From: Dunkins, Robin
Location: Ex. 6 - Personal Privacy
Importance: Normal
Subject: NACAA Agriculture Committee meeting
Start Date/Time: Tue 4/19/2016 7:00:00 PM
End Date/Time: Tue 4/19/2016 8:00:00 PM

TO: NACAA AGRICULTURE COMMITTEE

This is a reminder that the next NACAA Agriculture Committee call will take place today, **April 19 from 3:00 - 4:00 p.m. Eastern.** Presentation materials for the call may be accessed below or through the following agenda: http://www.4cleanair.org/sites/default/files/Documents/16-04-19AgricultureCommitteeAgenda.pdf

Please use the following call-in information to attend: Ex. 6 - Personal Privacy

Presentation Materials

U.S. Department of Agriculture Air Quality Task Force Update (*Merlyn Hough, Lane County, Oregon*)

- http://www.4cleanair.org/sites/default/files/Documents/MH_combined_PDF_April2016.pdf

The Exceptional Events Rule and Role of Fire on the Landscape (*Pete Lahm, U.S. Forest Service*)

- http://www.4cleanair.org/sites/default/files/Documents/Lahm_4_19_16.pdf

To: Schrock, Bill[Schrock.Bill@epa.gov]
Cc: Mills, Kathy[Mills.Kathy@epa.gov]
From: Dunkins, Robin
Sent: Wed 3/23/2016 9:42:44 PM
Subject: FW: NAEMS Meeting: Backgrounder and workplan in prep for tomorrow's meeting with Janet
Background_NAEMS mtg 3_24_16.docx
NAEMS workplan 3_24_16.docx

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process I sent the workplan to OECA/Tim Sullivan. I am assuming no additional edits were made to the workplan but please check and Bill, please send to ORD so that we're sure everyone is working from the same workplan

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

dunkins.robin@epa.gov

From: South, Peter
Sent: Wednesday, March 23, 2016 3:42 PM
To: Alston, Lala <Alston.Lala@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; OAQPS WOPS <OAQPS_WOPS@epa.gov>; OAR Briefings <OAR_Briefings@epa.gov>; Sanders, Maria <Sanders.Maria@epa.gov>; Walker, Jean <Walker.Jean@epa.gov>
Cc: Dunkins, Robin <Dunkins.Robin@epa.gov>; Mills, Kathy <Mills.Kathy@epa.gov>; Conner, Lisa <Conner.Lisa@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>; Johnson, Tanya <Johnson.Tanya@epa.gov>; McLamb, Marguerite <McLamb.Marguerite@epa.gov>; Pemberton, Wanda <Pemberton.Wanda@epa.gov>; Srivastava, Ravi <Srivastava.Ravi@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Vasu, Amy <Vasu.Amy@epa.gov>
Subject: NAEMS Meeting: Backgrounder and workplan in prep for tomorrow's meeting with Janet

Ex. 5 - Deliberative Process

Please call me or Mike Koerber with any questions relating to this information.

Thank you.

Pete South

OAR/OAQPS/IO

U.S. EPA

office: 919 541-5359

cell: 919 599-7213

NAEMS Meeting - Meeting (

FILE MEETING INSERT FORMAT TEXT REVIEW

This email message will be sent to about 27 recipients.

Attendee responses: 14 accepted, 2 tentatively accepted, 0 declined.
Next to another appointment on your calendar.

Send Update

To... Dunkins, Robin; Page, Steve; Tsirigotis, Peter; Koerber, Mike; Burke, Thomas; Costa, Dan; K
Deener, Kathleen; Smith, Kelley; Giles-AA, Cynthia; Huffman, Linda; Gentry, Nathan; Williams

Subject NAEMS Meeting

Location WJC-N 5400 + Video with RTP + Ex. 6 - Personal Privacy

Start time Thu 3/24/2016 1:00 PM All day event

End time Thu 3/24/2016 1:45 PM

To: McCabe, Janet; Dunkins, Robin; Page, Steve; Tsirigotis, Peter; Koerber, Mike; Burke, Thom
Laurel; Hauchman, Fred; Gwinn, Maureen; Deener, Kathleen; Smith, Kelley; Giles-AA, Cynthia;
Phillip; Shinkman, Susan; Kelley, Rosemarie; Sullivan, Tim; Carleton, Ron; Banister, Beverly
Cc: Lackey, Leila

To: Vette, Alan[Vette.Alan@epa.gov]
Cc: Schrock, Bill[Schrock.Bill@epa.gov]
From: Dunkins, Robin
Sent: Wed 3/23/2016 9:29:50 PM
Subject: RE: USDA meeting next week
USDA-EPA Ammonia Workgroup Meeting_032916v3.doc

Alan, here is the draft agenda that is currently being reworked to reflect today's discussion with the EPA team. I'm cc'ing Bill Schrock so he can add you to the distribution list when he sends out the updated meeting. I will also add you as a cc to meeting next week. Call me tomorrow if you have any questions.

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

dunkins.robin@epa.gov

From: Vette, Alan
Sent: Wednesday, March 23, 2016 5:18 PM
To: Dunkins, Robin <Dunkins.Robin@epa.gov>
Subject: USDA meeting next week

Hi Robin,

Can you send me info. about the USDA meeting next week (3/29-30)? In a quick review of my email I don't see anything on it. And whatever info. you have about the FACA meeting the week after.

Thanks,
Alan

Alan Vette, Ph.D. | Deputy Director for Air, Climate and Energy Research

Office of Research and Development | U.S. Environmental Protection Agency

MD D143-01, Rm. D140-D RTP, NC 27711 | office: 919.541.1378 | cell: 919.280.7635

To: Cuscino, Glen[Cuscino.Glen@epa.gov]
Cc: Brennan, Thomas[Brennan.Thomas@epa.gov]
From: Hanlon, Edward
Sent: Thur 3/17/2016 2:08:37 PM
Subject: RE: new OIG audit, EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

Hi Glen,

FYI, the current lead contact in OAR for OAR's 'Emissions-Estimating Methodologies for Broiler Animal Feeding Operations and for Lagoons and Basins at Swine and Dairy Animal Feeding Operations' project that came to the SAB for review is Robin Dunkins. Thanks, Ed

****

Ed Hanlon

Designated Federal Officer

EPA Science Advisory Board Staff Office

202-564-2134 (phone/voice mail)

202-565-2098 (fax)

202-564-2221 (SAB main number)

hanlon.edward@epa.gov

Regular mail: USEPA Science Advisory Board (1400R), 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460

Office location/Courier Address: USEPA Science Advisory Board, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW, Suite 31150, Washington, D.C. 20460

From: Cuscino, Glen
Sent: Thursday, March 17, 2016 10:04 AM
To: Brennan, Thomas <Brennan.Thomas@epa.gov>
Cc: Zarba, Christopher <Zarba.Christopher@epa.gov>; Sanzone, Stephanie <Sanzone.Stephanie@epa.gov>; Carpenter, Thomas <Carpenter.Thomas@epa.gov>; Hanlon, Edward <Hanlon.Edward@epa.gov>
Subject: RE: new OIG audit, EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

Ex. 5 - Deliberative Process

From: Brennan, Thomas
Sent: Thursday, March 17, 2016 9:57 AM
To: Cuscino, Glen <Cuscino.Glen@epa.gov>
Cc: Zarba, Christopher <Zarba.Christopher@epa.gov>; Sanzone, Stephanie <Sanzone.Stephanie@epa.gov>; Carpenter, Thomas <Carpenter.Thomas@epa.gov>; Hanlon, Edward <Hanlon.Edward@epa.gov>
Subject: RE: new OIG audit, EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

Hi Glen,

About couple years ago the SAB held a public meeting on the topic leading to advice given to the Administrator and a response from the agency. Ed Hanlon was the DFO for this peer review. It looks like the investigation, in part, is around the agencies response to that peer review. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process That said, let us know if turns out we have a part in this one.

Here is a link to the web page that has info on that peer review.

https://yosemite.epa.gov/sab/sabproduct.nsf/c91996cd39a82f648525742400690127/ae6639dd6b79360e85257

Tom Brennan

US EPA

Deputy Director, Science Advisory Board Staff Office

Office -- (202) 564-6953

Cell -- (703) 581-9300

From: Cuscino, Glen
Sent: Thursday, March 17, 2016 9:41 AM
To: Brennan, Thomas <Brennan.Thomas@epa.gov>
Subject: FW: new OIG audit, EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

SAB role in this?

From: Hingeley, Maureen
Sent: Thursday, March 17, 2016 9:32 AM
To: Cuscino, Glen <Cuscino.Glen@epa.gov>
Subject: FW: new OIG audit, EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

Hi Glen

Please see email below regarding the SAB's inclusion in the OIG's new audit. Thanks.

From: Cursio, Heather
Sent: Thursday, March 17, 2016 9:27 AM
To: Hingeley, Maureen <Hingeley.Maureen@epa.gov>
Subject: RE: new OIG audit, EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

Hi Maureen

Ex. 5 - Deliberative Process

Please let me know if you need anything else from ORD.

Thanks!

-Heather

Ps. Where is that RFS Discussion Draft? Ex. 5 - Deliberative Process

From: Hingeley, Maureen
Sent: Thursday, March 17, 2016 8:44 AM
To: Spriggs, Gwendolyn <Spriggs.Gwendolyn@epa.gov>; Thornton, Kecia <Thornton.Kecia@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Cursio, Heather <Cursio.Heather@epa.gov>; Ramos, Marilyn <Ramos.Marilyn@epa.gov>; Nolan, Eleanor <Nolan.Eleanor@epa.gov>; McDermott, Marna <McDermott.Marna@epa.gov>
Cc: Jones, Mike <Jones.Mike@epa.gov>; Grzegozewski, Nicholas <Grzegozewski.Nicholas@epa.gov>
Subject: new OIG audit, EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

Good morning all,

For the new OIG audit titled, *EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations,* OAR's subject matter experts have identified the following list of subject matter experts from OAR/OAQPS, OECA, OGC, OLEM, ORD/SAB and OW. We are still in the early stages of finding dates/times of availability (weeks of 3/21 and 3/28) for the entrance meeting. Please let me know if it makes sense for your office to participate in the entrance meeting, and if so, preferable dates/times to meet w/ the OIG. Please let me know if there are any questions or additional info is needed. Thanks.

Bill Schrock – OAR/OAQPS – Point of Contact

Robin Dunkins - OAR/OAQPS

Randy Waite – OAR/OAQPS

Bill Harnett – OAR/OAQPS

Tim Sullivan – OECA

Sanda Howland – OECA

Ed Hanlon – SAB office

Lynn Beasley – OLEM

Sheila Igo – OGC

Scott Jordan – OGC

Additionally, the OIG has included a data request in the audit notification memo. Below is OAR's draft response:

Ex. 5 - Deliberative Process

ht=800&Expa

Ex. 5 - Deliberative Process

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

Best,

Maureen

Maureen Hingeley

Office of Program Management Operations

Office of Air and Radiation

EPA

202-564-1306

I've taken a look at the notification memo regarding the NAEMS project and have the following comments/information to offer at this time. First, you requested I identify the subject matter expert in my group that will participate as well as other key staff outside of the my group that are involved in the subject matter. That list has the potential to be long so I will provide a short list with the understanding that we will expand as needed once we have a better understanding of the information and specific questions being asked. As I mentioned earlier, the project lead for the NAEMS retired last year so we may have to piece together some information and we should be able to access files and emails if needed. That said, Bill Schrock who has participated (on and off) in the NAEMS project over the last 10+ years and is familiar with the various CAFO petitions will serve as point of contact on this effort. The initial list of key staff involved in this topic are as follows:

Bill Schrock – OAR/OAQPS – Point of Contact

Robin Dunkins - OAR/OAQPS

Randy Waite – OAR/OAQPS

Bill Harnett – OAR/OAQPS

Tim Sullivan – OECA

Sanda Howland – OECA

Ed Hanlon – SAB office

Lynn Beasley – OLEM

Sheila Igo – OGC

Scott Jordan – OGC

Draft response to OIG regarding their data request:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process =800&Expa

Let me know if you need anything else from me.

Thanks,

Robin

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

dunkins.robin@epa.gov

From: Hingeley, Maureen
Sent: Tuesday, March 08, 2016 1:17 PM
To: McCabe, Janet <McCabe.Janet@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; OAQPS CMT <OAQPS_CMT@epa.gov>; Jones, Mike <Jones.Mike@epa.gov>; Salgado, Omayra <Salgado.Omayra@epa.gov>; Hyde, Courtney <Hyde.Courtney@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Bullard, Pamela <Bullard.Pamela@epa.gov>; Price, Doris <Price.Doris@epa.gov>
Subject: new OIG audit, EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

Hi all,

The OIG has announced a new audit titled, *EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations*. The audit objective is to determine what actions EPA has taken to evaluate air emissions from animal feeding operations, including the status of EPA's National Air Emissions Monitoring Study. The OIG will review applicable laws, regulations, policies, procedures, guidance, and any EPA and non-EPA related modeling or measurement studies related to animal feeding operations' air emissions. In addition to OAR folks, the OIG plans to interview state agencies, industry groups, environmental groups, and stakeholders concerned with this topic. Please share the notification memo with others as appropriate.

Please review the attached audit notification memo, and when available, send me the names of subject matter experts who will be participating in the audit. Please note the notification memo contains a data request. Please let me know if there are any questions or additional info is needed. Thanks.

Best,

Maureen

Maureen Hingeley

Office of Program Management Operations

Office of Air and Radiation

EPA

202-564-1306

From: Hatfield, James
Sent: Tuesday, March 08, 2016 12:51 PM
To: McCabe, Janet <McCabe.Janet@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Hingeley, Maureen <Hingeley.Maureen@epa.gov>; Grzegozewski, Nicholas <Grzegozewski.Nicholas@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Nunez-Mattocks, Aracely <Nunez-Mattocks.Aracely@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Copper, Carolyn <Copper.Carolyn@epa.gov>; Christensen, Kevin <Christensen.Kevin@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; El-Zoghbi, Christine <El-Zoghbi.Christine@epa.gov>; Lagda, Jeffrey <Lagda.Jeffrey@epa.gov>; Hauck, Erica <Hauck.Erica@epa.gov>; Jones, Richard <Jones.Richard@epa.gov>; Good, Kevin <Good.Kevin@epa.gov>; Woodard, Tempestt <Woodard.Tempestt@epa.gov>; Narimatsu, Julie <Narimatsu.Julie@epa.gov>; Jones, Mike <Jones.Mike@epa.gov>
Subject: OIG Project Notification: EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

The attached memorandum is to inform you that the EPA Office of Inspector General (OIG) plans to begin a review of EPA's efforts to evaluate air emissions from animal feeding operations, Project No. OPE-FY-16-0018. This project is included in our OIG Fiscal Year 2016 Annual Plan. Our objective is to determine what actions the EPA has taken to evaluate air emissions from animal feeding operations, including the status of EPA's National Air Emissions Monitoring Study. The attached memorandum also identifies information that we are requesting be provided to us, either prior to or during our kickoff meeting.

We will contact your audit liaison in the near future to arrange a mutually agreeable time

for a kickoff meeting to discuss the assignment objective and our planned work. If you or your staff have any questions, please contact me at (919) 541-1030, or Erica Hauck, Project Manager, at (303) 312-6629.

Jim

James L. Hatfield

Director, Air Product Line

USEPA Office of Inspector General

Office of Program Evaluation

109 TW Alexander Dr., N-283-01

Research Triangle Park NC 27711

919-541-1030

To: Kraj, Susan[kraj.susan@epa.gov]
From: Hanlon, Edward
Sent: Tue 1/19/2016 1:41:22 PM
Subject: RE: EPA's Air Emissions Estimates for AFO's

Hi Susan,

I'm not aware of any update to the AFO emissions project. The EPA air office may have more information they can provide you; the current contact I have in epa's air office for the AFO emissions project is Robin Dunkins. Perhaps you can check with Robin on current status?

Thanks, Ed Hanlon

****

Ed Hanlon

Designated Federal Officer

EPA Science Advisory Board Staff Office

202-564-2134 (phone/voice mail)

202-565-2098 (fax)

202-564-2221 (SAB main number)

hanlon.edward@epa.gov

Regular mail: USEPA Science Advisory Board (1400R), 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460

Office location/Courier Address: USEPA Science Advisory Board, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW, Suite 31150, Washington, D.C. 20460

From: Kraj, Susan
Sent: Thursday, January 14, 2016 4:28 PM
To: Hanlon, Edward <Hanlon.Edward@epa.gov>
Subject: EPA's Air Emissions Estimates for AFO's

Mr. Hanlon –

I found your contact information on EPA's "Animal Feeding Operations Air Emission Estimation Methodologies" webpage. The most recent document on this site is the April 18, 2013, letter from Bob Perciasepe regarding the SAB's review of EPA's emissions-estimating methodologies for broiler-animal-feeding operations and for lagoons and basins at swine and dairy-animal feeding operations.

The letter states that EPA will carefully consider the SAB's analysis and recommendations in developing emissions-estimating methodologies for the animal-feeding-operation sectors and that EPA's will work diligently in the coming months to develop appropriate emissions estimating methodologies for animal-feeding operations.

Have there been any updates or developments since this 2013 letter? Several of our state permitting agencies are asking how they should be permitting these types of sources as they have been "on hold" for some time.

Thank you for any information you can provide.

Susan Kraj

US EPA Region 5

Air Permit Section

(312) 353-2654

From: Harnett, Bill
Location: Raj's Office
Importance: Normal
Subject: IG Review of National Air Emissions Monitoring Study (NAEMS)
Start Date/Time: Fri 6/17/2016 2:30:00 PM
End Date/Time: Fri 6/17/2016 3:00:00 PM

The IG is looking into a multi-year emission measurement study EPA performed on Combined Animal Feeding Operations. They wish to discuss permitting of these facilities under the Clean Air Act. A call is set up for 2:30pm to 4:00pm on Wednesday, June 29th. This meeting is to give you some background on the work and discuss participation of you or someone from your group.

