From: Dana Tulis
To: Lynn Beasley; Kim Jennings; Craig Matthiessen; MaryAnn Petrole
Cc: Richard Mattick; beasley lynn
Subject: Re: Meeting with OEJ - outcome
Date: 02/10/2011 08:52 AM

We need to discuss. Lisa Garcia can't be reversing the Administrator's position. Did we explain the Administrator made the decision about CERCLA vs EPCRA.
▼ Lynn Beasley

----- Original Message -----
From: Lynn Beasley
Sent: 02/09/2011 01:01 PM EST
To: Kim Jennings; Craig Matthiessen; MaryAnn Petrole; Dana Tulis
Cc: Richard Mattick; beasley.lynn@epa.gov
Subject: Meeting with OEJ - outcome

All,

Yesterday, Kim, Richard Mattick, Aaron Bell (OEJ), Carlos Evans (OEJ), and myself met to follow up on an earlier meeting regarding the environmental justice analysis for the reconsideration of the 2008 Final Rule (CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Animal Waste at Farms).

At the onset of the meeting we heard from OEJ that Mathy and Lisa Garcia (AA, OEJ) have had some discussions regarding this rulemaking and the level of outreach that the Agency should be conducting during the development phase of this rulemaking. Both were concerned that outreach to EJ advocates on this rulemaking could result in those stakeholders bringing other environmental issues into the discussion that should not be addressed in this rulemaking - thus become too much of a lightning rod for the Agency. We also heard that Ms. Garcia's preferred Option for this rulemaking is to require full reporting under both CERCLA and EPCRA.

The meeting discussion covered a range of ideas about how to conduct an environmental justice analysis, including taking a look at community demographics within a 5 mile range of identified farms. We also discussed that any exemption from reporting requirements would be applied evenly and not in a discriminatory manner. In addition we talked about the utility of the release reports given that while large farms probably be captured in release reporting, many small farms (that individually would not trigger a release report) could be clustered in an area and could have the same effect on surrounding populations. And that the primary purpose of the reports is for governments to respond (Federal, State and local) to the releases with the additional benefit that communities would have access to the reports.

Also discussed was how to do outreach in light of the concerns that Mathy and Lisa G have. We discussed doing most of our outreach during the proposed rule comment period through webinar(s) and using OEJ's listserv of EJ advocates (approximately 300 on the listserv) to make sure that we are involving that segment of stakeholders in the evaluation.

Aaron and Carlos will have a follow up meeting with Ms. Garcia in preparation for another meeting between Mathy and Lisa G. They asked us to put together a discussion sheet that they can use to brief Ms. Garcia in preparation for those discussions.

Attached is a draft of that discussion sheet [attachment "Key Questions.docx" deleted by Dana Tulis/DC/USEPA/US]for you to use in briefing Mathy/Lisa/Barry on this issue.

Lynn M Beasley
Regulation and Policy Development Division (5104A)
Office of Emergency Management
Office of Solid Waste and Emergency Response
(202) 564-1965
(202) 309-4538 (cell)
(202) 564-2625 (fax)