From:	Dana Tulis
To:	Richard Mattick
Cc:	Lynn Beasley; Kawana Cohen-Hopkins; kim.jennings@epa.gov; MaryAnn Petrole; mathiessen.craig@epa.gov; mattick.richard@epa.gov
Subject:	Re: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms
Date:	12/10/2010 02:50 PM

Rick, this needs to go out now. Both you and Maryanne make good points, but we can mention verbally.

Dana S. Tulis
Acting Office Director
Office of Emergency Management
Environmental Protection Agency
202-564-8600

▼ Richard Mattick---12/10/2010 11:20:26 AM---Lynn/all, A couple of quick comments on the latest draft of the briefing:

From: Richard Mattick/DC/USEPA/US
To: Lynn Beasley/DC/USEPA/US@EPA
Cc: Dana Tulis/DC/USEPA/US@EPA, Kawana Cohen-Hopkins/DC/USEPA/US@EPA, kim.jennings@epa.gov, MaryAnn Petrole/DC/USEPA/US@EPA, mathiessen.craig@epa.gov, mattick.richard@epa.gov
Date: 12/10/2010 11:20 AM
Subject: Re: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

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Lynn/all,

A couple of quick comments on the latest draft of the briefing:

1) First, I'd move the SBREFA bullet from the back of the briefing and move it up under the Analysis and Outreach Section. Along with Scientific, Economic and EJ Analyses, there is a high probability that we will need to do an "Initial Regulatory Flexibility Analysis", unless our screening analysis can support a certification that the proposed rule will not have a significant economic impact on a substantial number of small entities (SISNOSE). Either way, an analysis of the impacts of any potential increased burden on small entities will need to be performed.

2) Under stakeholder involvement bullet (slide 13), I would specifically mention "small entities" in addition to "regulated entities"

3) On the schedule, we may want to consider adding a milestone that acts as a placeholder for the SBREFA process---likely 6 months. Ideally, this is supposed to happen before Option Selection (smile)

4) Also do we want to add to the schedule when we believe we will start to get data back from the AMS on a rolling basis? I head spring of 2011.

Let me know when OEM is ok with the package. The ADP calls for getting this out to the participating AA/RA's 5 working days before the Early Guidance meeting (which is this Thur the 16th). It will also need Mathy/Barry approval before it goes out.

Thanks.

Richard Mattick, M.S., J.D.
Policy Analysis and Regulatory Management Staff
U.S. Environmental Protection Agency
Office of Solid Waste and Emergency Response
1200 Pennsylvania Ave, NW. (MC 5103T)
Washington, DC 20460
Ph: 202-566-1926 Fax:202-566-1934

▼ Lynn Beasley---12/09/2010 07:26:28 PM---I am out of thew office tomorrow also. ----- Original Message -----

From: Lynn Beasley/DC/USEPA/US
To: MaryAnn Petrole/DC/USEPA/US@EPA
Cc: Dana Tulis/DC/USEPA/US@EPA, Kawana Cohen-Hopkins/DC/USEPA/US@EPA, mattick.richard@epa.gov, kim.jennings@epa.gov, mathiessen.craig@epa.gov
Date: 12/09/2010 07:26 PM
Subject: Re: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

---

I am out of thew office tomorrow also.

▼ MaryAnn Petrole

----- Original Message -----
From: MaryAnn Petrole
Sent: 12/09/2010 05:38 PM EST
To: Lynn Beasley
Cc: Dana Tulis; Kawana Cohen-Hopkins
Subject: Re: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

Lynn

based on the notes I took from Barry, I believe that you covered his points. I did think that we did not want to use the word "option" and and would recommend that slide 9 just say Regulatory Approaches for Consideration and just list them under CERCLA and EPCRA as you have done , but take out Option 1, 2, 3. I also had a note to keep this option on the table [redacted]

I also had another note that was direction from Barry for the future to check with the regions to see if EPA ever responded due to a report and to put a memo

together to prepare a record that we don't need the reports to respond - and write up questions for OGC since it seemed that they were confused about the CERCLA reporting - but I may have misinterpreted what Barry was asking.

I am out tomorrow - Dana is here and once you get her OK you can send to the workgroup. I walked away from the pre-brief with the plan that while Mathy or Barry would kick off the workgroup - Dana would brief.

Maryann Petrole
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▼ Lynn Beasley---12/09/2010 08:05:29 AM---Dana/MaryAnn, I have further streamlined the slides for "Regulatory Approach - Development of Option

From: Lynn Beasley/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, MaryAnn Petrole/DC/USEPA/US@EPA
Cc: beasley.lynn@epa.gov, Craig Matthiessen/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA, Erik Swenson/DC/USEPA/US@EPA, Kawana Cohen-Hopkins/DC/USEPA/US@EPA, Kim Jennings/DC/USEPA/US@EPA, Patrick Easter/DC/USEPA/US@EPA
Date: 12/09/2010 08:05 AM
Subject: Re: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

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Dana/MaryAnn,

I have further streamlined the slides for "Regulatory Approach - Development of Options" to avoid getting too into the weeds during the Early Guidance meeting. I removed the detail under options that needs a greater level of fleshing out than is appropriate for the EG meeting (i.e., the workgroup will explore further and prior to Options Selection).

The changes will keep the focus on levels of reporting (i.e., degree of exemptions) rather than details/mechanism of reporting.

