but unless you agree to put it on the record, we can't use it and have to say you declined to comment about whether Ms. Dravis has met with her former employers or their funders, and whether Mr. Brown has recused himself. Can you put that all on the record? Also, can you address whether Ms. Dravis has met with the *funders* of her previous employers? If you can't put that on the record, providing us with documents that reflect those assertions (i.e. Ms. Dravis' calendars, or Mr. Brown's recusal letter) could be usable too.

> **From:** Bowman, Liz [mailto:Bowman.Liz@epa.gov]
> **Sent:** Tuesday, June 20, 2017 7:04 PM
> **To:** Robert Faturechi
> **Subject:** RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

> **Off the record:** We have sought to be transparent with you in this article are under the impression that you are only going to print accurate, factual information. Below, please find a statement that we are offering for the record, followed by some additional background information that we hope you will use to inform your article. Thank you – Liz

> **On the record:** "We take our ethics responsibilities seriously; all political staff have had an ethics briefing and know their obligations. Each of us has committed to serve in a fair and

professional way." – Liz Bowman, EPA spokesperson

On Background:

Ms. Dravis has had **no** meetings with her former employers, RAGA or Freedom Partners. She is complying with the advice of Agency ethics counsel on her ethics obligations, and she has signed the ethics pledge.

We are working very hard to get back to people who submit FOIAs. Each FOIA EPA receives is managed and responded to by a team of professional career employees. EPA's director of the FOIA team explains that "In all situations, it is EPA's goal to respond to all requests as expeditiously as possible."

EPA's ethics office confirms that all Regulatory Reform Task Force Members have received ethics training: "As ethics questions have arisen or been raised, they have consulted with EPA ethics promptly and abided by the counsel provided to them."

EPA ethics is aware of Mr. Brown's spouse's employment and he has properly recused from participation in particular matters that affect that company as a specific party and as a member of an affected class. As he has met his ethical obligations through recusal, he did not need any other determination, including consideration of a waiver.

From: Robert Faturechi [mailto:Robert.Faturechi@propublica.org]
Sent: Tuesday, June 20, 2017 10:09 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Just tried you. I'm at 2132717217

Sent from my iPhone

On Jun 20, 2017, at 9:25 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Can you please give me a call at 202-564-3293?

From: Robert Faturechi [mailto:Robert.Faturechi@propublica.org]
Sent: Monday, June 19, 2017 11:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Ivory, Danielle <danielle.ivory@nytimes.com>
Subject: RE: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Just making sure the questions below were received. Please let us know, and thanks.

From: Robert Faturechi
Sent: Friday, June 16, 2017 5:12 PM
To: 'Bowman, Liz'
Cc: 'Ivory, Danielle'
Subject: NYT/ProPublica inquiry on Regulatory Task Forces, Deadline Wednesday

Hi Liz,

As you know, Danielle Ivory and I are working on a story for The New York Times and ProPublica about the regulatory reform task forces that have been created at several major agencies, based on President Trump's executive order. Through interviews, public records and Freedom of Information Act requests, we have identified many of the members of these task forces and have found that some may be reviewing regulations that, in their previous jobs, they worked to weaken or eliminate entirely.

We were hoping to ask you some questions ahead of our story publishing. Our deadline is Wednesday, June 21, at noon EST. We hope we will hear from you. If it would be easier to chat by phone please don't hesitate to call. Also, please note that we are requesting this information fully on the record, so that we can fully include your thoughts in the story. If something in particular needs to be on background, we are happy to discuss that with you, but please be advised that, otherwise, our conversations will be on the record.

-Our understanding is that Samantha Dravis, Ryan Jackson, Byron Brown and Brittany Bolen are on your regulatory reform task force. Can you provide us with the names of anyone else assigned to the task force?

-Has the task force identified any regulations yet that might be revised or eliminated? If so, which ones?

-As I mentioned before, we are stating in the story that EPA has thus far refused to disclose the calendar for task force chair Samantha Dravis through FOIA, even as an agency spokeswoman advised us we could get the calendar through FOIA. We also state that Ms. Dravis is a former top official for an industry-funded political group, that she is meeting privately with industry stakeholders, and that the agency is declining to say whether she has discussed regulations to eliminate with any of her previous employers or their funders. We mention Ms. Dravis' post at the the Republican Attorneys General Association, and her tenure as president of its Rule of Law Defense Fund, which brought together energy companies and Republican attorneys general working together to file lawsuits against the federal government over Obama-era environmental regulations. We also mention she worked for Freedom Partners. Will Ms. Dravis' prior employment working for industry-funded groups in any way affect her decision making while at EPA? Outside of agency comment, is there anything Ms. Dravis would like to respond to or add directly?

-Our reporting found that another task force appointee, Byron Brown, is married to Lesley Schaaff, a senior government affairs manager for Hess Corporation who has lobbied the EPA directly. (The company was penalized more than $45 million by the EPA because of alleged Clean Air Act violations at its refinery in Port Reading, New Jersey.) Has or will Mr. Brown recuse himself from evaluating regulations affecting Hess? Has he received a waiver to work on such issues? Is it a conflict for him to work on such issues? Does he or his wife own any stake in Hess? Schaaff is also a member of the natural gas subcommittee for the American Petroleum Institute, which has lobbied the EPA's regulatory reform task force to ease natural gas rules including on methane emissions. Will Mr. Brown be recusing himself from issues relating to the American Petroleum Institute? Has he received a waiver to work on such issues? Outside of agency comment, would Mr. Brown like to comment on any of these issues directly?

-According to OGE records, none of the task force members have been issued waivers to deal with issues that they recently worked on in the private sector. Have any task force members recused themselves from dealing with any companies or issues and, if so, please elaborate.

-We plan to report that Ryan Jackson was a longtime aide to Sen. Jim Inhofe. How will his prior employment affect his decision making while at EPA? Outside of agency comment, is there anything he would like to respond to or add directly?

-We plan to report that Brittany Bolen was Majority Counsel for the Senate Environment and Public Works Committee (which was chaired by Mr. Inhofe). How will her prior employment affect her decision making while at EPA? Outside of agency comment, is there anything she would like to respond to or add directly?

Thanks,

Robert and Danielle

Robert Faturechi

Reporter, ProPublica

Desk: 917-512-0216

Cell: 213-271-7217

robert.faturechi@propublica.org

From: Leland Frost
Sent: Thursday, April 13, 2017 11:38 AM
To: 'Davis, Patrick' <davis.patrick@epa.gov>
Subject: RE: Your Advice Requested: Regulatory Reform Underway at EPA

Hi Patrick,

Thanks for the email. Our policy team will be responding .