From: Harnett, Bill
Location: Conference Call
Importance: Normal
Subject: Fw: OIG Meeting with OAQPS Staff
Start Date/Time: Wed 6/29/2016 6:30:00 PM
End Date/Time: Wed 6/29/2016 8:00:00 PM
OAQPS Petition Questions_FINAL.docx

;;;;
;;;;

From: Narimatsu, Julie
Sent: Tuesday, June 28, 2016 11:05 AM
To: Dunkins, Robin; Schrock, Bill; Harnett, Bill; Hauck, Erica; Good, Kevin; Jones, Richard
Cc: Vetter, Cheryl; Nizich, Greg; Gmyr, Joanna
Subject: OIG Meeting with OAQPS Staff
When: Wednesday, June 29, 2016 2:30 PM-4:00 PM.
Where: Conference Call

Please use the following conference call information:
Call in: 866-299-3188
Code: Ex. 6 - Personal Privacy
A question list will be provided closer to the meeting date.
Thanks,
Julie

To: Koerber, Mike[Koerber.Mike@epa.gov]; Harnett, Bill[Harnett.Bill@epa.gov]; Schrock, Bill[Schrock.Bill@epa.gov]
From: Dunkins, Robin
Sent: Wed 3/9/2016 3:53:39 PM
Subject: RE: OIG Project Notification: EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

I knew it was coming. I just asked about this yesterday. There report said it would initiate in March.

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

dunkins.robin@epa.gov

From: Koerber, Mike
Sent: Tuesday, March 08, 2016 4:44 PM
To: Dunkins, Robin <Dunkins.Robin@epa.gov>; Harnett, Bill <Harnett.Bill@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>
Subject: FW: OIG Project Notification: EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

In case you haven't heard…..

From: Hatfield, James
Sent: Tuesday, March 08, 2016 12:51 PM
To: McCabe, Janet <McCabe.Janet@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Hingeley, Maureen <Hingeley.Maureen@epa.gov>; Grzegozewski, Nicholas <Grzegozewski.Nicholas@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Nunez-Mattocks, Aracely <Nunez-Mattocks.Aracely@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Copper, Carolyn <Copper.Carolyn@epa.gov>; Christensen, Kevin <Christensen.Kevin@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; El-Zoghbi, Christine <El-Zoghbi.Christine@epa.gov>; Lagda, Jeffrey <Lagda.Jeffrey@epa.gov>; Hauck, Erica <Hauck.Erica@epa.gov>; Jones, Richard <Jones.Richard@epa.gov>; Good, Kevin <Good.Kevin@epa.gov>; Woodard, Tempestt <Woodard.Tempestt@epa.gov>; Narimatsu, Julie <Narimatsu.Julie@epa.gov>; Jones, Mike <Jones.Mike@epa.gov>
Subject: OIG Project Notification: EPA's Efforts to Evaluate Air Emissions From Animal Feeding Operations, Project No. OPE-FY-16-0018

The attached memorandum is to inform you that the EPA Office of Inspector General (OIG) plans to begin a review of EPA's efforts to evaluate air emissions from animal feeding operations, Project No. OPE-FY-16-0018. This project is included in our OIG Fiscal Year 2016 Annual Plan. Our objective is to determine what actions the EPA has taken to evaluate air emissions from animal feeding operations, including the status of EPA's National Air Emissions Monitoring Study. The attached memorandum also identifies information that we are requesting be provided to us, either prior to or during our kickoff meeting.

We will contact your audit liaison in the near future to arrange a mutually agreeable time for a kickoff meeting to discuss the assignment objective and our planned work. If you or your staff have any questions, please contact me at (919) 541-1030, or Erica Hauck, Project Manager, at (303) 312-6629.

Jim

James L. Hatfield

Director, Air Product Line

USEPA Office of Inspector General

Office of Program Evaluation

109 TW Alexander Dr., N-283-01

Research Triangle Park NC 27711

919-541-1030

To: McCabe, Janet[McCabe.Janet@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Stewart, Lori[Stewart.Lori@epa.gov]; Niebling, William[Niebling.William@epa.gov]; Goffman, Joseph[Goffman.Joseph@epa.gov]; DeMocker, Jim[DeMocker.Jim@epa.gov]; Salgado, Omayra[Salgado.Omayra@epa.gov]; Edwards, Jonathan[Edwards.Jonathan@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Page, Steve[Page.Steve@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Cherepy, Andrea[Cherepy.Andrea@epa.gov]; OAQPS CMT[OAQPS_CMT@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Hyde, Courtney[Hyde.Courtney@epa.gov]; Krieger, Jackie[Krieger.Jackie@epa.gov]; Logan, Kia[Logan.Kia@epa.gov]; Bullard, Pamela[Bullard.Pamela@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Shoaff, John[Shoaff.John@epa.gov]; Jones, Mike[Jones.Mike@epa.gov]; Collins, JoLynn[Collins.Jolynn@epa.gov]; Price, Doris[Price.Doris@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Vincent, Marc[Vincent.Marc@epa.gov]; Burch, Julia[Burch.Julia@epa.gov]
Cc: Wortman, Eric[Wortman.Eric@epa.gov]
From: Hingeley, Maureen
Sent: Tue 7/12/2016 7:24:46 PM
Subject: RE: OAR monthly audit tracking charts (OIG and GAO) _ July 2016
OAR's IG_GAO_audits_July 2016.xlsx

All,

Attached are the monthly audit tracking charts for OAR's active OIG and GAO audits. Updates are noted in red text; no new audits for the July update.

Highlights:

- OIG draft report, *EPA Has Not Met Statutory Requirements to Identify Environmental Impacts of Renewable Fuel Standard*, issued on June 9th to OAR and ORD containing 4 report recommendations (3 OTAQ, 1 ORD.) Response, including corrective action plan, due by July 18th.

Please let me know if there are any questions or additional information is needed. Thanks.

Best,

Maureen

Maureen Hingeley

Office of Program Management Operations

Office of Air and Radiation

US EPA

202-564-1306

To: Alston, Lala[Alston.Lala@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; OAQPS WOPS[OAQPS_WOPS@epa.gov]; OAR Briefings[OAR_Briefings@epa.gov]; Sanders, Maria[Sanders.Maria@epa.gov]; Walker, Jean[Walker.Jean@epa.gov]
Cc: Dunkins, Robin[Dunkins.Robin@epa.gov]; Mills, Kathy[Mills.Kathy@epa.gov]; Conner, Lisa[Conner.Lisa@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Johnson, Tanya[Johnson.Tanya@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Pemberton, Wanda[Pemberton.Wanda@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Vasu, Amy[Vasu.Amy@epa.gov]
From: South, Peter
Sent: Wed 3/23/2016 7:41:52 PM
Subject: NAEMS Meeting: Backgrounder and workplan in prep for tomorrow's meeting with Janet
Background_NAEMS mtg 3_24_16.docx
NAEMS workplan 3_24_16.docx

I have attached a NAEMS backgrounder and the NAEMS workplan in prep for tomorrow's meeting with Janet on NAEMS. Note that the backgrounder has been developed for Janet—do not share in the meeting room.

Please call me or Mike Koerber with any questions relating to this information.

Thank you.

Pete South

OAR/OAQPS/IO

U.S. EPA

office: 919 541-5359

cell: 919 599-7213

NAEMS Meeting - Meeting (

FILE MEETING INSERT FORMAT TEXT REVIEW

This email message will be sent to about 27 recipients.

Attendee responses: 14 accepted, 2 tentatively accepted, 0 declined.
Next to another appointment on your calendar.

Send Update

To... Dunkins, Robin; Page, Steve; Tsirigotis, Peter; Koerber, Mike; Burke, Thomas; Costa, Dan; K
Deener, Kathleen; Smith, Kelley; Giles-AA, Cynthia; Huffman, Linda; Gentry, Nathan; Williams

Subject NAEMS Meeting

Location WJC-N 5400 + Video with RTP + Ex. 6 - Personal Privacy

Start time Thu 3/24/2016 1:00 PM All day event

End time Thu 3/24/2016 1:45 PM

To: McCabe, Janet; Dunkins, Robin; Page, Steve; Tsirigotis, Peter; Koerber, Mike; Burke, Thom
Laurel; Hauchman, Fred; Gwinn, Maureen; Deener, Kathleen; Smith, Kelley; Giles-AA, Cynthia;
Phillip; Shinkman, Susan; Kelley, Rosemarie; Sullivan, Tim; Carleton, Ron; Banister, Beverly
Cc: Lackey, Leila

To: South, Peter[South.Peter@epa.gov]
Cc: Koerber, Mike[Koerber.Mike@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; Schrock, Bill[Schrock.Bill@epa.gov]; Mills, Kathy[Mills.Kathy@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Johnson, Tanya[Johnson.Tanya@epa.gov]
From: Vasu, Amy
Sent: Wed 3/23/2016 6:01:31 PM
Subject: Background materials for Janet M -- for NAEMS meeting tomorrow
Background_NAEMS mtg w ORD and OECA_March 24 2016 v2.docx
NAEMS workplan.docx

Hi Pete,

Attached are the following background materials for Janet, for the OAR, ORD, & OECA NAEMS meeting tomorrow --
1) a 2-pager, and 2) the revised plan (referenced in the 2-pager).

Please contact Bill Schrock or Robin Dunkins with any questions, Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy

Thank you.

Amy

From: Dunkins, Robin
Sent: Wednesday, March 23, 2016 12:47 PM
To: Koerber, Mike
Cc: South, Peter; Vasu, Amy; Mills, Kathy
Subject: Re: NAEMS meeting tomorrow

I went ahead and did a general meeting decision meeting summary sheet for the meeting because the one pager ORD had wasn't appropriate for this meeting. Amy Vasu has the materials. I'm cc'ng her. It includes the work plan

Robin Dunkins, Leader
Natural Resources Group
OAR/OAQPS/SPPD
RTP, NC 27711
Office: 919-541-5335
Cell: 919-605-1178
dunkins.robin@epa.gov

On Mar 23, 2016, at 12:20 PM, Koerber, Mike <Koerber.Mike@epa.gov> wrote:

Yes, we should send Janet the latest joint workplan.

Robin – do you have that?

From: South, Peter
Sent: Wednesday, March 23, 2016 12:04 PM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Subject: NAEMS meeting tomorrow

Hi Mike,

Should SPPD be developing materials in prep for tomorrow's NAEMS meeting with Janet/Cynthia/Burke? I'm not sure what the purpose of the meeting is at this point.

Thanks

Pete South

OAR/OAQPS/IO

U.S. EPA

office: 919 541-5359

cell: 919 599-7213

<image001.png>

To: South, Peter[South.Peter@epa.gov]
Cc: Koerber, Mike[Koerber.Mike@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; Schrock, Bill[Schrock.Bill@epa.gov]; Hackel, Angela[Hackel.Angela@epa.gov]; Eck, Janet[Eck.Janet@epa.gov]; Johnson, Tanya[Johnson.Tanya@epa.gov]
From: Vasu, Amy
Sent: Fri 10/23/2015 3:33:57 PM
Subject: Materials for 10/26 Ag general discussion with Janet McCabe
Ag Briefing_McCabe_10 26 2015 v2.pptx

Pete,

I have attached the slides for the Monday, Oct 26th discussion with Janet McCabe on agriculture-related activities.

We have a question for Mike Koerber about whether we should include "Methyl Bromide Work Group" as a topic on the "Other Topics" slide (slide 11). OAP briefed Janet on MeBr last week, so she's up to speed on the topic in general. Ex. 5 - Deliberative Process Ex. 5 - Deliberative Process We are fine with removing this bullet.

Thank you.

Amy

~~~~~~~~~~~~~~~~~~~~~~~~

Amy B. Vasu

U.S. EPA / OAQPS

Sector Policies and Programs Division

email: vasu.amy@epa.gov

phone: 919.541.0107
~~~~~~~~~~~~~~~~~~~~~~~~

To: Koerber, Mike[Koerber.Mike@epa.gov]; Hubbell, Bryan[Hubbell.Bryan@epa.gov]
Cc: Mazza, Carl[Mazza.Carl@epa.gov]; Keating, Terry[Keating.Terry@epa.gov]
From: Shoaff, John
Sent: Thur 10/15/2015 1:27:51 PM
Subject: FW: The NAEMS one pager I sent to Burke
NAEMS action plan in brief - draft.docx

Mike and Bryan,

Here's some background on NAEMS CAFO issue, see below and attached, that ORD is interested in including on the annual mtg agenda. We've proposed it be identified as a follow-up action item and I expect to hear back from Dan on how Tom Burke might react to that or whether he wants something more prominent included for discussion.

In any event, wanted you to be aware of below and please chime in on this during prebrief if there's a need to elaborate and/or whether we might also want to send a separate note and background should Tom B. desire to raise this directly with Janet.

Note I will also circulate ORD's proposed agenda items that they're bouncing off of their AA. Bullet immediately below is how they summarized the CAFO issue. There are other issues that they raise that we'll also want to touch upon with prebrief today as you'll see.

Ex. 5 - Deliberative Process

Thx.

John

John Shoaff | Leader, Policy Support Group

Office of Air Policy & Program Support (OAPPS)

Office of Air & Radiation | U.S. EPA | WJC North 5442-B

1200 Pennsylvania Ave. NW | MC 6103A | Washington, D.C. | 20460 | USA

Shoaff.john@epa.gov | **1-202-564-0531 Direct | 1-202-257-1755 Mobile**

From: Costa, Dan
Sent: Wednesday, October 14, 2015 10:02 PM
To: Shoaff, John
Cc: Mazza, Carl; Keating, Terry
Subject: The NAEMS one pager I sent to Burke

I don't know whether you want to use this to pre-brief Janet. He may want to check in on this in a conversation before the AA summit. Here is part fo the note I sent to Tom:

Ex. 5 - Deliberative Process

dlc

****

Dan Costa, Sc.D., DABT / National Program Director for Air Climate & Energy Research, E205-09 EPA/ORD / Research Triangle Park, NC 27711 / Office - E211-D / ph. 919.541.2532 / work cell: 919.280-6841 / personal cell: 919.951.9983 / fax: 919.685.3248 /

work email: costa.dan@epa.gov / home email: costadl40@gmail.com

[FEDEX address: 4930 Page Rd. / Durham, NC 27703]

Program Website - http://www.epa.gov/airscience / http://www.epa.gov/research/climatescience/

Office Assistant - Patricia McGhee: 919-541-2607

To: Dunkins, Robin[Dunkins.Robin@epa.gov]
From: Koerber, Mike
Sent: Fri 3/11/2016 3:42:59 PM
Subject: FW: Final Annotated USDA agenda
USDA Meeting Agenda March11 annotated as of March9.docx

Robin – Not the best coordination on this meeting. If you're in today, then let me know if you are available to sit in with me. Thanks.

Mike

From: Stewart, Lori
Sent: Friday, March 11, 2016 9:40 AM
Subject: Final Annotated USDA agenda

All, I meant to send this back around last night. Here is an updated paper for the 1:00 USDA coordination meeting. The offset discussion was removed from the agenda, and it includes some updates from OAQPS and ORIA. Only the first page will be shared at the meeting. Thanks.

To: Stewart, Lori[Stewart.Lori@epa.gov]
Cc: Cyran, Carissa[Cyran.Carissa@epa.gov]; South, Peter[South.Peter@epa.gov]
From: Koerber, Mike
Sent: Tue 3/8/2016 4:11:06 PM
Subject: RE: Draft USDA material
USDA Meeting Agenda March11 annotated MK.docx

Lori – A few edits are highlighted in yellow.

Mike

From: Stewart, Lori
Sent: Monday, March 07, 2016 5:23 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Cc: DeMocker, Jim <DeMocker.Jim@epa.gov>; Saltman, Tamara <Saltman.Tamara@epa.gov>; Kurlansky, Ellen <Kurlansky.Ellen@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: Draft USDA material

You may have noticed the USDA coordination meeting is back on the calendar this Friday, March 11. I am attaching the latest agenda (removed offsets due to other meetings that have since occurred on that) which we have shared (only page 1) with Robert and Patrick for their input. The annotated version is included in this file as well. Please let me know if you have any updates by COB Wednesday and we can get this back around on Thursday. Thanks everyone.

To: Dunkins, Robin[Dunkins.Robin@epa.gov]
From: Koerber, Mike
Sent: Thur 2/18/2016 7:18:51 PM
Subject: RE: NAEMS
NAEMS Workplan Revised - February 11 2016 final (00000002) MK.docx

Robin – At the risk of yet another iteration, I felt compelled to rewrite bullet 5 on page 1. Their opening sentence is just wrong. Also, I took the opportunity to make a few of tweaks on this page, which are not critical, but should be helpful.

Also, anything new on the FTE?

Mike

From: Dunkins, Robin
Sent: Thursday, February 18, 2016 9:56 AM
To: Koerber, Mike <Koerber.Mike@epa.gov>
Subject: FW: NAEMS

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

dunkins.robin@epa.gov

From: Nunez, Carlos

Sent: Thursday, February 18, 2016 9:54 AM
To: Dunkins, Robin <Dunkins.Robin@epa.gov>; McKinney, Doug <Mckinney.Douglas@epa.gov>
Subject: RE: NAEMS

Robin

Ex. 5 - Deliberative Process

Thanks!

Carlos M. Nunez
Assistant Laboratory Director
National Risk Management Research Laboratory

U.S. Environmental Protection Agency
109 T.W. Alexander Drive
(MD - E343-04)
Research Triangle Park, NC 27711
(919) 541-1156
(919) 541-5227 Fax
(919) 518-6411 cell
nunez.carlos@epa.gov

From: Dunkins, Robin
Sent: Thursday, February 18, 2016 8:56 AM
To: Nunez, Carlos <Nunez.Carlos@epa.gov>; McKinney, Doug <Mckinney.Douglas@epa.gov>
Subject: NAEMS

Do you have final work plan to share?