[attachment "EARLY GUIDANCE 12-16-10.pptx" deleted by Lynn Beasley/DC/USEPA/US]

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▼ Lynn Beasley---12/08/2010 03:44:57 PM---thanks Erik. Remember this is Early Guidance and not option selection so how workable "options" may

From: Lynn Beasley/DC/USEPA/US
To: Erik Swenson/DC/USEPA/US@EPA
Cc: beasley.lynn@epa.gov, Craig Matthiessen/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA, Kawana Cohen-Hopkins/DC/USEPA/US@EPA, Kim Jennings/DC/USEPA/US@EPA, MaryAnn Petrole/DC/USEPA/US@EPA, Patrick Easter/DC/USEPA/US@EPA
Date: 12/08/2010 03:44 PM
Subject: Re: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

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thanks Erik. Remember this is Early Guidance and not option selection so how workable "options" may be would need to be further fleshed out (at the direction of Sr. Management through early guidance). With respect to Continuous Release Reporting, the reason for suggesting it be a requirement is to address the argument [redacted]

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▼ Erik Swenson---12/08/2010 03:27:02 PM---I'm not sure of the time frame on this and Lynn said this may go out quickly so I wanted to make a f

From: Erik Swenson/DC/USEPA/US
To: Lynn Beasley/DC/USEPA/US@EPA
Cc: beasley.lynn@epa.gov, Craig Matthiessen/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Kawana Cohen-Hopkins/DC/USEPA/US@EPA, Kim Jennings/DC/USEPA/US@EPA, MaryAnn Petrole/DC/USEPA/US@EPA, Patrick Easter/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA
Date: 12/08/2010 03:27 PM
Subject: Re: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

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I'm not sure of the time frame on this and Lynn said this may go out quickly so I wanted to make a few comments. See comments on slides 9 and 10.

[attachment "Early Guidance 12.16 ess comments.pptx" deleted by Lynn Beasley/DC/USEPA/US]

▼ Lynn Beasley---12/08/2010 10:35:44 AM---I added the language suggested by Eric. Now there are two slides with "Other Issues." Poultry peti

From: Lynn Beasley/DC/USEPA/US
To: Erik Swenson/DC/USEPA/US@EPA
Cc: beasley.lynn@epa.gov, Craig Matthiessen/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Kawana Cohen-Hopkins/DC/USEPA/US@EPA, Kim Jennings/DC/USEPA/US@EPA, MaryAnn Petrole/DC/USEPA/US@EPA, Patrick Easter/DC/USEPA/US@EPA
Date: 12/08/2010 10:35 AM
Subject: Re: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

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I added the language suggested by Eric. Now there are two slides with "Other Issues." Poultry petition issue appears on its own (last) slide.

[attachment "EARLY GUIDANCE 12-16-10.pptx" deleted by Erik Swenson/DC/USEPA/US]

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▼ Erik Swenson---12/08/2010 09:49:08 AM---Thanks Lynn, on the point about the poultry petition, I would phrase the issue like this on the slid

From: Erik Swenson/DC/USEPA/US
To: Lynn Beasley/DC/USEPA/US@EPA
Cc: beasley.lynn@epa.gov, Craig Matthiessen/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Kawana Cohen-Hopkins/DC/USEPA/US@EPA, Kim Jennings/DC/USEPA/US@EPA, MaryAnn Petrole/DC/USEPA/US@EPA, Patrick Easter/DC/USEPA/US@EPA
Date: 12/08/2010 09:49 AM
Subject: Re: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

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Thanks Lynn, on the point about the poultry petition, I would phrase the issue like this on the slide:

- Poultry Petition
  - Submitted to the Agency in

August 2005. Official Agency response remains outstanding. We may receive comments on it as part of this rulemaking.

- Should Agency respond to petition as part of this rulemaking.

▼ Lynn Beasley---12/08/2010 09:34:38 AM---Dana/MaryAnn, I've attached the revised powerpoint (based on Monday's pre-brief with Barry), and upd

From: Lynn Beasley/DC/USEPA/US
To: Dana Tulis/DC/USEPA/US@EPA, MaryAnn Petrole/DC/USEPA/US@EPA
Cc: beasley.lynn@epa.gov, Kim Jennings/DC/USEPA/US@EPA, Craig Matthiessen/DC/USEPA/US@EPA, Patrick Easter/DC/USEPA/US@EPA, Kawana Cohen-Hopkins/DC/USEPA/US@EPA, Erik Swenson/DC/USEPA/US@EPA
Date: 12/08/2010 09:34 AM
Subject: Materials for Early Guidance Meeting (12/16/2010): CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

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Dana/MaryAnn,

I've attached the revised powerpoint (based on Monday's pre-brief with Barry), and updated Preliminary Analytic Blueprint.

[attachment "EARLY GUIDANCE 12-16-10.pptx" deleted by Erik Swenson/DC/USEPA/US] [attachment "Preliminary ABP_CERCLAFarm.docx" deleted by Erik Swenson/DC/USEPA/US]

A few things to note on the ppt: The Regulatory Approach - Development of Options pages (9-12) were re-formatted and revised slightly for clarity. Slide 13 was added to state OSWER's recommendations. Slide 17 - added Poultry Petition as an "Other Issue" at the request of [redacted]

The Preliminary Analytic Blueprint will be further developed/revised after Early Guidance. The Detailed Analytic Blueprint is due in mid-January.

Kim has reviewed the powerpoint and is ok with sending to you directly.

I believe that Richard Mattick wanted to get the Early Guidance materials out by Thursday (12/9).

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