Best,

Leland P. Frost

National Association of Manufacturers

Associate General Counsel

Email: lfrost@nam.org

Direct: (202) 637-3475

Mobile: (205) 478-1717

From: Davis, Patrick [mailto:davis.patrick@epa.gov]
Sent: Wednesday, April 12, 2017 3:28 PM
Subject: Your Advice Requested: Regulatory Reform Underway at EPA

Dear friends,

Please participate in YOUR EPA's regulatory reform efforts. Click on the link in this media release and share your ideas with us.

Sincerely,

Patrick Davis

EPA

Special Assistant to the Administrator

202-564-3103 office

202-380-8341 cell

Information sent to this email address may be subject to FOIA.

From: U.S. EPA Media Relations [mailto:noreply-subscriptions@epa.gov]
Sent: Tuesday, April 11, 2017 5:55 PM
To: Davis, Patrick <davis.patrick@epa.gov>
Subject: Regulatory Reform Underway at EPA

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
April 11, 2017

Regulatory Reform Underway at EPA

WASHINGTON -- As a vital step of EPA's implementation of President Trump's Executive Order, "Enforcing the Regulatory Reform Agenda," EPA's Regulatory Reform Task Force, led by the Office of Policy, submitted a Federal Register notice today to solicit public comments on EPA regulations.

"We are supporting the restoration of America's economy through extensive reviews of the misaligned regulatory actions from the past administration. The previous administration abused the regulatory process to advance an ideological agenda that expanded the reach of the federal government, often dismissing the technological and economic concerns raised by the regulated community and duplicating long-standing regulations by states and localities. Moving forward, EPA will be listening to those directly impacted by regulations, and learning ways we can work together with our state and local partners, to ensure that we can provide clean air, land, and water to Americans," said Administrator Scott Pruitt.

The notice will include a docket that all EPA program offices will use to collect comments specific to their issues. EPA's Regulatory Reform Task Force is simultaneously working with program offices to gather their recommendations for specific rules that should be considered for repeal, replacement or modification. EPA regional offices, program offices, and other officials will report back by May 15, 2017.

EPA also launched a new webpage with information related to the agency's regulatory reform efforts, which will include a list of upcoming meetings being held by the offices at: https://www.epa.gov/laws-regulations/regulatory-reform.The docket number for public input is EPA-HQ-OA-2017-0190.

R055

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking here.
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

In the United States Environmental Protection Agency

AES Puerto Rico LP's Petition for Rulemaking to Reconsider Provisions of the Coal Combustion Residuals Rule, 80 Fed. Reg. 21,302 (Apr. 17, 2015), and Request to Hold in Abeyance Challenge to the Coal Combustion Residuals Rule, No. 15-1219, et al. (D.C. Cir.)

INTRODUCTION

AES Puerto Rico LP ("AES-PR") hereby petitions the United States Environmental Protection Agency ("EPA" or "Agency") pursuant to 5 U.S.C. § 553(e) and 42 U.S.C. § 6974 for a rulemaking to reconsider one aspect of EPA's rule regulating coal combustion residuals ("CCR") produced at electricity generation stations. *See* 40 C.F.R. Part 257 and Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals, 80 Fed. Reg. 21,302 (Apr. 17, 2015), (the "CCR Rule" or "Rule"). Specifically:

First, AES-PR seeks a rulemaking to reconsider a single aspect of the CCR Rule: to reconsider how the Rule regulates the storage of CCR at a facility (on-site) as a "CCR pile" before the CCR is delivered to a third party for beneficial use or disposal (off-site). Currently, the Rule imposes costly, unnecessary and arbitrary burdens on on-site storage because it defines a "CCR pile" to be a "CCR landfill" and therefore subject to onerous regulatory requirements. Those burdens should be eliminated, consistent with the President's recent Executive Orders directing agencies to reduce the burden of federal regulations.[1]

Second, to allow EPA time to consider this and other petitions and to complete the transition to permit programs, EPA should also take immediate action to extend the CCR Rule's upcoming compliance deadlines. An extension would ensure the regulated community does not expend limited resources on elements of the CCR Rule that EPA may modify during the regulatory reform process mandated by the President and in the course of developing the new permit program required by Congress in the December 2016 changes to the Resource Conservation and Recovery Act ("RCRA").[2]

Third, AES-PR has challenged EPA's "CCR pile" in a petition for review of the CCR Rule now consolidated with other petitions for review pending before the U.S. Court of Appeals for the D.C. Circuit.[3] AES-PR requests that EPA ask the D.C. Circuit to hold the consolidated challenges to the Rule in abeyance, so that the Agency can consider whether it

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[1] *See* Letter from M. Mata, AES-PR to S. Dravis, EPA (May 15, 2017) (discussing Executive Orders and commenting to EPA's Regulatory Reform Task Force on need to repeal or revise "CCR pile" requirement)

[2] RCRA was amended in the Water Infrastructure Improvement for the Nation Act ("WIIN Act").

[3] *AES Puerto Rico LP v. EPA,* No. 15-1229, consolidated with *Utility Solid Waste Activities Group v. EPA*, No. 15-1219 (D.C. Cir.) (and Nos. 15-1221, 15-1222, 15-1223, 15-1227, and 15-1228) ("CCR Litigation").

will choose to revise its positions in the CCR Litigation in light of the recent Executive Orders, as well as the changes to RCRA.[4]

BACKGROUND

CCR Rule. EPA's CCR Rule regulates coal combustion residuals ("CCR") produced by the electric utility sector. *See* 40 C.F.R. Part 257. The CCR Rule causes significant economic and operational impacts on coal-fired power generation, including AES-PR.

Among other requirements, the CCR Rule regulates the disposal of CCR. For land disposal, the Rule establishes minimum federal criteria for determining which new and existing disposal sites would qualify as "CCR landfills" and may receive CCR. *See e.g.,* 40 C.F.R. §§ 257.60-.64 (location restrictions), 257.70 (design criteria). These criteria are based on EPA's standards for municipal solid waste landfills under RCRA Subtitle D, such as an impervious liner, leachate collection, and groundwater monitoring. Permitted Subtitle D landfills are also authorized by the Rule to receive CCR. *E.g.,* 80 Fed. Reg. at 21341-42.