Robin Dunkins, Leader

Natural Resources Group

OAR/OAQPS/SPPD

RTP, NC 27711

Office: 919-541-5335

Ex. 6 - Personal Privacy

dunkins.robin@epa.gov

To: Dunkins, Robin[Dunkins.Robin@epa.gov]
From: Koerber, Mike
Sent: Tue 2/16/2016 11:00:26 PM
Subject: FW: Draft USDA material
USDA Meeting Agenda Feb18.docx
USDA Meeting Agenda Feb18 annotated.docx

Robin – Let me know if you have any thoughts. Thanks.

Mike

From: Stewart, Lori
Sent: Tuesday, February 16, 2016 5:18 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Cc: DeMocker, Jim <DeMocker.Jim@epa.gov>; Saltman, Tamara <Saltman.Tamara@epa.gov>; Kurlansky, Ellen <Kurlansky.Ellen@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>
Subject: Draft USDA material

Thank you for the input on the USDA agenda. I am attaching a first draft of the agenda, along with an annotated version that includes the descriptions you sent in on each topic (for EPA only, I believe). The topics may be culled down between now and Thursday. We'll share this with Janet tonight. I included RFS under climate, but will see what Janet's preference is on that. Thanks.

From: Stewart, Lori
Sent: Wednesday, February 10, 2016 1:04 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Krieger, Jackie <Krieger.Jackie@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Page, Steve <Page.Steve@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Cc: DeMocker, Jim <DeMocker.Jim@epa.gov>; Saltman, Tamara <Saltman.Tamara@epa.gov>; Kurlansky, Ellen <Kurlansky.Ellen@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: USDA Agenda Topics - Friday, COB please

As follow-up to our senior staff meeting discussion, please send me a list of both climate and non-climate topics for the coordination meeting with USDA (scheduled on 2/18). Would appreciate getting this by **COB Friday, 2/12** so I can run them by Janet and see if any additional background information is needed. Thanks everyone.

EPA/USDA Climate Coordination Discussion Agenda
February 18, 2016

Climate Efforts

- Biomass
  - SAB Review
  - April 7 Workshop

- EO Sustainability: Offsets

- Land Use, Land Use Change and Forestry (LULUCF) Projections

- RFS program coordination
  - Volume standard rules
  - Ongoing pathways work
  - Renewables Enhancement and Growth Support (REGS) rule
  - Litigation update

- Other biofuels work: Mid-level ethanol blends

- Energy Star Industrial Program

- AgSTAR / Biogas Opportunities Roadmap

- Loan Programs for Rural Utilities

Other Areas of Coordination

- Wildland and Prescribed Fires

- Emission Estimates for Animal Feeding Operations

- USDA/EPA Interagency Workgroup on Ammonia

- Development of Best Management Practices Information

- EPA's PM2.5 SIP Requirements Rule (ammonia as a $PM_{2.5}$ precursor)

- Indoor Air (Radon/Healthy Homes)

To: South, Peter[South.Peter@epa.gov]
From: Koerber, Mike
Sent: Wed 1/20/2016 9:35:32 PM
Subject: FW: Draft Briefing Paper
NAEMS mtg w ORD and OECA - 01 20 2016 MK revisions.docx

Waiting to hear back from ORD. Robin is fine with these edits.

From: Koerber, Mike
Sent: Wednesday, January 20, 2016 4:30 PM
To: Costa, Dan <Costa.Dan@epa.gov>; Hassett-Sipple, Beth <Hassett-Sipple.Beth@epa.gov>
Subject: Draft Briefing Paper

Dan, Beth – I made some edits on page 3 to reflect our conversation. Let me know what you think. Thanks.

Mike

To: Zwicke, Greg - NRCS, Fort Collins, CO[greg.zwicke@ftc.usda.gov]
Cc: WangLi, Lingjuan[WangLi.Lingjuan@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; Schrock, Bill[Schrock.Bill@epa.gov]; greg.johnson@por.usda.gov[greg.johnson@por.usda.gov]
From: Lingjuan Wang Li
Sent: Thur 8/27/2015 3:18:43 PM
Subject: Re: "Reference Guide to AFO Air Emission BMPs"_Working Plan

Greg:

First of all, Happy Birthday!!!

For some reason your message to my EPA email address did not reach me, but I got it at my NCSU address, therefore I am replying with my NCSU account.

As for the review of my working plan, please take your time. I surely understand your tight schedule, and it will be fine with I get your comment later. It won't delay me anything. I will incorporate your comments later on without any problem.

Thanks and enjoy this very special day of the year :-)

Ling

Lingjuan (Ling) Wang Li, Ph.D.

Visiting Scientist

Natural Resources Group (NRG)

Sector Policies and Programs Division (SPPD)

Office of Air Quality Planning and Standards (OAQPS)

Environmental Protection Agency (EPA)

109 TW Alexander Dr. BldgE.

RTP, NC 27711

Email: WangLi.Lingjuan@epa.gov

Phone: 919-541-1339

Associate Professor

Department of Biological and Agricultural Engineering

North Carolina State University

3110 Faucette Dr. Campus Box 7625

Raleigh, NC27695

Email: Lwang5@ncsu.edu

Phone: 919-515-6762

http://www.bae.ncsu.edu/topic/airquality/

http://www.bae.ncsu.edu/people/faculty/lwang5/

On Thu, Aug 27, 2015 at 10:01 AM, Zwicke, Greg - NRCS, Fort Collins, CO <greg.zwicke@ftc.usda.gov> wrote:

> Thanks for this, Ling, and I'm glad to hear you are having fun. My plan is to review this tomorrow and get you some feedback. I have a few high-priority items that I need to knock out today, so tomorrow will be the earliest I can spend some good time reviewing your plan.
>
> Thanks,
>
> Greg
>
> **********
>
> Greg Zwicke, P.E.
>
> Air Quality Engineer
>
> Air Quality and Atmospheric Change Team
>
> USDA-NRCS
>
> West National Technology Support Center
>
> 2150 Centre Avenue
>
> Building A, Suite 231
>
> Fort Collins, CO 80526

Phone: (970) 295-5621

E-mail: greg.zwicke@ftc.usda.gov

****

From: WangLi, Lingjuan [mailto:WangLi.Lingjuan@epa.gov]
Sent: Wednesday, August 26, 2015 2:17 PM
To: Dunkins, Robin <Dunkins.Robin@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Johnson, Greg - NRCS, Portland, OR <Greg.Johnson@por.usda.gov>; Zwicke, Greg - NRCS, Fort Collins, CO <greg.zwicke@ftc.usda.gov>
Cc: lwang5@ncsu.edu
Subject: "Reference Guide to AFO Air Emission BMPs"_Working Plan

Robin and Bill:

Attached please find my tentative working plan I mentioned at the staff meeting earlier this afternoon. Please advise if I miss anything important, or if I should take a different approach to addressing the issue. I am flexible to make any changes since I am just at the beginning.

Greg & Greg:

Howdy! Today is my 3rd day with Robin's group. I enjoy the time here and have been trying to get myself adjusted to the new system. I am getting there ☺.

I have carefully read the reference guide you all developed for the cropping system. It provides me some ideas to plan the one for AFOs. Attached file list my current thinking of ways to do this. The plan is tentative, and subject to changes if needed. So, any of your advice will be greatly appreciated.

I personally think this plan is somewhat ambitious, but I am determined to do my best.

Thanks

Ling

Lingjuan (Ling) Wang Li

Visiting Scientist

Sector Policies and Programs Division

Office of Air Quality Planning and Standards

Environmental Protection Agency

109 TW Alexander Dr. BldgE.

RTP, NC 27711

Phone: 919-541-1339

Associate Professor

Department of Biological and Agricultural Engineering

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3110 faucette Dr. Campus Box 7625

Raleigh, NC27695

Email: Lwang5@ncsu.edu

Phone: 919-515-6762

To: StClair, Aimee[StClair.Aimee@epa.gov]
Cc: Dunkins, Robin[Dunkins.Robin@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]
From: Purifoy, Tiffany
Sent: Fri 7/15/2016 4:50:29 PM
Subject: RE: FOIA Assignment for EPA-HQ-2016-007973
NAEMS Records Search.pdf
Flora Ji (NAEMS) Rqst-7973.pdf

All,

As promised I am enclosing the search terms and list of custodians that were used last time for the request similar to this one. Please let me know what custodians and search terms should be used for the new request.

Thanks,

Tiffany

From: Purifoy, Tiffany
Sent: Friday, June 24, 2016 4:10 PM
To: StClair, Aimee <StClair.Aimee@epa.gov>
Cc: Dunkins, Robin <Dunkins.Robin@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>
Subject: FW: FOIA Assignment for EPA-HQ-2016-007973

Hi Aimee,

As a heads-up, we received a FOIA request that relates closely to a previous FOIA case we processed. This is a complex request so it will be managed by the large document production team. At this point, we only need SPPD to provide names of records custodians and a list of search terms if any of them are different from the ones used in the previous FOIA request. I will provide the names and search terms used last time as soon as I am able to locate them.

Thanks,

Tiffany

From: Hamilton, Sabrina
Sent: Friday, June 24, 2016 2:50 PM
To: Purifoy, Tiffany <Purifoy.Tiffany@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Stewart, Lori <Stewart.Lori@epa.gov>; Faulkner, Martha <Faulkner.Martha@epa.gov>; Matthews, Barbara <Matthews.Barbara@epa.gov>
Subject: FW: FOIA Assignment for EPA-HQ-2016-007973

Tiffany,

Please check FOIAonline for the following case. It pertains to an OAQPS rule. Thanks

Sabrina

Sabrina Hamilton
Air and Radiation Liaison Specialist

and FOIA Coordinator
Office of Air and Radiation - Correspondence Unit
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083
Fax: (202) 501-0600

From: foia@erulemaking.net [mailto:foia@erulemaking.net]
Sent: Friday, June 24, 2016 10:08 AM

To: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: FOIA Assignment for EPA-HQ-2016-007973

You have been assigned to the FOIA request EPA-HQ-2016-007973. Additional details for this request are as follows:

- Assigned By: Monica Lewis
- Request Tracking Number: EPA-HQ-2016-007973
- Due Date: 07/25/2016
- Requester: Flora Ji
- Request Track: Simple
- Short Description: N/A
- Long Description: See Attachment. Please disregard the FOIA request No.EPA-HQ-2016-007972, as this FOIA request is inquiring the same information.

To: Dunkins, Robin[Dunkins.Robin@epa.gov]
From: Costa, Allison
Sent: Mon 6/27/2016 1:35:57 PM
Subject: RE: Review of AFO webpages

Thanks!

Allison Costa

U.S. EPA I Natural Resources Group I Sector Policies and Programs Division, OAQPS

109 T.W. Alexander Drive (Mail Drop E143-03) I Research Triangle Park, NC 27711

Phone: 919.541.1322 I email: Costa.Allison@epa.gov

From: Dunkins, Robin
Sent: Monday, June 27, 2016 9:35 AM
To: Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>
Subject: RE: Review of AFO webpages

Allison, I'm fine with the page.

Thanks

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

dunkins.robin@epa.gov

From: Costa, Allison
Sent: Tuesday, June 21, 2016 9:15 AM
To: Dunkins, Robin <Dunkins.Robin@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>
Subject: Review of AFO webpages

If you want to review the online version of our draft webpage:

Log on at: https://wcms.epa.gov/user using your LAN id and password.

Then click the link to the main page in this email: https://wcms.epa.gov/afos-air

Cheers,

Allison

Allison Costa

U.S. EPA I Natural Resources Group I Sector Policies and Programs Division, OAQPS

109 T.W. Alexander Drive (Mail Drop E143-03) I Research Triangle Park, NC 27711

Phone: 919.541.1322 I email: Costa.Allison@epa.gov

To: Iglesias, Amber[Iglesias.Amber@epa.gov]
Cc: Rush, Alan[Rush.Alan@epa.gov]; Henigin, Mary[Henigin.Mary@epa.gov]; Barnett, Keith[Barnett.Keith@epa.gov]; Cozzie, David[Cozzie.David@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; French, Chuck[French.Chuck@epa.gov]; Fruh, Steve[Fruh.Steve@epa.gov]; Lamason, Bill[Lamason.Bill@epa.gov]; Lassiter, Penny[Lassiter.Penny@epa.gov]; Schell, Bob[Schell.Bob@epa.gov]; Conner, Lisa[Conner.Lisa@epa.gov]; Culligan, Kevin[Culligan.Kevin@epa.gov]; McLamb, Marguerite[McLamb.Marguerite@epa.gov]; Pemberton, Wanda[Pemberton.Wanda@epa.gov]; Srivastava, Ravi[Srivastava.Ravi@epa.gov]; Thompson, Fred[Thompson.Fred@epa.gov]; Vasu, Amy[Vasu.Amy@epa.gov]
From: Eck, Janet
Sent: Wed 6/15/2016 11:46:42 PM
Subject: RE: OAQPS Petition Inventory
OAQPS Petition Inventory__SPPD__6_15_16.docx

Hi Amber, Attached is the SPPD updated OAQPS Petition Inventory. Thanks.

From: Iglesias, Amber
Sent: Thursday, June 02, 2016 3:02 PM
To: Long, Pam <Long.Pam@epa.gov>; Chappell, Regina <Chappell.Regina@epa.gov>; Brown, Kelly <Brown.Kelly@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>
Cc: Henigin, Mary <Henigin.Mary@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>
Subject: OAQPS Petition Inventory

Reg Team,

Please have this back to me by **COB 6/15.** Thanks!

Amber Iglesias

EPA Office of Air Quality Planning and Standards

1200 Pennsylvania Ave., NW

Washington, D.C. 20460

202-564-3175

To: Dunkins, Robin[Dunkins.Robin@epa.gov]
From: Lamason, Bill
Sent: Mon 6/6/2016 8:48:46 PM
Subject: FW: OAQPS Petition Inventory
OAQPS Petition Inventory 5_6_16.docx

Let's chat about the 112(c) update tomorrow. Bill

From: Eck, Janet
Sent: Sunday, June 05, 2016 9:31 PM
To: Garwood, Gerri <Garwood.Gerri@epa.gov>; Moore, Bruce <Moore.Bruce@epa.gov>; Barnett, Keith <Barnett.Keith@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Fruh, Steve <Fruh.Steve@epa.gov>; Lamason, Bill <Lamason.Bill@epa.gov>; Lassiter, Penny <Lassiter.Penny@epa.gov>; Schell, Bob <Schell.Bob@epa.gov>
Cc: Conner, Lisa <Conner.Lisa@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; McLamb, Marguerite <McLamb.Marguerite@epa.gov>; Pemberton, Wanda <Pemberton.Wanda@epa.gov>; Srivastava, Ravi <Srivastava.Ravi@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; Vasu, Amy <Vasu.Amy@epa.gov>
Subject: FW: OAQPS Petition Inventory

Please send me any updates you might have to the OAQPS Petition Inventory by COB Tuesday, 6/14. Thanks.

From: Iglesias, Amber
Sent: Thursday, June 02, 2016 3:02 PM
To: Long, Pam <Long.Pam@epa.gov>; Chappell, Regina <Chappell.Regina@epa.gov>; Brown, Kelly <Brown.Kelly@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>
Cc: Henigin, Mary <Henigin.Mary@epa.gov>; Rush, Alan <Rush.Alan@epa.gov>
Subject: OAQPS Petition Inventory

Reg Team,

Please have this back to me by **COB 6/15.** Thanks!

Amber Iglesias

EPA Office of Air Quality Planning and Standards

1200 Pennsylvania Ave., NW

Washington, D.C. 20460

202-564-3175

To: Doster, Brian[Doster.Brian@epa.gov]
Cc: Jordan, Scott[Jordan.Scott@epa.gov]; Dunkins, Robin[Dunkins.Robin@epa.gov]; Smith, Kristi[Smith.Kristi@epa.gov]
From: Davis, Alison
Sent: Tue 11/10/2015 7:34:23 PM
Subject: RE: ACTION - PLEASE READ AGAIN -- AFO/Poultry questions for NPR. Deadline 3 p.m.

Thank you.

From: Doster, Brian
Sent: Tuesday, November 10, 2015 2:33 PM
To: Davis, Alison <Davis.Alison@epa.gov>
Cc: Jordan, Scott <Jordan.Scott@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Smith, Kristi <Smith.Kristi@epa.gov>
Subject: RE: ACTION - PLEASE READ AGAIN -- AFO/Poultry questions for NPR. Deadline 3 p.m.

Ex. 5 - Attorney Client & Deliberative Process

From: Smith, Kristi
Sent: Tuesday, November 10, 2015 2:21 PM
To: Davis, Alison <Davis.Alison@epa.gov>
Cc: Doster, Brian <Doster.Brian@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>
Subject: Re: ACTION - PLEASE READ AGAIN -- AFO/Poultry questions for NPR. Deadline 3 p.m.

Ex. 5 - Deliberative Process & Attorney Client

- Kristi

Kristi M. Smith * Asst. GC for the NAAQS Implementation Group * US EPA - OGC - ARLO * smith.kristi@epa.gov * (202) 564-3068 *

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

Sent from my EPA iPhone

On Nov 10, 2015, at 2:07 PM, Davis, Alison <Davis.Alison@epa.gov> wrote:

Ex. 5 - Deliberative Process & Attorney Client

Thanks.

- Alison

Alison Davis

Senior Advisor for Public Affairs

US EPA, Office of Air Quality Planning & Standards

Research Triangle Park, NC 27711

Desk: 919-541-7587

Mobile: 919-624-0872

<NPR poultry questions.docx>

To: Dunkins, Robin[Dunkins.Robin@epa.gov]
From: Johnson, Greg - NRCS, Portland, OR
Sent: Mon 8/17/2015 3:41:09 PM
Subject: Embertson file
AAQTF_CoverLetter_Embertson.pdf
AAQTF_CV_Embertson_072215.pdf
AAQTF_FormAD755_Embertson.pdf
AAQTF_SummaryOfQualifications_Embertson.pdf

****

Greg Johnson Ph.D.