In addition, the Rule includes various operating requirements for CCR landfills, such as mandated inspections and fugitive dust control; groundwater monitoring and corrective action requirements; closure requirements, including (i) closure with CCR in place in conformance with specified standards, followed by post-closure care or (ii) closure by removing the CCR from the unit and certifying compliance with the mandated groundwater protection standards; and recordkeeping and reporting requirements demonstrating compliance with the criteria that must be posted to a publicly available website. *E.g.,* 40 C.F.R. §§ 257.80 (air criteria), 257.81 (run-on and run-off controls) 257.84 (inspections) 257.90-.98 (groundwater monitoring and corrective action) 257.103-.104 (closure and post-closure care) and 257.105-.107 (recordkeeping and internet requirements).

Certain of the Rule's operating criteria have already taken effect, including fugitive dust controls, regular inspections and the requirement to prepare closure and post-closure plans. However, the Rule's most burdensome requirements, including the groundwater monitoring requirements, which can trigger closure and corrective action rules, are scheduled to go into effect in less than five months, on October 17, 2017. 40 C.F.R. § 257.90(b)(1) (establishing deadline).

AES Puerto Rico. AES-PR is a leading provider of low-cost electricity for Puerto Rico. It owns and operates a state-of-the-art, coal-fired electricity generating facility located in Guayama, with a generating capacity of 454.3 megawatts (net). At a cost of $800 million, AES-PR is one of the largest public-private infrastructure investments in the history of Puerto Rico. The plant has over 110 employees and contributes upwards of $100 million to the

[4] *See FCC v. Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *Motor Vehicle Manufacturers Ass'n of the United States, Inc. v. State Farm Mutual Automobile Insurance Co.,* 463 U.S. 29, 42 (1983); *see also Nat'l Ass'n of Home Builders v. EPA,* 682 F.3d 1032, 1038, 1043 (D.C. Cir. 2012) (a revised rulemaking based "on a reevaluation of which policy would be better in light of the facts" is "well within an agency's discretion," and "[a] change in administration brought about by the people cast their votes is a perfectly reasonable basis for an executive agency's reappraisal of the costs and benefits of its programs and regulations'") (quoting *State Farm,* 463 U.S. at 59 (Rehnquist, J., concurring in part)).

island's economy each year.[5] This contribution is critical, particularly given the dire economic situation imperiling the island.[6]

The AES-PR plant includes state-of-the-art emission controls, using circulating fluidized bed technology, which allows it to produce lower NOx emissions. In addition, the action of the fluidized bed when mixed with limestone or other sulfur-absorbing materials greatly reduces SO_2 emissions. EPA authorized these and other emission-controls as best available control technology under the Clean Air Act.[7] AES-PR is also a "zero liquid discharge" facility, as all process water from operations is recycled or reused.

The Commonwealth government, through the Puerto Rico Electric Power Authority ("PREPA"), distributes all electricity in Puerto Rico. Accordingly, AES-PR operates under a Power Purchase Agreement ("PPA") with PREPA. Under the PPA, PREPA purchases the power from AES-PR and then distributes it through the Puerto Rico grid. AES-PR represents approximately 17 % of the electricity consumed on the island and has been the lowest cost, most reliable source of baseload power for Puerto Rico since it started commercial operations in November 2002.

In the course of providing this essential electricity to the citizens of the island, like all coal-fired power plants, AES-PR produces CCR. AES-PR uses much of its CCR to produce a manufactured aggregate known as AGREMAX™ ("Agremax"). To produce Agremax, AES-PR mixes and hydrates the coal ash in an on-site mill, and the resulting mixture is then compacted and cured. This process of hydration, compaction and curing physically converts the coal ash into a hardened, manufactured aggregate, which can be further processed to reduce it to the appropriate size for beneficial use. In 2004, experts at the Texas A&M Transportation Institute performed tests on the aggregate and confirmed that it has the necessary physical, mechanical, and chemical properties for effective use in a range of applications, including road base and structural applications.[8] The effectiveness of these uses are well documented and have been specifically recognized by EPA, including in the CCR Rule. *See* 80 Fed. Reg. at 21,309 ("As of 2012, CCR beneficial uses (i.e., industrial

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[5] *See* INFORME DE AUDITORÍA CP-10-02 4 de agosto de 2009 AUTORIDAD DE ENERGÍA ELÉCTRICA DE PUERTO RICO (Unidad 3075 – Auditoría 12867) *available at* http://www.ocpr.gov/informes_en_PDF/pdf_2009_2010/cp/CP-10-02.pdf .

[6] https://www.nytimes.com/2017/05/03/business/dealbook/puerto-rico-debt.html?_r=0

[7] *See* W. Muszynski, EPA Region 2 to S. Slusser, AES Puerto Rico, Prevention of Significant Deterioration Permit for the Proposed AES Puerto Rico Cogeneration Plant (AES-PRCP) Administrative Permit Modification (Oct. 29, 2001), available at http://www.epa.gov/region2/air/permit/AES10292001.pdf. The Facility also has a Clean Air Act Title V Operating Permit issued by the Puerto Rico Environmental Quality Board. *See* Puerto Rico EQB, Title V Operating Permit No. PFE-TV-4911-30-0703-1130 (Nov. 15, 2011), *available at* http://www2.pr.gov/agencias/jca/Documents/Permisos%20y%20Formularios/Calidad%20de%20Aire/Permisos%20de%20Operaci%C3%B3n%20T%C3%ADtulo%20V%20Finales/AES%20FINAL%20Permit.pdf.

[8] *See* S. Kochyil and D. N. Little, Physical, Mechanical and Chemical Evaluation of Manufactured Aggregate (2004) (the AES Puerto Rico "manufactured aggregate has excellent properties for use as a fill or structural fill" and "may serve successfully as a subbase or base layer in pavements") *available at* http://www.agremax.com/Downloads/Final%20Report%20-%20TTI.pdf.

applications) involved about 52 million tons annually").[9] Agremax can also be used as daily cover or to stabilize liquids at a landfill.

"CCR Pile" Provision Challenged by AES-PR. Like all power plants that produce electricity using coal, the company faces significant burdens from the EPA's CCR Rule. As noted, in particular, the Rule has defined a stockpile of CCR temporarily stored on-site before the CCR is delivered off-site to be a "CCR pile" that must satisfy the requirements of a "CCR landfill." 40 C.F.R. § 257.53. This imposes costly – and unnecessary – regulatory burdens on electricity providers, like AES-PR, because requiring the CCR producer to handle its on-site CCR inventory as if it were operating a landfill greatly increase the cost to produce baseload electricity using coal. EPA should remove or reduce these substantial regulatory costs.