Leader, National Air Quality and Atmospheric Change Team

USDA-NRCS West National Technology Support Center

1201 Lloyd Blvd., Suite 1000

Portland OR 97232

Phone: 503.273.2424 Fax: 503.273.2401

Email: greg.johnson@por.usda.gov

Web: www.airquality.nrcs.usda.gov

****

To: StClair, Aimee[StClair.Aimee@epa.gov]; Spence, Kelley[Spence.Kelley@epa.gov]
From: Dunkins, Robin
Sent: Wed 12/23/2015 2:41:29 PM
Subject: Fwd: Assigning to NRG..FW: CMS New Assignment - Jean Walker - OAR-16-000-2371
OAR-16-000-2371 ltr to Janet McCabe from Barbara Sha Cox.pdf
ATT00001.htm
OAR-16-000-2371_draft NRG response.doc
ATT00002.htm

Robin Dunkins, Leader
Natural Resources Group
OAR/OAQPS/SPPD
RTP, NC 27711
Office: 919-541-5335
Cell: 919-605-1178
dunkins.robin@epa.gov

Begin forwarded message:

From: "DeFigueiredo, Mark" <DeFigueiredo.Mark@epa.gov>
To: "Dunkins, Robin" <Dunkins.Robin@epa.gov>
Cc: "Costa, Allison" <Costa.Allison@epa.gov>, "Wirth, Tom" <Wirth.Tom@epa.gov>, "Banks, Julius" <Banks.Julius@epa.gov>, "Franklin, Pamela" <Franklin.Pamela@epa.gov>, "Voell, Christopher" <voell.christopher@epa.gov>
Subject: RE: Assigning to NRG..FW: CMS New Assignment - Jean Walker - OAR-16-000-2371

Hi Robin and Allison – No comments from GHGRP on the response to this control. Thanks for the opportunity to review. And Allison, hope everything is going well with you in your new position!

(Pamela and Chris – Just flagging for you as an fyi.)

Best wishes,

Mark

--

Mark de Figueiredo, J.D., Ph.D.

Climate Change Division

U.S. Environmental Protection Agency

Office: (202) 343-9928

Mobile: (202) 251-4951

Email: defigueiredo.mark@epa.gov

From: Dunkins, Robin
Sent: Friday, December 18, 2015 7:47 AM
To: DeFigueiredo, Mark <DeFigueiredo.Mark@epa.gov>
Cc: Costa, Allison <Costa.Allison@epa.gov>
Subject: Re: Assigning to NRG..FW: CMS New Assignment - Jean Walker - OAR-16-000-2371

Thanks Mark. Allison is out until the new year so please make sure you cc me if there is a response. I'm in and out during the holidays but checking email.

Robin Dunkins, Leader

Natural Resources Group

OAR/OAQPS/SPPD

RTP, NC 27711

Office: 919-541-5335

Cell: 919-605-1178

dunkins.robin@epa.gov

On Dec 17, 2015, at 4:51 PM, DeFigueiredo, Mark <DeFigueiredo.Mark@epa.gov> wrote:

Let me check internally with folks and get back to you.

Best - Mark

--

Mark de Figueiredo, J.D., Ph.D.

Climate Change Division

U.S. Environmental Protection Agency

Office: (202) 343-9928

Mobile: (202) 251-4951

Email: defigueiredo.mark@epa.gov

From: Costa, Allison
Sent: Thursday, December 17, 2015 4:30 PM
To: DeFigueiredo, Mark <DeFigueiredo.Mark@epa.gov>
Cc: Dunkins, Robin <Dunkins.Robin@epa.gov>
Subject: FW: Assigning to NRG..FW: CMS New Assignment - Jean Walker - OAR-16-000-2371

Hi Mark,

OAQPS is working on the attached response to a controlled correspondence related to air emissions from CAFOs (and our lack of regulations). The incoming letter mentions the lack of reporting of GHGs from CAFOs as well as other air pollutants. Does GHGRP have anything to add to the draft response (or any other suggested edits)?

Cheers,

Allison

From: Costa, Allison
Sent: Thursday, December 17, 2015 2:13 PM

To: Dunkins, Robin <Dunkins.Robin@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>; Waite, Randy <Waite.Randy@epa.gov>
Cc: Schrock, Bill <Schrock.Bill@epa.gov>; StClair, Aimee <StClair.Aimee@epa.gov>
Subject: FW: Assigning to NRG..FW: CMS New Assignment - Jean Walker - OAR-16-000-2371

Hello,

Attached is an incoming letter EPA received related to the CAFO petitions and lack of progress on the NAEMS work, urging us to promulgate regulations for this sector. I've attached a first draft of the response and would appreciate any comments or suggestions for edits. We didn't have any standard language related to recent developments with the petitions, so I just acknowledged that the letter mentioned them, without adding any commentary.

I'll be out of the office from 12/18 – 1/4, so please reply to everyone on the list so that we can keep this moving.

Cheers,

Allison

From: Dunkins, Robin
Sent: Tuesday, December 15, 2015 9:53 PM
To: Costa, Allison <Costa.Allison@epa.gov>
Cc: Schrock, Bill <Schrock.Bill@epa.gov>; StClair, Aimee <StClair.Aimee@epa.gov>
Subject: Fwd: Assigning to NRG..FW: CMS New Assignment - Jean Walker - OAR-16-000-2371

Allison, congratulations on your first OAQPS control! Bill should be able to share a few past responses. We should also coordinate response with OGC since NSPS litigation still pending. Also keep HEID in the loop on the response.

Thanks,

Robin

Robin Dunkins, Leader

Natural Resources Group

OAR/OAQPS/SPPD

RTP, NC 27711

Office: 919-541-5335

Cell: 919-605-1178

dunkins.robin@epa.gov

Begin forwarded message:

From: "Johnson, Tanya" <Johnson.Tanya@epa.gov>
To: "Dunkins, Robin" <Dunkins.Robin@epa.gov>, "StClair, Aimee" <StClair.Aimee@epa.gov>
Cc: "Vasu, Amy" <Vasu.Amy@epa.gov>, "Morales, Mariel" <Morales.Mariel@epa.gov>
Subject: Assigning to NRG..FW: CMS New Assignment - Jean Walker - OAR-16-000-2371

-----Original Message-----
From: cmsadmin@epa.gov [mailto:cmsadmin@epa.gov]
Sent: Tuesday, December 15, 2015 11:09 AM
To: Vasu, Amy <Vasu.Amy@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>; Johnson, Tanya <Johnson.Tanya@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Brown, Annette <Brown.Annette@epa.gov>
Subject: CMS New Assignment - Jean Walker - OAR-16-000-2371

Control OAR-16-000-2371 has been assigned to your office on 12/15/15 11:08 AM by Jean Walker. Please go to the CMS webpage to view the details of the control.

Summary Information -
Control Number: OAR-16-000-2371
Control Subject: Re: Pending, unanswered citizen petitions to protect public health from factory farm air pollution.
From: Cox, Barbara S; McCabe, Janet G.

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at https://cms.epa.gov/cms. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

To: Iglesias, Amber[Iglesias.Amber@epa.gov]
Cc: Henigin, Mary[Henigin.Mary@epa.gov]; Rush, Alan[Rush.Alan@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; South, Peter[South.Peter@epa.gov]; Wood, Anna[Wood.Anna@epa.gov]; Ling, Michael[Ling.Michael@epa.gov]; Brachtl, Megan[Brachtl.Megan@epa.gov]; Lessard, Patrick[Lessard.Patrick@epa.gov]; Damberg, Rich[Damberg.Rich@epa.gov]
From: Long, Pam
Sent: Fri 3/18/2016 6:15:42 PM
Subject: Draft for Debbie Jordan - Final Rule: Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan (SAN 5477)
Cover Note to Debbie PM2.5 Imp_3-18-16.pdf
Master Draft Final PM25 SIP Reqts Rule 3_18_16 OMB package clean.docx

Attached is the draft for Debbie's review. Please note that we are requesting feedback from Debbie by 3/24 to meet the targeted OMB date of 4/5.

To: kari.cohen@wdc.usda.gov[kari.cohen@wdc.usda.gov]; greg.zwicke@ftc.usda.gov[greg.zwicke@ftc.usda.gov]; Franklin, Pamela[Franklin.Pamela@epa.gov]; Voell, Christopher[voell.christopher@epa.gov]
Cc: Jason.Weller@wdc.usda.gov[Jason.Weller@wdc.usda.gov]; christopher_j_adamo@ceq.eop.gov[christopher_j_adamo@ceq.eop.gov]; McCabe, Janet[McCabe.Janet@epa.gov]
From: Ex. 6 - Personal Privacy @aol.com
Sent: Wed 4/27/2016 8:06:15 AM
Subject: Fwd: PROPOSAL - EQIP - Stakes rise exponentially in VW case
EnviroCircMainDeck.pdf

Kari, Greg, Pamela and Chris,

See attached deck in the context of what is the greatest opportunity in history to compel a corporation to offset/mitigate (abate in perpetuity) environmental and human health harm done, effectively underwriting the genesis of a new paradigm in agriculture, enabling the best possible environmental outcome here in the US. It appears the executives at VW are as motivated as can be to get this settled, and to mitigate the health damage done, **including premature deaths**, as criminal charges appear likely:

> Volkswagen held an internal presentation in 2006 explaining how to evade US diesel emissions testing, according to a *New York Times* report today. The report cites two individuals who've seen the presentation — an actual PowerPoint file — which has been uncovered in the course of the ongoing investigation into the scandal. Dieselgate, as it's been called, has already felled numerous executives and threatens to cost Volkswagen tens of billions of dollars.

http://www.nytimes.com/2016/04/27/business/international/vw-presentation-in-06-showed-how-to-foil-emissions-tests.html

The management board led by Martin Winterkorn, the chief executive who resigned in September after the admission of cheating, repeatedly rebuffed lower-ranking employees who submitted technical proposals for upgrading the emissions controls, according to the two people who attended meetings where the proposals were discussed. The management board rejected the proposals because of cost, the people said.
More effective emissions equipment would have made Volkswagen vehicles hundreds of dollars more expensive, without providing a benefit that customers could perceive. In the United States, even a modestly higher sticker price would have made it more difficult for Volkswagen to compete with rivals like Toyota and Honda.
But cleaner diesel would also have spared Volkswagen a scandal that has already caused sales in the United States to plunge 13 percent from January through March. And repairing diesels in the United States will cost additional hundreds of millions, if not billions, of dollars.
We will appreciate the opportunity to present the SEP option (up to 80% of total US fines/penalties) to the Mediator, Robert Meuller, to include both VW's defense and DOJ's legal teams, in Washington DC, as soon as next week.

Is Exxon up Next after Sempra Energy for SEP Mitigation proposals?
Exxon: http://bit.ly/22WOLGm

My best,

Tom Martin
CEO
EnviroCirc
(781) 686-2133

-----Original Message-----
From: [redacted]@aol.com>
To: kari.cohen <kari.cohen@wdc.usda.gov>; greg.zwicke <greg.zwicke@ftc.usda.gov>; franklin.pamela <franklin.pamela@epa.gov>; voell.christopher <voell.christopher@epa.gov>
Cc: jason.weller <jason.weller@wdc.usda.gov>; christopher_j_adamo <christopher_j_adamo@ceq.eop.gov>; mccabe.janet <mccabe.janet@epa.gov>
Sent: Mon, Apr 25, 2016 7:33 am
Subject: PROPOSAL - EQIP funds for EnviroCirc Maumee Watershed Air Quality Study

Dear Kari, Greg, Pamela and Chris,
Whereas publication of our CIG Report has only just now occurred, we find ourselves on the doorstep of an historic opportunity to mitigate the two largest CAA violations in US history, at the eleventh possible hour. We'd appreciate the help of the NRCS, in the form of EQIP funds and expertise - in alignment with the EPA. We propose that Greg Zwicke be assigned to oversee/monitor the actual test on behalf of both NRCS and EPA.

You'll appreciate that everything is on an increasingly accelerated timeline for us in light of the timeline for both the Volkswagen and Sempra Energy offset/mitigation goals, in alignment with the wishes of ARB and the EPA. Judge Breyer has given Volkswagen until June 21 to submit its final proposal to the court, and my outreach to Sempra's Chairman/CEO, Debra Reed, has me in ongoing discussions with her lead strategist, Jeffrey Reed (http://bit.ly/1VTDM11). My goal with Sempra is to help craft their strategic solution to mitigate 97,000 tons of Methane (Aliso Canyon), and have that arrived at, accepted by ARB, and publicly revealed prior to the VW announcement.

Our recent communications with President-Elect of the USPPC, Ken Maschhoff, leads me to believe it is possible to bring that organization into alignment with our broader environmental goals for the transformation of farmland to organic, for the health and environmental benefits achievable under our Circular Farm Management Protocols.(http://bit.ly/1UbVdZH). We have an urgent need.

VISUALIZATION OF MITIGATION

We've spoken to leadership at both Los Gatos and Telops regarding use of both of their Ammonia/Methane detection technologies/cameras simultaneously to document the off-gassing above a 10,000 hog manure lagoon test site where we propose to transform our first lagoon into a mitigation bank. While we can do this wherever we choose, we think it might be best for NRCS if we choose to do this in the Maumee watershed - in parallel with Terry Crosby's other goals there.

Telops:
http://bit.ly/26nOnoH

Los Gatos:
http://bit.ly/1OvbDps

AMMONIA MEASUREMENTS BY THE NASA TROPOSPHERIC EMISSION SPECTROMETER (TES)
http://bit.ly/1YPRQGS

Our goal is to cross-correlate this imagery with Ammonia satellite detection capabilities from NASA to arrive at a triangulated 3D-modeled/animated view of the "cloud" of airborne gas emanating from a given manure lagoon in the ***"Before EnviroCirc"*** state, so as to quantify precisely the amount of Methane, Nitrous Oxide and Ammonia PM2.5 that we literally make disappear upon treatment of the lagoon at a given site within four months after treatment - and in perpetuity - thus the *Mitigation Bank* - as verified by an independent third-party, and perpetual live-stream monitoring by the EPA.

The deliverable is a computer-based, color-coded representation of each gas collectively, and individually, with the ability to toggle between each to view the "inventory" of each gas in tons. This imagery makes real the hypothetical, and leads to a future wherein the question of whether and how much off-gassing occurs from untreated manure lagoons is answered in the most convincing way. We will feature this imagery and capability as primary to establishment of the Ammonia/Methane/Nitrous Oxide Mitigation Banking model, and we expect that both EPA and NRCS will want to utilize the same to promote a new program (in parallel with AgSTAR) that we stand ready to create for/with you.

Additionally, and as part of this request, we have approached Temple Grandin to assist us in the development of our *"EnviroBarn"* pig barn concept. Offgassing from pig farms occurs from three sources, and the barns are a factor. EnviroBarns feature zero off-gassing owing to their unique design - no slotted floors, no manure pits, no exhaust fans, thus no methane or ammonia - and no sad stories like these:

Pig Manure Gas Blamed For Ohio Farm Workers Death:
http://bit.ly/1NdMCnu

Iowa Father, Son Die From Manure Pit Fumes:
http://usat.ly/1KA6oEN

The primary component of the EnviroCirc offer to offset the environmental and human health damages caused by VW and Sempra Energy is the establishment of the first-of-its-kind, quantifiable, **high-value Mitigation credit market** on the global stage.

Note that the reason carbon trading and mitigation has never been properly valued is that it has never been tied to the **true health costs - in this society with the most expensive health care system on earth**. The value of carbon credits in Europe, for example, is not relevant to their value here, in health cost terms.

Below you can see why our approach, tied to the NASA/Harvard AG Ammonia study, is resonating - for the significant money it attracts - a requirement if the goal is to improve people's lives and well being. Carbon Credits have been poorly communicated/marketed. That's about to change.

Supply/Demand of Ammonia/Methane/Nitrous Oxide Credits available in our Mitigation Banks will be constrained and thus in high demand for the foreseeable future, as meeting the demands of VW and Sempra and others is a voluntary market that will exceed our ability to convert lagoons to mitigation banks at a pace sufficient to keep up with demand, thus ensuring highest prices for credits.

The plan includes branding each mitigation bank individually (like real estate), featuring it online with live-cam air/water PH monitoring, and selling credits in it via a live-online auction environment where anonymous bidders determine the value of credits sold, based on their urgency-to-buy and willingness-to-pay.

EPA Chief Gina McCarthy - "Public Health Is What We Do"

http://bit.ly/1VTM1KL

You may not think about public health when you think about the Environmental Protection Agency. But Administrator Gina McCarthy wants you to.
There are "challenges to our health and well-being that result from exposures to pollution," said McCarthy. "While we are called the Environmental Protection Agency, our major role is public health. That is what we do."
You've visited medical schools to encourage them to discuss so-called "upstream" prevention, tackling environmental triggers before they cause health problems, such as asthma. Why?
Air pollution causes cardiovascular disease. We know this. It's really an opportunity for us to gather together. I'm disappointed there isn't more acknowledgement of this and that the medical profession isn't more heavily trained in looking at asthma and, instead of looking at what the treatment regimen needs to be, but also sending someone to the house to talk with parents about the cleaning products they use. People are ready for those discussions. They want to be active in their own health. They want to understand what contributes to their health problems. I think it would be great to have a concerted effort to have public health schools be more engaging and have them work with medical schools. I don't mean to sound critical of medical schools. But there's more to health than treatment.

Harvard/NASA Study
http://acmg.seas.harvard.edu/publications/aqast/articles/paulot2013c.pdf

Our patent is here: http://bit.ly/1QwNIv4
The link to our just-published NRCS CIG Report is here: http://1.usa.gov/1Yxwhea

In the matter of **Humane Society vs. Gina McCarthy/EPA**, HSUS were attempting to demand that the EPA regulate air emissions from CAFOs via the Clean Air Act, which effectively remains unenforced in agriculture, as compliance would put them all out of business. Of course their real goal is to shut down every CAFO - and that's just not feasible in light of the need for affordably produced protein for American consumers. Advocates of free range grazing do not always take into account the tradeoffs and other "costs" that would result from turning every animal out onto pasture across this country, but it does make for an impassioned debate.