As such, AES-PR urges EPA to reconsider and reopen the CCR Rule in order to repeal or narrow the burdens imposed on power providers that store CCR temporarily on-site. Repealing or limiting the "CCR pile" requirements will reduce the costs and burdens imposed on U.S. energy production. Moreover, during reconsideration, AES-PR urges the Agency to extend the next compliance deadlines for "CCR piles" and hold AES-PR's D.C. Circuit petition in abeyance. With AES-PR (and many other coal-fired power plants) poised to make major investments to comply with CCR rule requirements, these requirements should be on hold while EPA conducts its review.

I. EPA SHOULD RECONSIDER AND REPEAL OR REDUCE THE BURDENSOME CCR RULE REQUIREMENTS GOVERNING THE ON-SITE STORAGE OF CCR

There are multiple aspects of the Rule that warrant repeal or revision, as industry-wide stakeholders have explained in a recently filed petition for rulemaking.[10] AES-PR's petition is focused on the following critical issues:

A. EPA should reconsider the way it regulates on-site storage of CCR

1. EPA should revise the Rule to allow temporary on-site storage on the ground of CCR without triggering Rule requirements

Foremost, EPA should revise the way in which it regulates the on-site storage of CCR under the CCR Rule. According to the Rule:

> CCR pile or pile means any noncontainerized accumulation of solid, non-flowing CCR that is placed on the land. CCR that is beneficially used offsite is not a CCR pile.

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[9] *See also* Proposed Rule, *Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities*, 75 Fed. Reg. 35,128, 35,254 (June 21, 2010); *Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels*, 65 Fed. Reg. 32,214, 32,229 (May 22, 2000); *Final Regulatory Determination on Four Large-Volume Wastes from the Combustion of Coal by Electric Utility Power Plants*, 58 Fed. Reg. 42,466 (Aug. 9, 1993).

[10] *See* Utility Solid Waste Activities Group Petition for Rulemaking to Reconsider Provisions of the Coal Combustion Residuals Rule, 80 Fed. Reg. 21, 301 (Apr. 17, 2015) and Request to Hold in Abeyance Challenge to Coal Combustion Residuals Rule, No. 15-1219, et al. (D.C. Cir.) (filed May 12, 2017) ("USWAG Petition").

40 C.F.R. § 257.53. The Rule further defines a "CCR landfill" to include a "CCR pile." *Id.* ("CCR landfill" includes CCR piles). Consequently, any inventory of any CCR of any volume or quality that is produced and stored on the ground for any length of time before delivery off-site for disposal or beneficial use, is regulated under the Rule as if the utility itself were operating a disposal site. *Id*

EPA should reconsider this regulatory approach due to the unnecessary burdens it imposes and the negligible benefits it provides. By treating an on-site inventory of CCR as if it were a landfill, EPA is placing significant additional burdens on operating facilities that only temporarily store CCR prior to off-site delivery for final use or disposal. As noted above, these additional burdens include groundwater monitoring, closure and potentially corrective action requirements, as well as others. 40 C.F.R. §§ 257.90 (groundwater monitoring), 257.96, .98 (corrective action), and 257.102, .104 (closure). These entail significant investments by facilities, requiring hiring of consulting engineers to develop plans and potentially substantial implementation costs to effect closure.

The Rule purports to exempt from its CCR landfill requirements, those CCR piles that are "containerized." However, this exemption does not provide sufficient relief, as it also imposes substantial and unnecessary burdens on temporary storage of CCR. According to EPA's preamble to the CCR Rule, in order for a CCR inventory to be considered "containerized" the measures "could include placement of the CCR on an impervious base such as asphalt, concrete, or a geomembrane; leachate and run-off collection; and walls or wind barriers." 80 Fed. Reg. at 21,356. If an impervious base and leachate collection are required, these mechanisms are significant additional burdens that are similar to the requirements for a landfill and often cost millions of dollars to install and maintain. Walls and wind barriers could also impose significant additional burdens. Further, each measure of "containerization" is undefined, and is thus susceptible to different interpretations and, worse, regulatory fiat.

In addition to reducing burdens on energy production, excluding CCR that is destined for off-site use or disposal from the CCR Rule is sound environmentally. CCR is not a hazardous waste and its constituents are naturally occurring and commonly found in our environment.[11] Moreover, CCR stored on-site is typically further processed at a facility before it is placed in on-site storage. Like AES-PR, many utilities convert CCR to a manufactured product for a range of beneficial uses, such as a manufactured aggregate. Inventories of natively quarried aggregate are commonly stored on the ground without the extraordinary regulatory burdens imposed by the CCR Rule.[12] CCR that is processed into

[11] Indeed, the concentrations of constituents in CCR are similar to concentrations in background soils in the U.S., including Puerto Rico. *See* Coal Ash Material Safety: A Health Risk-Based Evaluation of USGS Coal Ash Data from Five US Power Plants. American Coal Ash Association (ACAA, 2012) available at https://www.acaa-usa.org/Portals/9/Files/PDFs/ACAA_CoalAshMaterialSafety_June2012.pdf; Comparison of Coal Combustion Products to Other Common Materials. Electric Power Research Institute, Report No. 1020556 (Sept. 2010), available for download at http://www.epri.com/; Agency for Toxic Substances and Disease Registry, Centers for Disease Control, Petitioned Public Health Assessment Soil Pathway Evaluation, Isla de Vieques Bombing Range, Vieques, Puerto Rico (2003), *available at* http://www.atsdr.cdc.gov/HAC/PHA/reports/isladevieques_02072003pr/printview.html; US Geological Survey, Geochemical and Mineralogical Maps for Soils of the Conterminous United States (2014), *available at* http://pubs.usgs.gov/of/2014/1082/.

[12] Gravel pits, quarries and aggregate plants comply with air quality and stormwater management rules (as does AES-PR), but are not subject to the extensive additional requirements of the CCR Rule.

aggregate should not be treated differently and should therefore be excluded from the requirements of the CCR Rule. Further, like any aggregate material stored at a plant site, long-established Clean Water Act and Clean Air Act regulations would regulate the storage pile and be more than adequate to address the potential for runoff to surface water or fugitive air emissions, if any. Hence, excluding from the CCR Rule those CCR that are destined for off-site use or disposal, would also serve to eliminate duplicate regulatory requirements imposed by the CCR Rule.

2. At a minimum, EPA should confirm that CCR stored on the ground on-site prior to delivery for beneficial use off-site is not a CCR pile

At a minimum, EPA should reconsider its interpretation of a "CCR pile" and affirm that CCR that are stored on the ground *on-site* at a generating facility prior to delivery of the CCR *for beneficial use off-site* is not a CCR pile and therefore not subject to the Rule. Wherever they are stored, CCR that are to be beneficially used should not be regulated as if they had been disposed of in a landfill. This is a sensible and straightforward way for the Agency to reduce unnecessary regulatory burdens and promote the beneficial use of CCR.

This should be clear, because as written, the Rule provides that storage before beneficial use should not be regulated. As detailed above, in the definition of "CCR pile" the Rule states "CCR that is beneficially used off-site is not a CCR pile." *Id.* It therefore should be the case that any CCR that are temporarily stored before beneficial use off-site are not subject to the burdens of being regulated as a landfill.

However, in the preamble to the CCR Rule, EPA issued a contrary interpretation that rewrote its own plain language. Specifically, EPA stated that only CCR that are stored on the ground as inventory *after* it is transferred off-site would be considered "CCR that is beneficially used off-site." 80 Fed. Reg. at 21,356.[13] By contrast, the *exact same inventory* of the *exact same CCR* placed on the ground *on-site* at the CCR generating facility *before it is delivered would be* regulated as a "CCR pile" subject to all of the burdensome regulatory requirements of a landfill. 80 Fed. Reg. at 21,356. In fact, the on-site inventory would be considered a CCR pile *even if* the CCR has already "been designated by the CCR facility to be transferred to another location for subsequent beneficial use … in the near future." 80 Fed. Reg. at 21,356. Therefore, even if the generating facility has determined that it is not going to discard the CCR, EPA has said the facility must treat the CCR inventory as if it had been disposed of in a landfill.

That interpretation should be reversed. Given that EPA has already found that storage *off-site* prior to beneficial use did *not* warrant regulation, there is no legitimate justification for treating *on-site* storage *of the exact same material* differently. At a minimum, EPA should revise the CCR Rule to confirm that CCR that is stored on the ground on-site prior to beneficial use is not a CCR pile.

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[13] EPA also limited the volume that could meet the exclusion to 12,400 tons. The 12,400 ton limit, which is found in the CCR Rule's definition of "beneficial use," 40 C.F.R. § 257.3, is not justified, as it is based on a mathematical error, which EPA has acknowledged. *E.g.,* Brief of Respondent, Environmental Protection Agency, *Utility Solid Waste Activities Group, et al., v. EPA,* No. 15-1219 (consolidated) at 54-55 (filed Apr. 18, 2016).

B. Reconsidering how EPA regulates CCR stored on-site squares with the Administration's policies to reduce regulatory burdens on energy producers like AES-PR

Reconsidering how EPA regulates CCR stored on-site would be fully consistent with the President's recent Executive Orders directing federal agencies to reduce the costs of unnecessary and burdensome regulations. In Executive Order 13777, *Enforcing the Regulatory Agenda* (Feb. 24, 2017) ("EO 13777"),[14] President Trump directed federal agencies to reduce unnecessary regulatory burdens on the American people. EO 13777 directed each federal agency to create a Regulatory Reform Task Force ("RRTF") to "evaluate existing regulations and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law." *Id.* § 4. In undertaking this task, the RRTF is charged with identifying regulations that are unnecessary or ineffective, impose costs that exceed benefits, and/or create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies. Measures identified for reform should reflect the Administration's core priorities, such as to reduce the scope and cost of regulations, *see* Executive Order 13771, Reducing Regulations and Controlling Regulatory Costs (Jan. 30, 2017), and to reduce the burdens on the production of energy in the United States. *See* Executive Order 13783, Promoting Energy Independence and Economic Growth (Mar. 28, 2017).[15]

Every year, millions of tons of CCR are produced, stored temporarily, delivered to customers, and then used beneficially (or disposed of in landfills).[16] Requiring CCR producers across the U.S. to handle that CCR inventory as if it were already in a landfill – or "containerize" it with costly additional measures – imposes unnecessary regulatory burdens that needlessly increase the costs to the utilities that produce baseload energy using coal.

C. EPA should extend the compliance deadlines while the Agency considers revisions to the CCR Rule

To allow time to consider these and other proposed reforms to the CCR Rule, it is critical that EPA promptly take action to extend compliance dates established in the Rule. In particular, EPA should immediately extend the time schedules in 40 C.F.R. §§ 257.90(b) and 257.90(e) for initiating groundwater monitoring – which is due to commence in October 2017. By acting immediately to extend these compliance deadlines, EPA will minimize a utility's investment of their limited capital resources on requirements that EPA may change during EPA's regulatory review.

Moreover, an extension will allow time for EPA and states (which includes Puerto Rico) to develop a permit program to implement the CCR Rule in accordance with the recent amendments to RCRA Subtitle D.[17] States may now seek EPA's approval to administer the

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[14] *See* 82 Fed. Reg. 12285 (Mar. 1, 2017).

[15] *See* 82 Fed. Reg. 16093 (Mar. 31, 2017).

[16] American Coal Ash Association, Beneficial Use of Coal Combustion Products: An American Recycling Success Story 7, https://www.acaa-usa.org/Publications/Production-Use-Reports.

[17] *See* RCRA § 4005(d) ("State Programs for Control of Coal Combustion Residuals."). The changes were made in the WIIN Act.

CCR Rule directly through a state permit program. If a state does not apply or EPA denies a state's application, EPA can implement the Rule through a federal permit program.[18] This statutory change transforms the CCR Rule from a self-implementing program, into a rule that will be implemented through either a state or EPA permit program, much like traditional federal environmental laws. EPA originally included, but then removed site-specific, risk-based provisions from the Final Rule because there was no permit program.[19] EPA should reconsider its regulation of temporary on-site storage in this more flexible context, as it considers state permit program applications.

II. EPA SHOULD ASK THE COURT TO HOLD IN ABEYANCE THE CCR PETITIONS FOR REVIEW PENDING IN THE DC CIRCUIT

As explained above, AES-PR has petitioned for review of the "CCR pile" provision in consolidated litigation pending before the U.S. Court of Appeals for the D.C. Circuit.[20] AES-PR and other industry petitioners have argued that elements of the rule exceed EPA's statutory authority, were promulgated without notice and comment, and/or are arbitrary and capricious. A group of environmental NGOs has also filed a petition for review. All the petitions have been consolidated and briefing is complete, but the Court has not yet set a date for oral argument.