In light of the EnviroCirc *"New Best Practice"* for elimination of manure off-gassing from over 8,000 CAFOs in the US and the adjacent croplands and barns, we anticipate the high likelihood of a fresh round of nuisance lawsuits will be filed by neighbors against pig farmers and the EPA. In order to front-run what we perceive to be a very likely outcome, we propose a strategy to phase-in CAA enforcement over perhaps 3-5 years, with a path to compliance via our patented technology.

Every nuisance lawsuit brought against livestock farmers is affectively about their odor footprint, which can extend for a five-mile radius around a manure lagoon, very legitimately impacting neighbors health and property values by -30% on average. Every lagoon that we remove from this off-gassing/odor-producing category increases neighboring property values by 30% and most importantly, restores the health of those living nearby, and thus neighborly relations and in rural farm communities.

To obtain true *"Certified Organic Pork"* status from the USDA, operators need to afford the opportunity to allow livestock access to the outdoors each day. The downside of that is that this opens the barn to flies and mosquitos that can carry disease that would not otherwise impact the livestock in a climate-controlled environment (there are tradeoffs with every approach), and half the year it's either too hot or too cold for pigs to want to get outside regardless. We are creating a new category, ***"Organically Fed"***, not tied to the foregoing requirement, but providing consumers with the quality of meat they seek, at the best price. Presently *"Natural Pork"* sells for 2-3X more than traditional pork, and there is no *"Organic Pork"* available for purchase, for the most part.

A primary reason why pigs become ill in AFOs is that they live their lives with their noses mere inches above their "toilet". Our EnviroBarn design features solid floors and flo-through *"safe water"* gutters for them to play and dung in, taking advantage of their natural preference and behavior - reducing stress in

an environment offering 20% more space-per-pig than traditional AFO barns. Our approach eliminates use of antibiotics in the process of raising pigs.

In light of the foregoing, we urgently request the provision of the maximum available funding to implement two tests in the midwest, one in the Maumee Watershed, and a second in Illinois in the counties featured on the attached slide depicting the impact of 700,000 hogs on the air quality of 10 million Chicagoland residents. These funds will additionally be deployed to engage Temple Grandin and others with our architects to design the EnviroBarn with maximum animal welfare benefits as central to the equation.

My best,

Ex. 6 - Personal Privacy

To: Shinkman, Susan[Shinkman.Susan@epa.gov]
From: Sullivan, Tim
Sent: Thur 1/21/2016 3:55:48 AM
Subject: RE: NAEMS Meeting: Materials in prep for tomorrow's meeting with Janet et al.

Good memory! Yes, environmental groups filed two complaints against EPA in January 2015,

Ex. 5 - Deliberative Process

After the last OAR-ORD-OECA NAEMS briefing (early fall 2014), two coalitions of environmental organizations filed complaints against the Agency in January 2015 for failing to take action on the following two Clean Air Act petitions:

1. A 2009 petition to list CAFOs as a source category under Section 111 – full petition; and

2. A 2011 petition for failing to set a NAAQS for ammonia emissions – full petition.

The D.C. District Court recently dismissed EIP's complaint regarding the 2011 ammonia petition because the it did comply with the Clean Air Act's 180-day citizen suit notice provision. I am

Ex. 5 - Deliberative Process

Tim

Timothy J. Sullivan
Air Enforcement Division
Office of Civil Enforcement

Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2242A)
Washington, D.C. 20460

Phone: 202.564.2723 | Email: sullivan.tim@epa.gov

Help eliminate environmental violations - report tips and complaints at:
http://www.epa.gov/compliance/complaints/index.html

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From: Shinkman, Susan
Sent: Wednesday, January 20, 2016 6:54 PM
To: Sullivan, Tim <Sullivan.Tim@epa.gov>
Subject: RE: NAEMS Meeting: Materials in prep for tomorrow's meeting with Janet et al.

Tim,

Ex. 5 - Deliberative Process I forget the details, just want to make sure I know the status.

Thanks,

Susan

From: Sullivan, Tim
Sent: Wednesday, January 20, 2016 6:20 PM
To: Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>
Cc: Huffman, Linda <Huffman.Linda@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>
Subject: FW: NAEMS Meeting: Materials in prep for tomorrow's meeting with Janet et al.

Cynthia:

The final briefing paper for tomorrow's meeting with OAR and ORD on the National Air Emissions Monitoring Study (NAEMS) of animal feeding operations is attached. OAR staff has

Ex. 5 - Deliberative Process

Please let us know if you have any questions ahead of tomorrow's meeting.

Tim

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From: Dunkins, Robin
Sent: Wednesday, January 20, 2016 5:41 PM
To: Fried, Gregory <Fried.Gregory@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Spence, Kelley <Spence.Kelley@epa.gov>; Vette, Alan <Vette.Alan@epa.gov>; Hassett-Sipple, Beth <Hassett-Sipple.Beth@epa.gov>; Nunez, Carlos <Nunez.Carlos@epa.gov>; McKinney, Doug <Mckinney.Douglas@epa.gov>; Costa, Dan

<Costa.Dan@epa.gov>
Subject: FW: NAEMS Meeting: Materials in prep for tomorrow's meeting with Janet et al.

Robin Dunkins, Group Leader

Natural Resources Group

OAR/OAQPS/SPPD Mail Code: E143-03

U.S. Environmental Protection Agency

Research Triangle Park, NC 27711

919-541-5335

dunkins.robin@epa.gov

From: South, Peter
Sent: Wednesday, January 20, 2016 5:36 PM
To: Alston, Lala <Alston.Lala@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; OAQPS WOPS <OAQPS_WOPS@epa.gov>; OAR Briefings <OAR_Briefings@epa.gov>; Sanders, Maria <Sanders.Maria@epa.gov>; Walker, Jean <Walker.Jean@epa.gov>
Cc: Dunkins, Robin <Dunkins.Robin@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Conner, Lisa <Conner.Lisa@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Eck, Janet <Eck.Janet@epa.gov>; Johnson, Tanya <Johnson.Tanya@epa.gov>; McLamb, Marguerite <McLamb.Marguerite@epa.gov>; Pemberton, Wanda <Pemberton.Wanda@epa.gov>; Srivastava, Ravi <Srivastava.Ravi@epa.gov>; Thompson, Fred <Thompson.Fred@epa.gov>; Vasu, Amy <Vasu.Amy@epa.gov>
Subject: NAEMS Meeting: Materials in prep for tomorrow's meeting with Janet et al.

I have attached the meeting materials in prep for tomorrow's meeting with Janet et al. on NA EMS.

Please call me or Mike Koerber with any questions relating to this information.

Thank you.

Pete South

OAR/OAQPS/IO

U.S. EPA

office: 919 541-5359

cell: 919 599-7213

NAEMS Meeting (Confirmed)

FILE MEETING INSERT FORMAT TEXT REVIEW

Accepted by Alston, Lala on 1/13/2016 1:37 PM.
Conflicts with another appointment.

Organizer McCabe, Janet

Subject NAEMS Meeting (Confirmed)

Location WJC-N 5400

Start time Thu 1/21/2016 11:00 AM All day event

End time Thu 1/21/2016 11:45 AM

To: Janet McCabe; Robin Dunkins; Steve Page; Peter Tsirigotis; Mike Koerber; Tom Burke
Fred Hauchman; Maureen Gwinn; Kathleen Deener; Kelley Smith; Nathan Gentry; Giles, C

RE: NAEMS

To: Wesson, Karen[Wesson.Karen@epa.gov]
From: Riha, Kristin
Sent: Mon 6/20/2016 7:30:34 PM
Subject: For Review and Discussion: Initial draft petition response
petitionammonia-as-criteria-pollutant04062011_59802.pdf
Draft Response to Ammonia Petition.docx

Hi Karen, lots of comment bubbles in here, some of which are for Scott Jordan re: how to reference things. I sought out the original petition in order to generate the summary of the petition and list of petitioners, address, etc. I've included the petition as an attachment here so that you have it as well.

Thanks!

Talk to you soon,

K

Kristin Riha

U.S. EPA OAQPS/HEID

Ambient Standards Group

Phone: 919-541-2031

Agenda
USDA/EPA Ammonia Workgroup Meeting
Room C111C
March 29-30, 2016

Tuesday, March 29

1. Meeting Kickoff 9:00 am - 9:20 am

- Introductions
- Housekeeping Items
- EPA Welcome Speaker – Mike Koerber, OAQPS (ORD rep, others???)

2. USDA Project Overviews 9:20 am - 10:40 am

- Arkansas Poultry Study - Phillip Moore
- Idaho Dairy Project – April Leytum
- Texas Beef Cattle Study – Rick Todd/Andy Cole
- Farm Scale Emissions Model and Ammonia Mitigation - Al Rotz

3. Break 10:40 am - 11:00 am
4. USDA/EPA AFO Best Management Plan-Allison Costa 11:00 am – 12:00 pm
5. Lunch – EPA cafeteria 12:00 pm – 1:00 pm
6. EPA Methods and Instrumentation - John Walker 1:00 pm – 2:30 pm
7. EPA Lab Tour and Instrument Setup – John Walker 2:30 pm – 3:30 pm
8. Break 3:30 pm - 3:45 pm
9. EPA NH3 Inventory Approach – Rhonda Thompson, Rich Mason 3:45 pm – 4:45 pm
10. Wrapup 4:45 pm – 5:00 pm

11. Group Dinner - (Page Road Grill) 6:30 pm – 8:00 pm

Agenda
USDA/EPA Ammonia Workgroup Meeting
Room C111C
March 29-30, 2016

March 30

1. Thoughts/Comments from Previous Day	8:30 am - 8:45 am
2. Between the Inventory and the Model - Preparing the Model input File – Rich Mason	8:45 am – 9:30 am
3. Regional/National Scale Modeling – Jesse Bash	9:30 am - 10:30 am
4. Break	10:30 am – 10:45 am
5. Optional NADP Site Visit – Finley Farm, NC State, Raleigh, NC	10:45 am – 1:30 pm

United States
Environmental Protection
Agency

2015 Agriculture-Related Activities

Briefing for Janet McCabe

October 26, 2015

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Overview

Purpose: Update on the status of current agriculture-related activities

- Current Notices and Lawsuits
- National Air Emissions Monitoring Study for Animal Feeding Operations (NAEMS)
- Potential Control Technology Options: Key Best Management Practices (BMPs) Information
- EPA/USDA Ammonia Work Group
- Other Topics

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Current Notices and Lawsuits

- Ammonia
  - April 2011 petition to regulate NH_3 as a criteria pollutant under CAA sections 108 and 109
  - Major petitioners: Environmental Integrity Project, Association of Irritated Residents, Food & Water Watch, the Humane Society of the United States, Johns Hopkins Center for a Livable Future, Sierra Club and Waterkeeper Alliance

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Current Notices and Lawsuits (cont.)

- CAFOs
  - September 2010 petition to list CAFOs under CAA section 111(B)
    - Pollutants of concern: GHGs (CH_4, N_2O), H_2S, NH_3, PM, VOCs
    - Major petitioners: The Humane Society of the United States, Association of Irritated Residents, Center on Race, Poverty and the Environment, Environmental Integrity Project, Sierra Club and Waterkeeper Alliance
  - December 8, 2014 notice of intent to sue from Environmental Integrity Project under CAA section 130; intent asserted that:
    - Unreasonable delay of a non-discretionary duty to establish emission factors under CAA section 130 for VOC emissions from AFOs
    - No follow-up petition to date
  - EPA's Office of Civil Rights recently accepted for investigation one allegation and requested clarification on another made in a Title VI complaint filed on September 2014 by Earthjustice regarding alleged discrimination related to swine feeding operations in North Carolina
    - This action is on hold while parties participate in mediation

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Current Notices and Lawsuits (cont.)

- Four Iowa residents have asked the U.S. Supreme Court (Sept. 17, 2015) to consider whether EPA has a nondiscretionary duty to update its list of criteria pollutants and sources of air pollutants under CAA
  - They requested that the court consider whether the citizen suit provision of the CAA allows for petitioners to challenge EPA's failure to revise its list of regulated air pollutants and regulated sources "from time to time," as required under sections 108 and 111
- They originally sued EPA over a failure to regulate emissions of ammonia and hydrogen sulfide from concentrated animal feeding operations
- The U.S. Court of Appeals for the D.C. Circuit in April 2015 ruled that the plaintiffs had failed to state a valid claim for relief under the citizen suit provision and dismissed the litigation

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National Air Emissions Monitoring Study for Animal Feeding Operations (NAEMS)

- SAB submitted its final report and recommendations in April 2013
- A majority of the recommendations can be incorporated into current statistical approach used to develop emission estimating methodologies (EEMs)
- Ex. 5 - Deliberative Process ent
-
- OAR task updates
- Ex. 5 - Deliberative Process from
-

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Potential Control Technology Options: Key Best Management Practices (BMPs) Information

- EPA and USDA developed Conservation Measures Document identifying USDA-approved or supported BMPs for cropping and land management that can have potential to address air quality concerns
- Initiated development of similar BMPs document for livestock operations
  - Starting with USDA current list of approved conservation measures and technologies
  - Also reviewing BMPs incorporated into state rules and programs
    - **Ex. 5 - Deliberative Process**
  - Several land grant universities have livestock operation programs and research that may provide valuable resources for identifying additional measures
  - 6 major farm components
    - Animal housing, feed management, land application, manure storage and treatment, open lots and corrals and pastures
  - In-house effort, expect draft in early 2016

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EPA/USDA Ammonia Work Group

- Purpose and priorities of the group:
  - Assess and summarize state of science with regard to agricultural ammonia emissions and their fate
  - Identify research gaps
  - Clarify EPA's regulatory approach to ammonia and its relevance to agriculture
  - Assess and prioritize agricultural ammonia mitigation strategies, including:
    - Effectiveness research
    - Assessment of culpability
    - Development of a USDA-EPA Conservation Measures Guide for Livestock Production (includes a section on ammonia)

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EPA/USDA Ammonia Work Group (cont.)

- Case study sub-group focusing on improving current emission inventories and models; questions to be answered by study:
  - Ex. 5 - Deliberative Process
  - Ex. 5 - Deliberative Process

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EPA/USDA Ammonia Work Group (cont.)

- Location/duration/funding:
  -
  -
  -

Ex. 5 - Deliberative Process

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Other Topics

- USDA Agricultural Air Quality Taskforce (AAQTF)
- EPA Farm, Ranch, Rural Communities Committee (FRRCC)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

March 08, 2016

MEMORANDUM

SUBJECT: Project Notification:
EPA's Efforts to Evaluate Air Emissions from Animal Feeding Operations
Project No. OPE-FY16-0018

FROM: James L. Hatfield, Director, Air Evaluations
Office of Program Evaluation

TO: Janet McCabe, Acting Assistant Administrator
Office of Air and Radiation

The purpose of this memorandum is to notify you that the Office of Inspector General (OIG) for the U.S. Environmental Protection Agency (EPA) plans to begin an evaluation of the EPA's efforts to evaluate air emissions from animal feeding operations. This project is included in the OIG's Fiscal Year 2016 Annual Plan.

The OIG's objective is to determine what actions the EPA has taken to evaluate air emissions from animal feeding operations, including the status of EPA's National Air Emissions Monitoring Study.

During the preliminary research phase of our evaluation, we plan to review applicable laws, regulations, policies, procedures and guidance related to animal feeding operations' air emissions. We also plan to review any EPA animal feeding operations' air emissions modeling or measurement studies as well as any animal feeding operations' air emissions studies conducted by entities outside of the agency.

We plan to begin our work within Office of Air and Radiation's Office of Air Quality Planning and Standards. We may also meet with selected state agencies that regulate animal feeding operations' air emissions, and with industry groups, environmental groups, and other stakeholders concerned with animal feeding operations' air emissions and how they are evaluated and addressed by the EPA.

We will contact your audit liaison to arrange a mutually agreeable time for a kickoff meeting to discuss the project's objective and our planned work. We will also answer any questions about the evaluation process and reporting procedures. Prior to or during our kickoff meeting, we request that you provide us with copies of (or links to) the following materials:

- A comprehensive list of all operating animal feeding operations in the United States that meet the definition of concentrated animal feeding operations, including the type, size, and geographic location of each facility.

- The EPA's response to the Science Advisory Board's 2013 review of the National Air Emissions Monitoring Study reports.
- The EPA's responses to all citizen petitions regarding potential regulation of animal feeding operations' air emissions.

To ensure the success and timely completion of this project, we respectfully note that the OIG is authorized by the Inspector General Act of 1978 to have timely access to personnel and all material necessary to complete its objectives. For this evaluation, we may request access to EPA databases, meetings and interviews with EPA personnel and contractors, and documentation related to animal feeding operations in the United States. We will request your resolution if an agency employee or contractor refuses to provide requested records to the OIG, or otherwise fails to cooperate with the OIG. We may report unresolved access matters to the Administrator and include the incident in the Semiannual Report to Congress.