For the reasons outlined in this Petition, AES-PR requests that EPA ask the Court to hold in abeyance AES-PR's petition, as well as the remainder of the CCR Litigation, while the Agency reconsiders its position. This would allow EPA to reconsider and modify its position, to the extent permitted by law. Indeed, the Agency has taken similar action to ask the courts to hold in abeyance pending litigation while EPA reconsiders the Obama Administration's positions on regulations, including rules affecting the power sector.[21] In

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[18] *See* RCRA § 4005(d)(2)(B).

[19] *See* 80 Fed. Reg. at 21,371 (setting criteria that must operate "in the absence of any guaranteed regulatory oversight (i.e., a permitting program)").

[20] *See* CCR Litigation, *supra* at n.2.

[21] *See e.g.*, Respondent EPA's Motion to Continue Oral Argument, *Walter Coke, Inc. v. EPA*, No. 15-1166 (D.C. Cir.) (filed Apr. 18, 2017) ("In light of the recent change in administration, EPA requests continuance of the oral argument to give the appropriate officials adequate time to fully review the SSM Action. EPA intends to closely review the SSM Action, and the prior positions taken by the Agency with respect to the SSM Action may not necessarily reflect its ultimate conclusions after that review is complete."); Notice of Executive Order and Motion to Hold Case in Abeyance, *American Petroleum Institute v. EPA*, No. 13-1108 (and consolidated cases) (D.C. Cir.) (requesting abeyance and that "once EPA has determined whether it will initiate a rulemaking … the parties can consider what course is appropriate for whatever remains of Petitioners' challenges") (citing *Nat'l Cable & Telecomm. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 981 (2005) ("EPA's interpretations of statutes it administers are not 'carved in stone' but must be evaluated 'on a continuing basis,' for example, 'in response to . . . a change in administrations."); Respondent EPA's Motion to Continue Oral Argument, *Murray Energy Corp. v. EPA*, No. 16-1127 (and consolidated cases) (D.C. Cir.) (filed Apr. 18, 2017) (asking the court to "allow the new Administration adequate time to review the Supplemental Finding to determine whether it will be reconsidered"); Respondents' Motion to Hold Proceedings in Abeyance While the Agency Undertakes Reconsideration, *Southwestern Electric Power Co., v EPA,* No. 15-60821 (5th Cir.) (filed Apr. 14, 2017) (seeking abeyance because "EPA's reconsideration of the rule might result in further rulemaking that would revise or rescind the rule at issue in these proceedings and thereby obviate the need for judicial resolution of some or all of the issues raised in the parties' briefs.")

several instances, the courts have already granted EPA's request.[22]

If EPA modifies the CCR pile requirements as outlined, AES-PR would then join EPA in supporting a remand of AES-PR's petition for review. AES-PR has also joined the USWAG Petition, which makes a similar request for all industry petitioners.[23]

CONCLUSION

The CCR Rule is causing significant adverse impacts on coal-fired generation in this country by imposing excessive costs of compliance. Among many burdensome provisions, the burdens imposed on a "CCR pile" are particularly acute, especially in Puerto Rico – which is facing severe economic challenges. Reconsideration will enable the Agency to consider these and other impacts as contemplated by recent Executive Orders and in view of the new permitting structure required by the Congress.

For all the foregoing reasons, EPA should grant this Petition, take action to suspend and/or extend the Rule's upcoming compliance deadlines, promptly initiate a new rulemaking to reflect the required changes, and ask the Court to hold the CCR Litigation in abeyance to allow the new Administration to reassess its position in the litigation.

Dated: May 31, 2017

AES PUERTO RICO LP

By: _____

Samuel Boxerman
Sidley Austin LLP
1501 K. Street, N.W.
Washington, D.C. 20005
202-736-8547
sboxerman@sidley.com

[22] *E.g.*, Order, *Walter Coke, Inc. v. EPA*, No. 15-1166 (D.C. Cir. Apr. 24, 2017) (granting EPA motion to continue oral argument and hold case in abeyance); Order, *Southwestern Electric Power Co., v EPA,* No. 15-60821 (5th Cir. Apr. 24, 2017) (granting EPA motion to continue oral argument and hold case in abeyance); Order, *Murray Energy Corp. v. EPA* , No. 16-1127 (D.C. Cir. Apr. 27, 2017) (granting EPA motion to continue oral argument and hold case in abeyance); *Murray Energy Corp. v. EPA,* No. 15-1385 (D.C. Cir. Apr. 11, 2017) (removing case from oral argument calendar eight days before scheduled argument date); Order, *North Dakota v. EPA,* No. 15-1381 (D.C. Cir. Mar. 30, 2017) (removing case from oral argument calendar in light of EPA review of underlying rule and motion to hold cases in abeyance).

[23] *See* USWAG Petition, *supra* at 45-52.

To: Schena, Cristeen[Schena.Cristeen@epa.gov]; Dolph, Becky[Dolph.Becky@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]
From: Williamson, Timothy
Sent: Thur 6/1/2017 7:16:29 PM
Subject: RE: New FOIA Re: EPA's Regulatory Reform Task Force

HI Becky,

I can't see any nexus here with R.1, but if we're missing something, let us know. Also, does this qualify as a FOIA related to transition issues? In any case, seems like a HQ control to me, for what that's worth.

Thanks, Tim

From: Schena, Cristeen
Sent: Thursday, June 01, 2017 1:59 PM
To: Williamson, Timothy <Williamson.Tim@epa.gov>
Subject: FW: New FOIA Re: EPA's Regulatory Reform Task Force

From: Brown, Byron
Sent: Tuesday, May 30, 2017 9:29 AM
To: Schena, Cristeen <Schena.Cristeen@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Subject: RE: New FOIA Re: EPA's Regulatory Reform Task Force

Adding Brian Hope and Becky Dolph who can help you track down whether this should have been assigned to Region 1.

From: Schena, Cristeen
Sent: Tuesday, May 30, 2017 9:26 AM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>;

Brown, Byron <brown.byron@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: New FOIA Re: EPA's Regulatory Reform Task Force
Importance: High

Region 1 recently received a FOIA regarding EPA's Regulatory Reform Task Force, I checked FOIAonline and this seems to be his only request, I'm thinking that he meant for this to go to just HQ and selected Region 1 by mistake. Can someone confirm this for me so that I can reassign it to the proper office and if so, what would be that proper office?