If you or your staff have any questions, please do not hesitate to contact me at (919) 541-1030 or hatfield.jim@epa.gov; or Erica Hauck, Project Manager, at (303) 312-6629 or hauck.erica@epa.gov.

cc: Elizabeth Shaw, Deputy Assistant Administrator, Office of Air and Radiation
Steve Page, Director, Office of Air Quality Planning and Standards, Office of Air and Radiation
Maureen Hingeley, Audit Follow-Up Coordinator, Office of Air and Radiation
Nic Grzegozewski, Agency Follow-Up Coordinator
Melissa Harrison, Press Secretary, Office of Public Affairs
Arthur A. Elkins Jr., Inspector General
Charles Sheehan, Deputy Inspector General
Aracely Nunez-Mattocks, Chief of Staff, OIG
Alan Larsen, Counsel to the Inspector General
Carolyn Copper, Assistant Inspector General for Program Evaluation
Kevin Christensen, Assistant Inspector General for Audit
Patrick Sullivan, Assistant Inspector General for Investigations
Christine El-Zoghbi, Deputy Assistant Inspector General for Program Evaluation
Jennifer Kaplan, Deputy Assistant Inspector General for Congressional and Public Affairs
Jeffrey Lagda, Congressional and Media Liaison, OIG
Erica Hauck, Project Manager, Air Evaluations, OIG
Richard Jones, Air Evaluations, OIG
Kevin Good, Air Evaluations, OIG
Tempestt Woodard, Air Evaluations, OIG
Julie Narimatsu, Air Evaluations, OIG

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF	)	
The Hanor Company of	)	**CONSENT AGREEMENT AND**
Wisconsin, LLC and	)	**FINAL ORDER**
Kronseder Farms, Inc.	)	**CAA-HQ-2005-XX**
	)	**CERCLA-HQ-2005-XX**
	)	**EPCRA-HQ-2005-XX**

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JUL 27 2005
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I. Preliminary Statement

1. The United States Environmental Protection Agency (EPA) and The Hanor Company of Wisconsin, LLC and Kronseder Farms, Inc. (Respondent) voluntarily enter into this Consent Agreement and Final Order (Agreement) to address emissions of air pollutants and hazardous substances from certain animal feeding operation(s) that may be subject to requirements of the Clean Air Act, the hazardous substance release notification provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the emergency notification provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

2. The purpose of this Agreement is to ensure that

The Hanor Company of Wisconsin, LLC and Kronseder Farms, Inc. complies with applicable requirements of the Clean Air Act and applicable release notification provisions of CERCLA and EPCRA. To that end, this Agreement requires The Hanor Company of Wisconsin, LLC and Kronseder Farms, Inc., among other things, to be responsible for the payment of funds towards a two-year national air emissions monitoring study that will lead to the development of Emissions-Estimating Methodologies that will help animal feeding operations determine and comply with their regulatory responsibilities under the Clean Air Act, CERCLA and EPCRA.

3. This Agreement is issued pursuant to section 113 of the Clean Air Act, 42 U.S.C. §7413 (federal enforcement of the Clean Air Act); sections 103 and 109 of CERCLA, 42 U.S.C. §§9603 and 9609 (federal enforcement of notification provisions); section 325 of EPCRA, 42 U.S.C. §11045 (federal enforcement of EPCRA notification provisions); and 40 CFR 22.13(b) and 22.18(b)(2) and (3) (procedural requirements for the quick resolution and settlement of matters before the filing of an administrative complaint). Respondent's participation in this Agreement is not an admission of liability. At this time, Respondent neither admits nor denies that any of its Farms is subject to CERCLA or EPCRA reporting or Clean Air Act permitting requirements, or is in violation of any provision of CERCLA, EPCRA or the Clean Air Act. The execution of this Agreement by Respondent is not an admission that any of its agricultural operations has been

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operated negligently or improperly, or that any such operation is or was in violation of any federal, state or local law or regulation.

4. As described more specifically in paragraphs 26 and 35 below, this Agreement resolves Respondent's civil liability for certain potential violations of the Clean Air Act, CERCLA and/or EPCRA at The Hanor Company of Wisconsin's Farm(s) listed in Attachment A. The release and covenant not to sue found in paragraph 26 resolves only violations identified and quantified by applying the Emissions-Estimating Methodologies developed using data from the national air emissions monitoring study described herein.

5. This Agreement is one of numerous identical agreements between EPA and animal feeding operations across the nation. Through these agreements, EPA and participating animal feeding operations aim to assist in the development of improved Emissions-Estimating Methodologies for air emissions from animal feeding operations and to ensure that all animal feeding operations are in compliance with applicable Clean Air Act, CERCLA and EPCRA requirements. Notwithstanding any other provision, this Agreement shall not delay or interfere with the implementation or enforcement of State statutes that eliminate exemptions to Clean Air Act requirements for agricultural sources of air pollution.

6. EPA may decline to enter into this Agreement with animal

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feeding operations (and their successors and assigns) that have been notified by EPA or a State that they currently may be subject to a Federal or State Clean Air Act, CERCLA section 103 or EPCRA section 304(a) enforcement action.

II. Definitions

7. Unless otherwise defined herein, terms used in this Agreement shall have the same meaning given to those terms in the Clean Air Act, 42 U.S.C. §7401 et seq.; the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq.; the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §11001 et seq., and the implementing regulations promulgated thereunder. For purposes of this Agreement only, the following terms shall have the following meanings.

8. The term "Agricultural Waste" or "Agricultural Livestock Waste" means Livestock manure, wastewater, litter including bedding material for the disposition of manure, and egg washing or milking center waste treatment and storage. "Agricultural Livestock" or "Livestock" include dairy cattle, swine and/or poultry among others.

9. The term "Contract Grower" means the owner or operator of a Farm that raises Livestock or produces milk or eggs under a contract with Respondent.

10. The term "Emissions-Estimating Methodologies" means

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those procedures that will be developed by EPA, based on data from the national air emissions monitoring study and any other relevant data and information, to estimate daily and total annual emissions from individual Emission Units and/or Sources. These methodologies will be published on EPA's website (www.epa.gov).

11. The term "Emission Unit" means any part of a Farm that emits or may emit Volatile Organic Compounds (VOCs), Hydrogen Sulfide (H2S), Ammonia (NH3), or Particulate Matter (TSP, PM10 and PM2.5) and is either: (a) a building, enclosure, or structure that permanently or temporarily houses Agricultural Livestock; or (b) a lagoon or installation that is used for storage and/or treatment of Agricultural Waste.

12. The term "Environmental Appeals Board" or "EAB" means the permanent body with continuing functions designated by the Administrator of EPA under 40 CFR 1.25(e) whose responsibilities include approving administrative settlements commenced at EPA Headquarters.

13. The term "Facility" shall mean "CERCLA Facility and/or EPCRA Facility." The term "CERCLA Facility" shall have the meaning given that term under section 101(9) of CERCLA, 42 U.S.C. §9601(9). The term "EPCRA Facility" shall have the meaning given that term under section 329(4) of EPCRA, 42 U.S.C. §11049(4).

14. The term "Farm" shall mean the production area(s) of an animal feeding operation, adjacent and under common ownership,

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where animals are confined, including animal lots, houses or barns; and Agricultural Waste handling and storage facilities. "Farm" does not include land application sites for Agricultural Waste. This definition is limited exclusively to this Agreement and establishes no precedent for the interpretation of any statute, regulation or guidance.

15. The term "Nuisance" is defined according to State and local common law, statutes, regulations, ordinances or usage.

16. The term "Permitting Authority" means the local, State or Federal government entity with jurisdiction to require compliance with the permitting requirements of the Clean Air Act.

17. The term "Independent Monitoring Contractor" means a person or entity that is not affiliated with Respondent or any other animal feeding operation, that has sufficient experience and expertise to fully implement the national air emissions monitoring study described herein, that meets the qualifications set forth in Attachment B to this Agreement, and that is approved by EPA.

18. The term "Qualifying Release" means a release that triggers a reporting requirement under section 103 of CERCLA or section 304 of EPCRA.

19. The term "Respondent" means The Hanor Company of Wisconsin, LLC and Kronseder Farms, Inc.

20. The term "Source" shall have the meaning given to the term "stationary source" in the implementing regulations of the

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Clean Air Act at 40 CFR 52.21(b)(5) through (6), as interpreted by applicable guidance issued by EPA.

21. The term "State or Local Authority" means a state or local government entity with jurisdiction over Respondent's Farm(s).

III. Consent Agreement

22. EPA and Respondent have agreed to resolve this matter by executing this Agreement, as further set forth herein.

23. Respondent asserts that it either owns, operates or otherwise controls, or contracts with Contract Growers who own, operate or otherwise control, the Farm(s) listed in Attachment A to this Agreement. Respondent agrees that this Agreement applies only to the Farm(s) that are listed in Attachment A and contain one or more Emission Unit(s) as defined in paragraph 11 and described in Attachment A.

24. For the purpose of this proceeding, Respondent does not contest the jurisdiction of the Environmental Appeals Board.

25. As specified more fully below, Respondent consents to pay a civil penalty, to be responsible for the payment of funds to the national air emissions monitoring study, and to facilitate implementation of the monitoring study, including making certain Farms available for monitoring.

26. In consideration of Respondent's obligations under this Agreement and subject to the limitations and conditions set forth

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in paragraphs 27-30, 33, 34, 36, 37 and 43, EPA releases and covenants not to sue Respondent, with respect to the listed Emission Units located at the Farm(s) in Attachment A, for:

(A) civil violations of the permitting requirements contained in Title I, Parts C and D, and Title V of the Clean Air Act, and any other federally enforceable State implementation plan (SIP) requirements for major or minor sources based on quantities, rates, or concentrations of air emissions of pollutants that will be monitored under this Agreement, namely Volatile Organic Compounds (VOCs), Hydrogen Sulfide (H2S), Particulate Matter (TSP, PM10 and PM2.5), and Ammonia (NH3); and

(B) civil violations of CERCLA section 103 or EPCRA section 304 from air emissions of Hydrogen Sulfide (H2S) or Ammonia (NH3) that are not singular unexpected or accidental releases such as those caused by an explosion, fire or other abnormal occurrence.

27. (a) The releases and covenants not to sue described in paragraphs 26 and 35 extend only to violations of the requirements identified in those paragraphs and apply only to emissions from Agricultural Waste at Emission Units (as defined in paragraph 11). They do not extend to any other requirements including but not limited to: (i) any possible requirements that relate to emissions generated by other equipment or activities co-located at the Farm, including waste-to-energy systems; (ii)

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activities at open cattle feedlots for beef production; (iii) Clean Air Act permitting requirements triggered by an expansion of a Farm beyond its design capacity as of the date this Agreement is executed; or (iv) requirements that are not triggered by the quantity, concentration or rate of emission of Volatile Organic Compounds (VOCs), Hydrogen Sulfide (H2S), Particulate Matter (TSP, PM10 and PM2.5) or Ammonia (NH3), including work practice requirements and equipment specifications.

(b) The release and covenants not to sue in paragraphs 26 and 35 shall apply to the liability of a Contract Grower with respect to a Farm if and only if the Contract Grower executes an Agreement with EPA covering that Farm.

28. The release and covenant not to sue described in paragraph 26 covers Respondent's liability for violations with respect to an Emission Unit located at a Farm listed in Attachment A if and only if Respondent complies with all applicable requirements of this Agreement and, with respect to that Emission Unit:

(A) Within 120 days after receiving an executed copy of this Agreement, for any Farm that confines more than 10 times the "large Concentrated Animal Feeding Operation" threshold of an

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animal species[1], the animal feeding operation provides to the National Response Center (NRC) and to the relevant local and state emergency response authorities written notice describing its location and stating substantially as follows:

> This operation raises swine and may generate routine air emissions of Ammonia in excess of the reportable quantity of 100 pounds per 24 hours. A rough estimate of those emissions is [__] pounds per 24 hours, but this estimate could be substantially above or below the actual emission rate, which is being determined through an ongoing monitoring study in cooperation with the U.S. Environmental Protection Agency. When that emission rate has been determined by this study, we will notify you of any reportable releases pursuant to CERCLA section 103 or EPCRA section 304. In the interim, further information can be obtained by contacting [insert contact information for a person in charge of operation].

Respondent shall provide to EPA, at the address in paragraph 64, a copy of any written notice given pursuant to this subparagraph. This interim notice shall be provided to satisfy the terms of this Agreement only and is not intended to establish a precedent or standard for reporting under CERCLA or EPCRA.

(B) Where application of the Emissions-Estimating Methodologies establishes that no Clean Air Act requirements or

---

[1] This definition is being used in this Agreement solely for the purpose of determining the penalty assessed, and for certain limited reporting purposes. "Large Concentrated Animal Feeding Operation" is defined as: (a) 2,500 swine weighing more than 55 pounds; (b) 10,000 swine weighing less than 55 pounds; (c) 82,000 laying hens; (d) 125,000 broilers; (e) 55,000 turkeys; or (f) 700 mature dairy cows or 1000 dairy heifers.

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that no CERCLA or EPCRA notifications are required for a Source or Facility, Respondent shall so certify to EPA in writing within 60 days after EPA publishes Emissions-Estimating Methodologies applicable to the Emission Units at the Source or Facility. Any such certification shall identify each Source or Facility covered by the certification and the Emissions-Estimating Methodology used to calculate its emissions. If EPA notifies Respondent that this certification is not correct because application of the Emissions-Estimating Methodologies indicates that the Source or Facility is subject to such requirements, Respondent shall have 90 days from notification by EPA to comply with the provisions in paragraph 28(C) or submit, in writing, clear and convincing proof to EPA that Respondent's certification is correct.

(C) Respondent complies with all of the applicable requirements set forth below:

(i) Within 120 days after EPA has published Emissions-Estimating Methodologies applicable to the Emission Units at Respondent's Source, Respondent submits all Clean Air Act permit applications required by the Permitting Authority for the Source, based on application of those Emissions-Estimating Methodologies.

(a) For a Source whose emissions exceed the major source threshold in Title I, Part C or D, based on the area's attainment status (e.g., in an attainment area, more than

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250 tons per year of a regulated pollutant), this requirement includes:

(1) applying for and ultimately obtaining a permit that contains a federally enforceable limitation or condition that limits the potential to emit of the Source to less than the applicable major source threshold for the area where the Source is located; or,

(2) installing best available control technology (BACT) in an attainment area, or technology meeting the lowest achievable emission rate (LAER) if the Source is located in a nonattainment area, as determined by and in accordance with the schedule provided by the Permitting Authority for the Source, and obtaining a federally enforceable permit that incorporates an appropriate BACT or LAER limit. For the purposes of this Agreement, compliance with the requirements found in 40 CFR 52.21(k) through (p) is not a condition of the release and covenant not to sue described in paragraph 26. Nothing in this paragraph is intended to limit a state or local government's authority to impose applicable permitting requirements. Emission reductions that result from installing BACT or LAER may not be used in netting calculations to offset emissions from a future modification to the Source.

(b) The annual emissions from a particular Source shall be determined based on Respondent's current

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operating methods and on the maximum number of animals housed at the Source at any time over the 24 months prior to EPA's publication of the applicable Emissions-Estimating Methodologies.

(c) Respondent promptly and fully responds to any notices of deficiency (or other equivalent notification that the permit application is incomplete or incorrect) issued by the Permitting Authority with respect to the permit application(s).

(d) As described in paragraph 34, below, Farms installing waste-to-energy systems will have an additional 180 days to submit the above-referenced permit applications.

(ii) Within 120 days after EPA has published Emissions-Estimating Methodologies applicable to Emission Units at Respondent's Facility, Respondent reports all Qualifying Releases of Hydrogen Sulfide (H2S) and Ammonia (NH3) in accordance with section 103 of CERCLA and section 304 of EPCRA.

(iii) Respondent timely installs all emission control equipment and implements all practices required by this Agreement or contained in the Clean Air Act permits issued in response to the applications submitted in accordance with subparagraph (i) of this paragraph.

(iv) Respondent provides EPA with written certification that it has timely installed all emission control equipment and implemented all practices required by this

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Agreement or contained in the Clean Air Act permits issued in response to the applications submitted in accordance with subparagraph (i) of this paragraph, within 30 days of meeting those requirements or within 30 days of acknowledgment of compliance by the Permitting Authority if such acknowledgment is required.

(D) Respondent's failure to comply with any of the above requirements in this paragraph at any particular Source shall affect the release and covenant not to sue for the noncompliant Source only and shall not affect the release and covenant not to sue for Respondent's complying Sources. In addition, Respondent's failure to comply with any of the above requirements in this paragraph at any particular Facility shall affect the release and covenant not to sue for the noncompliant Facility only and shall not affect the release and covenant not to sue for Respondent's complying Facilities.

29. For any Farm listed in Attachment A that is owned and operated by a Contract Grower, Respondent is not responsible for complying with paragraphs 28, 30 and 60. However, the release and covenant not to sue described in paragraph 26 covers Respondent's liability for violations with respect to the Emission Units located at such Farm if, and only if, the Contract Grower complies with all the requirements of paragraph 28. The Contract Grower's liability for violations with respect to the

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Emission Units located at that Farm is not covered by any of the releases and covenants not to sue set forth in this Agreement. However, the Contract Grower may enter its own agreement with EPA (thus becoming a respondent in its own agreement) and obtain similar conditional releases and covenants not to sue with respect to the emission units at its farm.

30. In addition, the release and covenant not to sue described in paragraph 26 covers violations with respect to the Emission Units located at a Farm listed in Attachment A if, and only if, Respondent complies with the following requirements, with respect to that Farm:

(A) During the period in which potential violations at the Farm are covered by the release and covenant not to sue as described in paragraph 26, Respondent complies with all final actions and final orders issued by the State or Local Authority that address a Nuisance arising from air emissions at the Farm and that are:

(i) issued after Respondent has been given notice and opportunity to be heard (including any available judicial review) as required by applicable state or local law; and,

(ii) issued during the time period in which potential violations at the Farm are covered by the release and covenant not to sue as described in paragraph 26.

(B) Within 60 days of coming into compliance with the

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final action or order of the State or Local Authority, Respondent provides EPA with written certification that Respondent has complied with the final action or final order and within the time schedule approved by the State or Local Authority.

31. Respondent agrees that the statute of limitations for all claims covered by the release and covenant not to sue in paragraph 26 will be tolled from the date this Agreement is approved by the EAB and until the earlier of: (a) 120 days after Respondent files the required certifications in accordance with paragraph 28(B) or paragraph 28(C)(iv), or (b) December 31, 2011. This time period can be extended by written agreement of both parties.

32. EPA will publish Emissions-Estimating Methodologies within 18 months of the conclusion of the monitoring period and will publish such Methodologies on a rolling basis as soon as they are developed. If EPA's Science Advisory Board determines that EPA is unable to publish Emissions-Estimating Methodologies applicable to a particular type of Emission Unit in Attachment A within 18 months of the conclusion of the monitoring period because of inadequate data, EPA will attempt to resolve such data problems as soon as possible. EPA's inability to publish an Emissions-Estimating Methodology for a particular type of Emission Unit in Attachment A within 18 months shall have no effect on any other deadline or provision of this Agreement for

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any other type of Emission Unit listed in Attachment A.

33. As a condition of its participation in this Agreement, Respondent agrees to accept, regardless of any collateral proceeding, the study protocols employed in and the emissions data developed by, the national air emissions monitoring study conducted under the plan described in paragraphs 53 through 63 below. If Respondent challenges the protocols employed or the data developed, the release and covenant not to sue described in paragraph 26 of this Agreement will become null and void and will have no effect on Respondent's past or future liability.

34. Respondent may choose to install and operate one or more systems that process Agricultural Livestock Waste to produce electricity (a waste-to-energy system). If Respondent selects this option, it will have, with respect to a Farm at which such a system will be installed, an additional 180 days to comply with the requirements of paragraph 28 provided the following requirements are met, with respect to that Farm:

(A) Within 120 days after EPA has published Emissions-Estimating Methodologies applicable to the Emission Units at Respondent's Source, Respondent provides EPA with a written certification that it intends to install a waste-to-energy system, identifies each Farm at which such a system is or will be installed, and describes the type of waste-to-energy system installed and the percentage by volume of

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Agricultural Waste processed by the system at each Farm.

(B) The waste-to-energy system processes at least 50 percent of the Agricultural Waste by volume produced at the Farm.

(C) Respondent makes each Farm at which a waste-to-energy system is installed available for inspection by EPA.

(D) Respondent agrees to operate the waste-to-energy system for 24 months from the first date of operation or the date EPA publishes Emissions-Estimating Methodologies for the Emission Units at Respondent's Source, whichever is later. If during that 24-month period Respondent has to shut down the waste-to-energy system, the benefits of this paragraph will still be applicable if Respondent has made all reasonable efforts to maintain and operate the system.

(E) Respondent obtains, within applicable time limits, all required federal and state permits needed to construct and operate the waste-to-energy system at the Farm.

35. Subject to paragraphs 27, 37 and 43, if during the pendency of the nationwide monitoring study, Respondent promptly reports and corrects a civil violation of a federally approved SIP or an approved Federal implementation plan (FIP) resulting from emissions of Volatile Organic Compounds (VOCs), Hydrogen Sulfide (H2S), Ammonia (NH3), or Particulate Matter (TSP, PM10, and PM2.5) from a Farm listed in Attachment A that causes or

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contributes to a violation of any provision of the federally approved SIP that requires compliance with an ambient air quality standard at the Farm's property line, EPA releases and covenants not to sue Respondent for the reported and corrected violation if, and only if, the conditions set forth below are met:

(A) Unless Respondent first learned of the violation through a notice from EPA, Respondent provides notice of the violation to EPA and the applicable Permitting Authority within 21 days of Respondent's discovery of the violation or the final order of the EAB approving this Agreement, whichever is later;

(B) Respondent corrects the violation, including making any necessary adjustments to its operations at the Farm to prevent the violation from happening again, within 60 days after notice is given by Respondent or EPA as described in subparagraph (A) above. If the violation cannot reasonably be corrected within 60 days, Respondent must, before the end of the 60-day time period, submit a plan that is ultimately approved by EPA and the applicable Permitting Authority to correct the violation and must comply with the approved plan in accordance with the specified schedule. Within 30 days of correcting the violation, Respondent shall submit a written certification to EPA indicating that it has corrected the violation in accordance with the approved plan; and,

(C) The violation is not a repeated violation that

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Respondent previously reported to EPA pursuant to this paragraph. Respondent may rectify the loss of the above release and covenant not to sue for the first instance of a repeat violation; however, if it pays a stipulated penalty of $500 a day for each day that the Farm exceeds the ambient air quality standard, and it meets the requirements of subparagraphs (A) and (B), except that the time to correct the violation shall be 30 days instead of 60 days.

36. All certifications that Respondent must submit to comply with this Agreement shall include the following statement:

> I certify under penalty of law that the information contained in this submittal to EPA is accurate, true, and complete. I understand that there are significant civil and criminal penalties for making false or misleading statements to the United States government.

The above statement shall be signed by a responsible official for the Respondent (i.e., the owner if Respondent is a sole proprietorship, the managing partner if Respondent is a partnership, or a responsible corporate official if Respondent is an incorporated entity).

37. The releases and covenants not to sue described in paragraphs 26 and 35 do not cover Respondent's liability for any violation with respect to an Emission Unit located at a Farm if Respondent fails to comply with any of the applicable requirements of this Agreement with respect to that Emission Unit, including the limitations and conditions in paragraphs

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26-29 and 33-34 above. The releases and covenants not to sue described in paragraphs 26 and 35 cover only violations with respect to the Emission Units located at the Farm that occur before the earlier of: (a) the date Respondent submits the last required certification covering those Emission Units; or (b) 2 years after Respondent submits any permit applications pursuant to paragraph 28(C)(i). This time period can be extended by a period not to exceed 6 months upon written agreement of both parties provided the Respondent's action or inaction is not the cause of any delay in obtaining a permit.

38. EPA will notify Respondent if EPA has determined that it cannot develop Emissions-Estimating Methodologies for any Emission Units listed in Attachment A.

(A) This notice shall identify (individually or by category) Emission Units, Sources and/or Facilities for which Emissions-Estimating Methodologies cannot be developed.

(B) For the Emission Units identified in such a notice:

(i) no certification under paragraph 28 shall be required for those Emission Units and any other related Emission Units that comprise the Source or Facility; and,

(ii) the releases and covenants not to sue described in paragraphs 26 and 35 shall cover potential violations that occur on or before 120 days after the date the

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notice is mailed, but shall not cover potential violations that occur more than 120 days after that date.

(C) Notice required under this paragraph will be deemed proper if sent via U.S. mail postage prepaid to the address listed in Attachment A.

39. The execution of this Agreement is not an admission of liability by Respondent, and Respondent neither admits nor denies that it has violated any provisions of the Clean Air Act, CERCLA or EPCRA.

40. Respondent waives its right to request an adjudicatory hearing on this Agreement, and its right, created by Clean Air Act section 113(a)(4), to confer with the Administrator before this Agreement takes effect. Respondent further waives its right to seek judicial review of the penalty assessed in paragraph 48.

41. Respondent and EPA represent that they are duly authorized to execute this Agreement, and that the persons signing this Agreement on their behalf are duly authorized to bind Respondent and EPA, respectively, to the terms of this Agreement.

42. Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer. Any payments made in connection with the national air emissions monitoring study do not constitute a fine or penalty and are not

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paid in settlement of any actual or potential liability for a fine or penalty.

43. This Agreement is without prejudice to all rights of EPA against Respondent with respect to any claims not expressly covered by the releases and covenants not to sue contained in paragraphs 26 and 35. This Agreement does not limit in any way EPA's authority to restrain Respondent or otherwise act in any situations that may present an imminent and substantial endangerment to public health, welfare or the environment. In addition, the releases and covenants not to sue in paragraphs 26 and 35 do not cover any criminal liability.

44. With respect to any claims not expressly released herein, in any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, penalties, recovery of response costs or other relief relating to a Farm listed in Attachment A, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim-splitting or other defenses based upon any contention that the claims raised by the United States in the subsequent proceeding were or should have been brought in the instant proceeding.

45. Respondent recognizes that EPA may not execute this Agreement if EPA determines that there will be inadequate funding

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for the national air emissions monitoring study or if EPA determines that there is inadequate representation of eligible animal groups and types of Farms, Facilities or Emission Units.

46. Respondent and EPA stipulate to the issuance of the proposed Final Order below.

The Hanor Company of Wisconsin, LLC, Respondent (Animal Owner/Farm Operator)

By: _____
Baxter Gutknecht
Senior Vice President

Dated: 7-15-05

Kronseder Farms, Inc., Respondent (Land Owner)

By: _____
Carl Stoner
Vice President

Dated: 7/16/05

U.S. Environmental Protection Agency, Complainant

By: _____

Title: _____

Dated: _____

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IV. Final Order

It is hereby ordered and adjudged as follows:

Compliance

47. Respondent shall comply with all terms of this Agreement.

Penalty

48. Respondent is hereby assessed a penalty based on the number and size of the Farms listed in Attachment A as follows:

(A) If Respondent has only one Farm and that Farm is below the "large Concentrated Animal Feeding Operation" threshold for that animal species[2], Respondent is assessed a penalty of $200.

(B) All other Respondents are assessed a penalty of $500 per Farm, unless the Farm contains more than 10 times the total number of animals that defines the "large Concentrated Animal Feeding Operation" threshold. For those Farms, Respondent is assessed a penalty of $1,000 per Farm.

(C) The total penalty paid by Respondent shall not exceed:

$10,000 if Attachment A lists 1-10 Farms
$30,000 if Attachment A lists 11-50 Farms
$60,000 if Attachment A lists 51-100 Farms
$80,000 if Attachment A lists 101-150 Farms
$90,000 if Attachment A lists 151-200 Farms
$100,000 if Attachment A lists more than 200 Farms.

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[2] Ibid.

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49. Respondent shall pay the assessed penalty no later than 30 calendar days from the date an executed copy of this Agreement is received by Respondent (hereinafter referred to as the "Agreement Date").

50. All penalty assessment monies under this Agreement shall be paid by certified check or money order, payable to the United States Treasurer, and mailed to: U.S. Environmental Protection Agency (Washington, D.C. Hearing Clerk), P.O. Box 360277, Pittsburgh, Pennsylvania 15251-6277. A transmittal letter, indicating Respondent's name, complete address, and this case docket number must accompany the payment. Respondent shall file a copy of the check and of the transmittal letter by mailing it to:

Headquarters Hearing Clerk
US EPA
1921 Jefferson Davis Hwy
Crystal Mall #2, Room 104
Arlington, VA 22202.

51. Failure to pay the penalty assessed under this Agreement may subject Respondent to a civil action pursuant to section 113(d)(5) of the Clean Air Act, 42 U.S.C. §7413(d)(5), to collect any unpaid portion of the monies owed, together with interest, handling charges, enforcement expenses, including attorney fees and nonpayment penalties. In any such collection action, the validity, amount or appropriateness of this Order or

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the penalty assessed hereunder is not subject to review.

52. Pursuant to 42 U.S.C. §7413(d)(5) and 31 U.S.C. §3717, Respondent shall pay the following amounts:

(A) Interest. Any unpaid portion of the assessed penalty shall bear interest at the rate established pursuant to 26 U.S.C. §6621(a)(2) from the date an executed copy of this Agreement is received by Respondent; provided, however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 days of the Agreement Date.

(B) Attorney Fees, Collection Cost, Nonpayment Penalty. Should Respondent fail to pay on a timely basis the amount of the assessed penalty, Respondent shall be required to pay, in addition to such penalty and interest, the United States' enforcement expenses, including but not limited to attorney fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of such quarter.

(C) Payment. Interest, attorney fees, collection costs, and nonpayment penalties related to Respondent's failure to timely pay the assessed penalty shall be made in accordance with subparagraphs (A) and (B) of this paragraph.

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Monitoring Fund

53. Respondent has a shared responsibility for funding and implementing the national air emissions monitoring study described in paragraphs 53 through 63.

(A) Respondent individually shall be responsible for paying the lesser of: (a) $2,500 for each Farm listed in Attachment A to this Agreement; or (b) Respondent's pro rata share of the amount needed to fully fund the monitoring study ("Full Funding Level"), including any unfunded balance of the monitoring study, consistent with the provisions of paragraph 62. Respondent's pro rata share shall be based on the number of Farms listed in Attachment A divided by the total number of discrete Farms of the same species that share responsibility for funding the national monitoring study. The Full Funding Level is the amount of money actually needed to fully and adequately fund the monitoring study described in this Agreement. The Full Funding Level shall be initially estimated within 60 days of the Agreement date and shall be included as part of the proposed plan to conduct the monitoring described in paragraph 55. The estimated Full Funding Level shall be used to determine the pro rata share of the monitoring fund payment for which Respondent is initially responsible. Any shortfalls that occur because the estimated Full Funding Level was less than the actual Full Funding Level shall be handled in accordance with this paragraph

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and paragraph 62.

(B) Respondent shall have no obligation to contribute money to the national monitoring study on behalf of a Farm listed in Attachment A if: (a) that Farm has been listed as a contract farm in another agreement that is identical to this agreement except for the respondent involved, and (b) the respondent to the other Agreement has agreed to be responsible for the payment of monies into the monitoring study for that Farm.

54. Respondent shall have met its shared responsibility for funding and implementing the national air emissions monitoring study, including any individual payments by Respondent under paragraph 53 or 62 if, and only if: (a) a nonprofit entity is established for the purposes set forth below; (b) the monitoring fund obligations to the nonprofit entity are fully satisfied; (c) the nonprofit entity enters into a contract with an Independent Monitoring Contractor (the "IMC") that obligates the IMC to fulfill the requirements set forth in paragraphs 55 through 59 and 62 of this Agreement; and, (d) Respondent grants access to Farms listed in Attachment A in accordance with paragraphs 60 and 61. The purposes of the nonprofit entity shall include: collecting and holding Respondent's contributions to the national air emissions monitoring study, purchasing and holding title to research equipment, contracting with an IMC to conduct the monitoring study, and other responsibilities.

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55. The contract identified in paragraph 54 shall require the IMC to submit to EPA, within 60 days of the Agreement date, a detailed plan to conduct the nationwide monitoring study set forth in Attachment B. The proposed plan shall:

(A) Identify the IMC and its qualifications, including the qualifications of any subcontracted science advisors, for implementing the national air emissions monitoring study;

(B) Be consistent with, expand the explanation of, and include all of the elements of the monitoring study outline set forth in Attachment B to this Agreement, including the requirements that: (1) all monitoring be completed within 2 years of EPA's approval of the monitoring study; (2) a comprehensive quality assurance program be implemented as part of the study; and (3) the emissions to be monitored will be Particulate Matter (TSP, PM10, and PM2.5), Hydrogen Sulfide (H2S), Ammonia (NH3), and Volatile Organic Compounds (VOCs);

(C) Identify the Farms to be monitored and the justification for including those Farms based on the specifications for the monitoring set forth in Attachment B; and,

(D) Require the IMC to submit detailed quarterly reports to EPA and to the entity described in paragraph 54. Those reports shall discuss the IMC's progress in implementing the approved monitoring plan, including what it did during the

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previous 3 months and what it intends to do during the next three months. The IMC shall submit quarterly reports starting with the end of the first calendar quarter (i.e., March 31, June 30, September 30 or December 31) after the proposed monitoring plan is approved by EPA, unless the plan is approved by EPA with less than 30 days left in the current calendar quarter. If that occurs, the IMC shall submit the first quarterly report at the end of the next calendar quarter. The quarterly reports shall continue through the end of the calendar quarter during which the national monitoring study is completed.

56. EPA will review and approve or disapprove the proposed plan within 30 days of receiving it from the IMC. If the proposed plan is disapproved, EPA will specifically state why it is being disapproved and what changes need to be made. The IMC shall then have 30 days from the date EPA disapproves the proposed plan to modify it and to submit the modified plan to EPA for review and approval. If the IMC does not submit a plan that is ultimately approved by EPA, the releases and covenants not to sue set forth in paragraphs 26 and 35 of this Agreement shall be null and void.

57. Once the plan is approved, the contract between the nonprofit entity identified in paragraph 54 and the IMC shall require the IMC to fully implement the approved plan in accordance with the approved schedule. Failure of the IMC to

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implement the approved plan in accordance with the approved schedule, unless specifically excused by EPA in writing, shall nullify the releases and covenants not to sue set forth in paragraphs 26 and 35 of the Agreement. The estimated Full Funding Level monies shall be transferred to the nonprofit entity described in paragraph 54 within 60 days of EPA's approval of the monitoring plan.

58. The contract identified in paragraph 54 shall require the IMC to schedule periodic meetings (either by phone or in person) with EPA, and additional meetings upon request by EPA or the IMC, to discuss progress in implementing the approved plan. The IMC shall be required to promptly inform EPA of any problems in implementing the approved plan that have occurred or are anticipated to occur or of any adjustments that may be needed. No changes may be made to the approved plan without the written consent of EPA.

59. All emissions data generated and all analyses of the data made by the IMC during the nationwide monitoring study shall be provided to EPA as soon as possible in a form and through means acceptable to EPA. The parties agree that all emissions data will be fully available to the public, and that Respondent waives any right to claim any privilege with respect to such data.

60. Respondent agrees to make the Farms listed in

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Attachment A available for emissions monitoring under the national air emissions monitoring study if the Farm is chosen as a monitoring site under the approved plan. As stated in paragraph 29, if the Farm is owned by a Contract Grower, this requirement does not apply. However, a Contract Grower who enters into its own agreement with EPA (thus becoming a respondent in its own agreement) is subject to this requirement.

61. Respondent also agrees to give EPA or its representative access to those Farms for the purpose of verifying their suitability for monitoring or to observe monitoring conducted under the approved nationwide monitoring plan. EPA agrees that prior to entering a Farm, it will comply with proper biosecurity measures as are normal and customary. Nothing in this Agreement is intended in any way to limit EPA's inspection, monitoring, and information collection authorities under the Clean Air Act, CERCLA or EPCRA.