Request Details

Tracking Number :	EPA-R1-2017-007800	Submitted Date :	05/26/2017
Requester :	Mr. Sean Reilly	Last Assigned Date :	05/26/2017
Organization :	Environment and Energy Publishing	Fee Limit :	$25.00
Requester Has Account :	Yes	Request Track :	Simple
Email Address :	sreilly@eenews.net	Due Date :	N/A
Phone Number :	202-446-0433	Assigned To :	Region 1
Fax Number :	N/A	Last Assigned By :	N/A
Address :	122 C St. NW Suite 722		
City :	Washington		
State/Province :	DC		
Zip Code/Postal Code :	20001		

All recommendations to EPA's Regulatory Reform Task Force provided by the following offices pursuant to Administrator Pruitt's March 24 memorandum (https://www.epa.gov/sites/production/files/2017-04/documents/regulatory_reform_agenda.pdf) related to implementation of Executive Order 13777: Air and Radiation; Water; Land and Emergency Management; Chemical Safety and Pollution Prevention; Environmental Information; Congressional and Intergovernmental Relations; and Small and Disadvantaged Business Utilization, as well as all EPA regional offices. These recommendations, pertaining to regulations that can potentially be repealed, replaced or modified, were due to the task force by May 15, according to Mr. Pruitt's memo. I am also requesting any "progress report(s)" that the task force has so far generated pursuant to the requirements of E.O. 13777.

I found your names associated with this task force in a memo I found online, if this has reached you in error, I apologize. Please know that he has also requested a fee waiver which will be determined by the HQ FOIA Office.

Cris

Cristeen L. Schena, Region I FOIA Officer
EPA New England (OARM01-6)
5 Post Office Square, Suite 100, Boston, MA 02109-3912
617-918-1102 (tel.) - 617-918-0102 (e-fax)
www.epa.gov/ne/foia

To: Roewer, James[JRoewer@eei.org]; Brown, Byron[brown.byron@epa.gov]
From: Dravis, Samantha
Sent: Fri 5/12/2017 6:41:27 PM
Subject: RE: USWAG Comments on EO 13777

Thank you.

From: Roewer, James [mailto:JRoewer@eei.org]
Sent: Friday, May 12, 2017 2:13 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>
Subject: USWAG Comments on EO 13777

Attached please find a copy of USWAG's comments on Executive Order 13777, "Enforcing the Regulatory Reform Agenda."

These comments include many of the same recommendations as our Rulemaking Petition on the CCR rule, submitted earlier today.

I look forward to discussing these comments and our Rulemaking Petition with you.

Jim

Jim Roewer

Executive Director

USWAG

USWAG UTILITY SOLID WASTE ACTIVITIES GROUP

c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
202-508-5645
www.uswag.org

To: Brown, Byron[brown.byron@epa.gov]
Cc: Bolen, Brittany[bolen.brittany@epa.gov]
From: Lovell, Will (William)
Sent: Mon 7/24/2017 11:18:14 PM
Subject: RRTF Draft Report - EO 13783
EO 13783 Draft Final Report BB 2 Byron.pdf

Byron,

Brittany asked that I send you the most recent version of the RRTF draft report for EO 13783. Please see attached with redactions.

Best,

Will Lovell

Policy Assistant, Office of Policy

U.S. Environmental Protection Agency

(202) 564-5713

Lovell.William@epa.gov

To: Brown, Byron[brown.byron@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Bowman, Liz
Sent: Fri 5/5/2017 7:59:33 PM
Subject: FW: NYT inquiry -- lists of speakers, attendees and listeners at meetings

Is it correct that the speakers and participants of these meetings will be provided in follow-up materials, made public through the FR/(or what)?

From: Ivory, Danielle [mailto:danielle.ivory@nytimes.com]
Sent: Thursday, May 4, 2017 6:10 PM
To: Press <Press@epa.gov>
Subject: NYT inquiry -- lists of speakers, attendees and listeners at meetings

Hello, I wondering if it would be possible to get the lists of speakers at all of the EPA public meetings related to the Regulatory Reform Task Force thus far and also of those people who registered to listen in at or attend all of the EPA public meetings related to the RRTF.

Thank you so much! Yours,

Danielle

--

Danielle Ivory
The New York Times
Office: 212-556-1596
Cell: 917-280-2607
Fax: 646-349-2536
PGP Key: 4F0C8AF6FB9B5DBE
Signal encrypted chat: 917-280-2607

To: Brown, Byron[brown.byron@epa.gov]
From: Page, Tim A. - OSEC, Washington, DC
Sent: Mon 8/14/2017 4:17:30 PM
Subject: RE: ARPTF - EPA submission

Thanks Byron!

From: Brown, Byron [mailto:brown.byron@epa.gov]
Sent: Monday, August 14, 2017 12:15 PM
To: Page, Tim A. - OSEC, Washington, DC <Tim.Page@osec.usda.gov>
Subject: ARPTF - EPA submission

Tim – attached is a summary of EPA's activities related to the waters of the US rulemaking for the USDA report. We have been culling the hundreds of thousands of submissions we received for the separate regulatory reform task force for additional policy and regulatory actions that could be included in the USDA report, so we may have more ideas to add once that review is done, but I wanted to get you the WOTUS submission without further delay.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

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To: Brown, Byron[brown.byron@epa.gov]
From: Rees, Sarah
Sent: Mon 8/14/2017 3:53:29 PM
Subject: RE: Reg Reform Actions Affecting Agriculture

Yep – I'll send what we currently have in a separate email – responding to your original request so that I can copy Samantha and Brittany. I'm out starting tomorrow but will be on email and Nicole is acting and will be able to help with anything while I'm out.

Have some fun on vacation!

From: Brown, Byron
Sent: Monday, August 14, 2017 11:44 AM
To: Rees, Sarah <rees.sarah@epa.gov>
Subject: RE: Reg Reform Actions Affecting Agriculture

Yes, I am doing some work today if that's possible.

From: Rees, Sarah
Sent: Monday, August 14, 2017 11:42 AM
To: Brown, Byron <brown.byron@epa.gov>
Subject: RE: Reg Reform Actions Affecting Agriculture

Yes. We have a draft list from mining the docket; I met with the team on Friday and had some comments; they are filling it out more on the basis of my comments. I know you are out this week; if we sent something to you would you be able to look at it?