62. If, prior to completion of the national air emissions monitoring study, it appears that there will be insufficient funds to complete the study, the IMC shall notify EPA of this problem within 30 days of making this determination. The notice shall contain a detailed explanation of why there are insufficient funds, account for all money spent, and identify how much more money is needed to complete the monitoring study. If Respondent is not required under paragraph 53 to contribute or

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secure the contribution of additional money to the national monitoring study that will be sufficient to complete the monitoring study, the IMC or the nonprofit entity described in paragraph 54 shall make all reasonable efforts to find additional funding to complete the monitoring study. The IMC or the nonprofit entity described in paragraph 54 shall advise EPA of the efforts to locate additional funding and shall not commit to the use of additional funding sources without the prior approval of EPA. If, despite the best efforts of Respondent or its representative, the IMC, or the nonprofit entity described in paragraph 54, the national monitoring study cannot be completed due to lack of funding, then the releases and covenants not to sue set forth in paragraphs 26 and 35 of this Agreement will no longer be in effect. For Farms with animal types for which sufficient funds were provided to fully and adequately fund their portion of the national monitoring study, EPA shall make reasonable efforts to avoid terminating the releases and covenants not to sue set forth in paragraphs 26 and 35.

63. If, after completion of the national monitoring study, there is unspent money in the national monitoring fund, the IMC shall notify EPA within 90 days of completion of the monitoring study. The notice shall contain a detailed explanation of why there are unspent funds, including an accounting of all money spent to implement the national monitoring study and how much is

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left unspent. The notice shall also include a proposed plan for distribution of the leftover money.

64. All certifications required by this Agreement shall be submitted to:

Special Litigation and Projects Division (2248A)
Attn: AFO/CAFO certifications
Office of Regulatory Enforcement
1200 Pennsylvania Ave., NW
Washington, DC 20460

65. Except for a Farm for which Respondent, or the Contract Grower, is able to certify under paragraph 27(B), this document constitutes an "enforcement response" as that term is used in the Clean Air Act Penalty Policy and an "enforcement action" as that term is used in the EPCRA/CERCLA Penalty Policy.

66. Each party shall bear its own costs, fees, and disbursements in this action, except where explicitly stated as otherwise in this Agreement.

67. The provisions of this Agreement shall be binding on Respondent, its officers, directors, employees, agents, successors and assigns.

68. This Agreement is not binding and without legal effect unless and until approved by the Environmental Appeals Board. It is so ordered.

Dated this _____ day of _____, 2005.

_____

Environmental Appeals Judge

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Environmental Appeals Board
U.S. Environmental Protection Agency

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ATTACHMENT A TO THE CONSENT AGREEMENT

This Attachment identifies and describes the Farms and Emission Units covered by this Agreement. This Agreement has no effect on any Farm or Emission Unit not specifically listed on this Attachment. The terms used in this Attachment shall have the meaning given to those terms in the Agreement.

The attached Farm Information Sheets and Emission Unit Information Sheets provide information about each Farm and Emission Unit(s) to be covered by this Agreement. A separate form for each Farm and each Emission Unit covered by the Agreement is attached below and as such is an integral part of this Attachment. By identifying a Farm for coverage under the Agreement, Respondent is asserting that the Farm meets the definition of a Farm in the Agreement and contains at least one Emission Unit as defined in the Agreement. Also by identifying an Emission Unit at a Farm for coverage under the Agreement, Respondent is asserting that the Emission Unit meets the definition of an Emission Unit in the Agreement. Unless Respondent identifies a Contract Grower for a Farm, Respondent is also asserting it owns, operates or otherwise controls the Farm.

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I certify under penalty of law that the information contained in this submittal to EPA is accurate, true, and complete. I understand that there are significant civil and criminal penalties for making false or misleading statements to the United States Government.

7-15-05

Baxter Gutknecht, Senior Vice President [Date]
The Hanor Company of Wisconsin, LLC (Animal Owner/Farm Operator)
E4614 Highway 14-60
P.O. Box 460
Spring Green, Wisconsin 53588

7/16/05

Carl Stoner, Vice President [Date]
Kronseder Farms, Inc. (Land owner)
E4614 Highway 14-60
P.O. Box 460
Spring Green, Wisconsin 53588

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Ex. 6 - Personal Privacy

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Ex. 6 - Personal Privacy

EPA/USDA Climate Coordination Discussion Agenda
February 18, 2016

Climate Efforts

- Biomass
  - SAB Review
  - April 7 Workshop

- EO Sustainability: Offsets

- Land Use, Land Use Change and Forestry (LULUCF) Projections

- RFS program coordination
  - Volume standard rules
  - Ongoing pathways work
  - Renewables Enhancement and Growth Support (REGS) rule
  - Litigation update

- Other biofuels work: Mid-level ethanol blends

- Energy Star Industrial Program

- AgSTAR / Biogas Opportunities Roadmap

- Loan Programs for Rural Utilities

Other Areas of Coordination

- Wildland and Prescribed Fires

- Emission Estimates for Animal Feeding Operations

- USDA/EPA Interagency Workgroup on Ammonia

- Development of Best Management Practices Information

- EPA's PM2.5 SIP Requirements Rule (ammonia as a $PM_{2.5}$ precursor)

- Indoor Air (Radon/Healthy Homes)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

OCT 22 2010

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Ms. Jessica Culpepper
The Humane Society of the United States
2100 L Street, N.W.
Washington, D.C. 20037

Dear Ms. Culpepper:

We have received your revised petition dated September 10, 2010, that added the Sierra Club to the list of petitioners requesting the U.S. Environmental Protection Agency (EPA) add Concentrated Animal Feeding Operations to the list of sources for regulation under section 111 of the Clean Air Act (CAA).

The animal feeding operation (AFO) industry concluded the National Air Emissions Monitoring Study in early 2010. This study collected 24 months of continuous air emissions data and process data from broiler, egg-laying, swine and dairy operations. Data gathered during this study will be used to develop emission estimating methodologies that can be used to quantify emissions from AFOs. The Agency began receiving the final reports and data in July 2010. We are in the early stages of evaluating this information and believe it will help inform our decision on whether and how to address this source category under the authorities of the CAA. In the meantime, we plan to make the reports and data available to the public in the near future via the EPA website.

I appreciate the opportunity to be of service and trust the information provided is helpful. If you have further questions, please contact William Schrock at (919) 541-5032.

Sincerely,

Jennifer Nam Edmonds
for

Steven D. Page
Director
Office of Air Quality Planning
and Standards

cc: Alicia Kaiser, AO-IO
Lawrence Elworth, AO-IO

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 01 2013

OFFICE OF
AIR AND RADIATION

Ms. Hannah Connor
The Humane Society of the United States
Animal Protection Litigation
2100 L Street, NW
Washington, D.C. 20037

Dear Ms. Connor:

This letter is in response to questions raised during our phone conversation of August 20, 2013, and your follow-up email dated September 5, 2013, concerning your petition to list animal feeding operations (AFOs) as a category for regulation under section 111 of the Clean Air Act.

As we discussed during the call, our current plan is to address your petition following completion of the National Air Emissions Monitoring Study, a study that involves the collection and analysis of air emissions data from numerous AFOs throughout the country. We are presently engaged with the EPA Science Advisory Board on our analysis of the data from broiler farms and open sources located at swine and dairy facilities. With respect to your questions about opening a docket and assigning a Start Action Number, such steps would be taken if our analysis of the data leads us to begin a formal rulemaking process.

If you have any questions regarding this matter, please contact William Schrock of my staff at (919) 541-5032.

Sincerely,

Robin Dunkins, Group Leader
Natural Resources Group
Sector Policies and Programs Division

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

MAR 01 2013

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

MEMORANDUM

SUBJECT: Comments on the Science Advisory Board's (SAB) Draft Report on Animal Emissions Estimating Methodologies from the National Air Emissions Monitoring Study

FROM: Stephen D. Page, Director
Office of Air Quality Planning and Standards (C404-04)

TO: Angela Nugent, Designated Federal Officer
EPA Science Advisory Board Staff Office (1400R)

In February 2012, the Environmental Protections Agency's Office of Air Quality Planning and Standards sent background material and specific charge questions to the Science Advisory Board (SAB) requesting review and comment on the draft emissions estimating methodologies (EEMs) for certain animal feeding operations (AFOs).[1] The SAB convened the *Animal Feeding Operations Emission Review Panel* (Panel) to respond to this request. The Panel met over several months, held several public meetings and prepared a draft SAB report. On December 3, 2012, the SAB posted a draft cover letter and draft report for public information. It is my understanding that the SAB will consider this draft report in a meeting scheduled in March 2013.

We have reviewed the draft report, and have prepared comments that I believe will be useful to the SAB as they consider any changes to the draft report (see attached). I request that you forward these comments to the SAB for their consideration.

The EPA's current task is the development of EEMs for AFOs, using statistically-based methodologies to develop emissions factors for select types of AFOs from data collected through a National Air Emissions Monitoring Study (NAEMS). We are undertaking this effort in harmony with both a National Academy of Sciences (NAS) recommendation that the EPA develop an interim method for estimating emissions while we participate in a longer-term effort to develop process-based EEMs, and with objectives outlined in a consent agreement the EPA entered into with participating AFOs who funded the NAEMS. The EPA remains committed to fulfilling this short-term goal of developing EEMs for estimated emissions from AFOs, based on scientifically and statistically sound methods. The statistical-based EEMs must also be easily implemented by the agricultural community and other users, and be based on non-proprietary inputs. The charge questions we referred to the SAB, and the background information we provided to the SAB only pertained to EPA's efforts in developing statistically-based EEMs, since that is the focus of EPA's current effort.

[1] *See* memorandum from Stephen D. Page, Director, Office of Air Quality Planning and Standards, to Ed Hanlon, Designated Federal Officer, Animal Operations Emissions Review Panel (February 17, 2012).

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Overall, the draft report provides insightful comments and recommendations to some of the EPA's charge questions related to the statistically-based, draft EEMs, and I appreciate the constructive input. In other areas, however, the report provides few comments on the statistical approach, while providing more extensive recommendations on shifting to a process-based methodology. In some cases, the responses to the charge questions are not well-substantiated or are incomplete, and therefore are difficult for the EPA to relate to the issues on which we are seeking the panel's advice to refine the statistical models.

The EPA acknowledges that a longer-term research effort is necessary to develop process-based approaches for estimating emissions and appreciates the SAB's recommendations on this longer term effort. That is not the task at hand, however, and the EPA hopes that in its final report, the panel will address all of the charge questions in such a way that we can refine the statistical approach.

Please submit these comments and observations on the draft report to the SAB for consideration at the March 2013 meeting. I am confident that the SAB's final response will improve the EPA's final version of the statistically-based EEMs. If you have any questions relating to this information, feel free to contact me or Bill Harnett of my staff on (919) 541-5616.

ATTACHMENT
Office of Air Quality Planning and Standards Staff Comments on Draft Report – SAB Review of EEMs for Broiler Animal Feeding Operations and for Lagoons and Basins at Swine and Dairy Animal Feeding Operations.

On February 17, 2012, the Environmental Protection Agency's Office of Air Quality Planning and Standards sent background material and specific charge questions to the Science Advisory Board (SAB) requesting review and comment on the draft emissions estimating methodologies (EEMs) for certain animal feeding operations (AFOs).[2] The SAB convened the *Animal Feeding Operations Emission Review Panel* (Panel) to respond to this request. The Panel met over several months and held several public meetings and prepared a draft SAB report. On December 3, 2012, the SAB posted a draft cover letter to Gina McCarthy and the draft report that would respond to our request. The SAB will consider this draft report in a meeting in March 2013, and then issue a final SAB report that responds to the charge questions shortly thereafter.

The EPA's current task is the development of EEMs for AFOs, using statistically-based methodologies to develop emissions factors for select types of AFOs from data collected through a National Air Emissions Monitoring Study (NAEMS). We are undertaking this effort in harmony with both a National Academy of Sciences (NAS) recommendation that the EPA develop an interim method for estimating emissions while we participate in a longer-term effort to develop process-based EEMs, and with objectives outlined in a consent agreement the EPA entered into with participating AFOs who funded the NAEMS. The EPA remains committed to fulfilling this short-term goal of developing EEMs for estimated emissions from AFOs, based on scientifically and statistically sound methods. The statistical-based EEMs must also be easily implemented by the agricultural community and other users, and be based on non-proprietary inputs. The charge questions we referred to the SAB, and the background information we provided to the SAB pertained only to the EPA's efforts in developing statistically-based EEMs, since that is the focus of the EPA's current effort.

Overall, the draft report provides insightful comments and recommendations to some of the EPA's charge questions related to the statistically-based, draft EEMs, and I appreciate the constructive input. In other areas, however, the report provides few comments on the statistical approach, while providing more extensive recommendations on shifting to a process-based methodology. In some cases, the responses to the charge questions are not well-substantiated or are incomplete, and therefore are difficult for the EPA to relate to the issues on which we are seeking the panel's advice.

The EPA acknowledges that a longer-term research effort is necessary to develop process-based approaches for estimating emissions and appreciates the SAB's recommendations on this longer term effort. That is not the task at hand, however, and the EPA hopes that in its final report, the panel will address all of the charge questions in such a way that we can refine the statistical models.

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[2] *See* Memo. from Stephen D. Page, Director Office of Air Quality Planning and Standards, to Ed Hanlon, Designated Federal Officer, Animal Operations Emissions Review Panel (February 17, 2012) – attached.

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Background

In 2005, the EPA entered into a voluntary air compliance consent agreement (the Agreement) with certain members of the AFO industry (Participants) under which the industry funded a National Air Emissions Monitoring Study (NAEMS). As reflected in the Agreement, the NAEMS addresses the National Academy of Sciences' short-term recommendation to conduct a coordinated research program designed to allow EPA to produce a scientifically-sound basis for measuring and estimating air emissions from AFOs. The AFOs, and state and federal regulators will use these EEMs to determine whether an AFO emits air pollutants at levels that require the facility to apply for permits under the Clean Air Act (CAA), or to submit notifications under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Emergency Planning and Community Right-To-Know Act (EPCRA). The EPA remains obligated under the Agreement to develop EEMs from the NAEMS data and other available data as soon as practicable.

To assure that users can easily implement the EEMs, and that the EEMs can apply broadly, the EEMs we develop should be based on readily-available, non-proprietary data that allow agricultural producers and other users to follow straightforward procedures to estimate emissions. As discussed in the draft EEM documents, the EPA considered several factors while developing the draft EEMs, one of these being data availability. For the EEMs to be useful to all parties, the EPA decided not to use data that the AFO industry considered confidential (e.g., feed composition). We also considered the ease of implementing the EEMs during the development process. We concluded that by limiting the number of input parameters, all interested parties can easily implement the EEMs. The EPA believes that the limited number of input parameters improves the user-friendliness of the EEMs, while also providing a credible assessment of the emissions from an AFO.

The EPA acknowledges that a longer-term research effort is necessary to develop process-based models for estimating emissions. The NAS's long-term objective focused on development of a process-based model to estimate emissions from each major stage of the livestock production process (e.g. animal production and land application of manure). The EPA consistently has stated that its long-term strategy is to develop a process-based model for estimating emissions that considers the entire animal production process. As with any large and complex effort, however, development of a process-based model will take a number of years. In the meantime, as recommended by the NAS, the EPA maintains a goal of creating statistically-based EEMs. Thus, the EPA' current focus and the matter upon which we solicited SAB review, is development of statistical models.

Below, we highlight some observations related to different charge questions addressed in the draft report.

Question 1: **Please comment on the statistical approach used by the EPA for developing the draft EEMs for broiler confinement houses and swine and dairy lagoons/basins. In addition, please comment on using this approach for developing draft EEMs for egg-layers, swine and dairy confinement houses.**

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Statistical vs. Process-based Model

As noted above, the EPA's current effort is to develop a statistically based model. Question 1 sought comments on that effort, including changes or alternative approaches that could improve the statistical models. Many of the comments in response to Question 1, however, focused on the preferability of process-based models, and in doing so, it distracts from issues central to improving the statistical approach.

While we believe that the report's comments on developing a process-based model are helpful and appropriate in focusing future work toward this longer-term objective, such recommendations might be better placed in an appendix and not within the central body of the document. Neither the EPA nor other commenters provided the Panel with information for developing process-based models during the Panel's deliberations, and the NAEMS study did not collect data from each major stage of livestock production to support development of process-based models. For purposes of assisting with our current effort, we ask SAB to consider more thoroughly focusing the final response on review and recommendations for refining the statistically-based EEMs, as we requested in the charge questions.

Representativeness of the Dataset

Monitoring and AFO experts agreed that the NAEMS study would result in representative data, because it represented industry-wide practices and locations. In contrast, the draft report concludes that the EPA should not use statistical or modeling tools for estimating emissions beyond the dataset because the EPA developed the draft EEMs from "limited data," and it may not be possible to extrapolate beyond the dataset to estimate emissions from other AFOs in the United States. While the draft report does not state a specific reason for this concern, it appears to be based on the number of AFOs studied compared to the number of AFOs in the United States.

AFO industry experts, university scientists, U.S. Department of Agriculture and the EPA scientists, environmental organizations, and other stakeholders worked collaboratively to develop the monitoring protocol used in the NAEMS. As reflected in the Agreement, the monitoring study's protocol specifies the number, type and geographical location of AFOs to be monitored. AFO industry experts and others designed the study to generate scientifically credible data to provide for the characterization of emissions from all major types of AFOs in all geographic areas where they are located. Technical experts on emissions monitoring at the EPA and from a number of universities concurred that the protocol would generate a valid sample that represents the vast majority of participating AFOs, and that increasing the number of AFOs monitored would be prohibitively expensive and not add substantially to the value of the data collected. 70 FR 4958, 4960. (January 31, 2005) The sites monitored for the NAEMS fulfilled all of the site selection criteria in the monitoring protocol and Agreement.

Because of the NAEMS project, the EPA has access to the most comprehensive and long-term study of air emissions from AFOs operations ever conducted. This study yielded an unprecedented volume of data from which to develop EEMs. The draft report, however, seems to conclude that because the industry is large, this dataset could not be representative without fully explaining the gaps in the dataset that create a definitive bias or demonstrate that the data is unrepresentative.

Although the draft report highlights a trend in the broiler confinement operations and dairy and swine lagoons data that warrants further analysis, this trend is not enough to establish that the data are not representative and that extrapolation beyond those limits "should be counter indicated." The draft report

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