From: Brown, Byron
Sent: Monday, August 14, 2017 11:40 AM
To: Rees, Sarah <rees.sarah@epa.gov>
Subject: FW: Reg Reform Actions Affecting Agriculture

Hi Sarah – when we spoke last week, you said your team was looking at the public comments for ideas. Just wanted to circle back on this to see if your team had come up with any. Thanks. - Byron

From: Brown, Byron
Sent: Tuesday, August 1, 2017 4:52 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>
Subject: Reg Reform Actions Affecting Agriculture

Hi Samantha – I mentioned the other day that the agriculture and rural prosperity task force is asking agencies to identify regulatory reforms that affect agriculture or rural communities. Some like WOTUS are obvious, but in reviewing the public submissions for EO 13777, has your office identified any others that would be of interest or concern to agriculture or rural communities?

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

To: Brown, Byron[brown.byron@epa.gov]
From: Dolph, Becky
Sent: Tue 5/30/2017 1:29:08 PM
Subject: Automatic reply: New FOIA Re: EPA's Regulatory Reform Task Force

I am out of the office until Monday, June 5. I will only be checking emails periodically while I am away. Thanks.

To: Dravis, Samantha[dravis.samantha@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Schena, Cristeen
Sent: Tue 5/30/2017 1:26:08 PM
Subject: New FOIA Re: EPA's Regulatory Reform Task Force

Region 1 recently received a FOIA regarding EPA's Regulatory Reform Task Force, I checked FOIAonline and this seems to be his only request, I'm thinking that he meant for this to go to just HQ and selected Region 1 by mistake. Can someone confirm this for me so that I can reassign it to the proper office and if so, what would be that proper office?

Request Details

Tracking Number :	EPA-R1-2017-007800	Submitted Date :	05/26/2017
Requester :	Mr. Sean Reilly	Last Assigned Date :	05/26/2017
Organization :	Environment and Energy Publishing	Fee Limit :	$25.00
Requester Has Account :	Yes	Request Track :	Simple
Email Address :	sreilly@eenews.net	Due Date :	N/A
Phone Number :	202-446-0433	Assigned To :	Region 1
Fax Number :	N/A	Last Assigned By :	N/A
Address :	122 C St. NW Suite 722		
City :	Washington		
State/Province :	DC		
Zip Code/Postal Code :	20001		

All recommendations to EPA's Regulatory Reform Task Force provided by the following offices pursuant to Administrator Pruitt's March 24 memorandum (https://www.epa.gov/sites/production/files/2017-04/documents/regulatory_reform_agenda.pdf) related to implementation of Executive Order 13777: Air and Radiation; Water; Land and Emergency Management; Chemical Safety and Pollution Prevention; Environmental Information; Congressional and Intergovernmental Relations; and Small and Disadvantaged Business Utilization, as well as all EPA regional offices. These recommendations, pertaining to regulations that can potentially be repealed, replaced or modified, were due to the task force by May 15, according to Mr. Pruitt's memo. I am also requesting any "progress report(s)" that the task force has so far generated pursuant to the requirements of E.O. 13777.

I found your names associated with this task force in a memo I found online, if this has reached you in error, I apologize. Please know that he has also requested a fee waiver which will be determined by the HQ FOIA Office.

Cris

Cristeen L. Schena, Region I FOIA Officer
EPA New England (OARM01-6)
5 Post Office Square, Suite 100, Boston, MA 02109-3912
617-918-1102 (tel.) - 617-918-0102 (e-fax)
www.epa.gov/ne/foia

To: Darwin, Henry[darwin.henry@epa.gov]
Cc: Brown, Byron[brown.byron@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Kenny, Shannon
Sent: Wed 7/12/2017 4:04:28 PM
Subject: Welcome!
Raw Employee Survey Results with search.xlsm
Regulatory Reform rundown.docx
Mission_Possible__How_chief_operating_officers_can_make_government_more_effective-[2017.06.01].pdf

Hi Henry, I wanted to share a few things with you as you get oriented to EPA:

1. Employee comments regarding reform EO. You can search the file by keyword, or we can do more complex text string searches for you. We can also print you a hard copy if you prefer. (If you want to search the attached file, enter your search term in cell B4, then press Ctrl-Shift-Z to update the search and formatting.)

2. Summary of other EOs from this Administration which are related, at least in part, to the reform work.

3. Materials prepared for new folks arriving after Inauguration. I led the transition effort for the Agency, and I thought some of the info we shared - while a bit dated now - could be a useful baseline for you. We curated a SharePoint site with 2-page papers from around the Agency on all of the top policy and management issues facing the Agency. We printed a handful of the papers for you that we thought might be most useful to you, but you are welcome to have access to the full site. I will drop a binder by your office with the key papers.

4. A recent paper from the Partnership for Public Service with tips for COOs in this Administration.

Shannon

Shannon Kenny

Principal Deputy Associate Administrator

U.S. EPA Office of Policy

202-306-2479 (mobile)

To: Brown, Byron[brown.byron@epa.gov]
Cc: Dewey, Amy[Dewey.Amy@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Konkus, John
Sent: Thur 6/15/2017 10:48:21 PM
Subject: Re: NAM

No worries Byron. If you can pop in for three mins that would be great.

John Konkus

Environmental Protection Agency

Deputy Associate Administrator for Public Affairs

Mobile: (202) 365-9250

On Jun 15, 2017, at 5:43 PM, Brown, Byron <brown.byron@epa.gov> wrote:

Hi Amy and John -- I am sorry for any confusion – I saw this was added to my calendar for an event next week and didn't realize the format required my participation, but I have a meeting that runs from 1 until 5 pm. I can try to break away for part of it but it is going to be difficult to participate for the full hour.

From: Dewey, Amy
Sent: Thursday, June 15, 2017 11:33 AM
To: Kime, Robin <Kime.Robin@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: NAM

Robin, this is perfect! Thank you, Amy

From: Kime, Robin
Sent: Thursday, June 15, 2017 11:24 AM
To: Dewey, Amy <Dewey.Amy@epa.gov>
Subject: NAM

Hi

Brittany plans to attend – I believe Samantha as well- can we plan on this agenda? Again, I will keep in touch about anything related to this – thank you!!

3:00 – 3:10	Opening remarks delivered by John Konkus
3:10 – 3:15	John introduces Samantha, Brittany, and Byron
3:15 – 3:20	Regulatory reform update delivered by Samantha or Brittany
3:20 – 3:50	Informal discussion/ Q & A
3:50 – 4:00	Closing remarks delivered by Byron Brown